

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

<p>Linguista White, <i>et al.</i>,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>Kevin Shwedo, <i>et al.</i>,</p> <p style="text-align: center;">Defendants.</p>	<p style="text-align: center;">Civil Action No.</p> <p style="text-align: center;">2:19-cv-03083-RMG</p>
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DECLARATION OF NUSRAT J. CHOUDHURY

I, Nusrat J. Choudhury, declare as follows:

1. I am the deputy director of the Racial Justice Program of the American Civil Liberties Union Foundation (“ACLU”).

2. I make this Declaration based on personal knowledge, and I am competent to testify regarding the following facts.

3. I am the lead attorney for the ACLU in the instant litigation.

4. I earned my Juris Doctor degree from Yale Law School in 2006. I was admitted to practice law in the State of New York in 2008. I am also admitted to practice in the U.S. Supreme Court; the U.S. Courts of Appeals for the Third, Fourth, Sixth, and Ninth Circuits; and various U.S. District Courts. I served as a law clerk for the Honorable Denise Cote in the U.S. District Court for the Southern District of New York from 2006 to 2007. I served as a law clerk for the Honorable Barrington Daniels Parker, Jr. in the U.S. Court of Appeals for the Second Circuit from 2007 to 2008. Since fall 2008, I have worked at the ACLU as a Marvin M. Karpatin Fellow/Attorney, a Staff Attorney in the ACLU National Security Project, and a Staff Attorney, Senior Staff Attorney, and Deputy Director in the ACLU Racial Justice Program.

5. My colleague and co-counsel Amreeta Mathai is a staff attorney in the ACLU Racial Justice Program. She earned her Juris Doctor degree from Harvard Law School in 2012. She was admitted to practice law in the State of New York in 2013. Ms. Mathai is also admitted to practice in the U.S. Court of Appeals for the Fourth Circuit and the U.S. District Court for the District of Colorado. She served as a law clerk for the Honorable Ivan L.R. Lemelle in the U.S. District Court for the Eastern District of Louisiana from 2012 to 2013. From 2013 to 2018, Ms. Mathai was an attorney at the Bronx Defenders. From 2016 to 2017, she was an active lecturer in law and co-director of a clinical program at Columbia Law School. Ms. Mathai has been an attorney with the ACLU since 2018.

6. My colleague and co-counsel Robert Hunter is an Equal Justice Works Fellow with the ACLU Racial Justice Program. He earned his Juris Doctor degree from New York University School of Law in 2018. He was admitted to practice in the State of New York in 2019. Mr. Hunter has worked as an Equal Justice Works Fellow in the ACLU Racial Justice Program since the fall of 2018.

7. My co-counsel, Susan Dunn, is the Legal Director of the American Civil Liberties Union of South Carolina Foundation (“ACLU-SC”). Ms. Dunn earned her Juris Doctor degree from the University of North Carolina-Chapel Hill in 1977, and was admitted to practice law in the State of South Carolina the same year. Ms. Dunn is admitted to practice before this Court and the U.S. Court of Appeals for the Fourth Circuit. From 1977 to 2009, Ms. Dunn worked in private practice in Charleston. In 1998, Ms. Dunn was awarded the Jean Galloway Bissell Award, which is presented annually by the South Carolina Women Lawyers Association to a person who has contributed to the advancement of women in the practice of law in South Carolina. She has served as the Legal Director of the ACLU-SC since 2009.

8. My co-counsel, Toby Marshall, is a member of the law firm of Terrell Marshall Law Group PLLC (“Terrell Marshall”). Mr. Marshall earned his Juris Doctor degree from the University of Washington School of Law in 2002, and was admitted to practice law in the State of Washington the same year. He is also admitted to practice in the U.S. Court of Appeals for the Ninth Circuit and various U.S. District Courts. Mr. Marshall worked at Tousey, Brain, Stephens PLLC from 2001 to 2008. He is a founding member of Terrell Marshall and has worked at the firm since 2008.

9. My co-counsel, Eric R. Nusser, is an associate attorney with Terrell Marshall. Mr. Nusser earned his Juris Doctor degree from Seattle University School of Law in 2016, and was admitted to practice law in the State of Washington in that same year. Mr. Nusser has worked at Terrell Marshall since 2016.

10. My co-counsel, Samuel Brooke, is a Deputy Legal Director for the Southern Poverty Law Center (“SPLC”). He earned his Juris Doctor degree from New York University School of Law in 2006, and was admitted to practice in the State of Connecticut that same year. Mr. Brooke is also admitted to practice in the States of Alabama, Mississippi, Connecticut, and New York; the U.S. Supreme Court; various U.S. Courts of Appeals; and various U.S. District Courts. Mr. Brooke worked as a Staff Attorney for the American Civil Liberties Union Foundation of Connecticut from fall 2006 to fall 2007; as a Law Fellow with the American Civil Liberties Union Foundation of Alabama from fall 2007 to fall 2008; and as a law clerk to the Honorable Joan B. Gottschall of the U.S. District Court for the Northern District of Illinois from fall 2008 to fall 2009. Since fall 2008, Mr. Brooke has worked as a Fellow/Attorney, Staff Attorney, Senior Staff Attorney, and Deputy Legal Director at SPLC.

11. My co-counsel, Emily Early, is a staff attorney with SPLC. Ms. Early earned her Juris Doctor degree from Howard University School of Law in 2010. She was admitted to practice law in the State of Alabama in 2017. Ms. Early is also admitted to practice in the State of Georgia, various U.S. Courts of Appeals, and various U.S. District Courts. Ms. Early clerked for the Honorable W. Louis Sands of the U.S. District Court for the Middle District of Georgia from 2010 to 2012. Ms. Early worked at the law firm Baker Donelson Bearman Caldwell and Berkowitz, P.C., from 2012 to 2016. She has worked as a staff attorney at SPLC since 2016.

12. My co-counsel, Danielle Davis, is a staff attorney with SPLC. Ms. Davis earned a J.D. from Howard University School of Law in 2009, and was admitted to practice law in the State of Maryland the same year. She is also admitted to practice in the State of Louisiana and the District of Columbia. Ms. Davis practiced law at the Advancement Project from 2015 to 2017. She also worked as a Law Fellow and Associate at the law firm of Mehri & Skalet, PLLC. Ms. Davis clerked for the Honorable Brian A. Jackson of the U.S. District Court for the Middle District of Louisiana and the Honorable Karen Wells Roby of the U.S. District Court for the Eastern District of Louisiana. She has worked as a staff attorney at SPLC since 2017.

13. My co-counsel, Adam Protheroe, is an attorney at the South Carolina Appleseed Legal Justice Center (“SC Appleseed”). Mr. Protheroe earned his Juris Doctor degree from the University of South Carolina School of Law in 2009. Mr. Protheroe was admitted to practice in the State of South Carolina in 2010. He is also admitted to practice before this Court. Mr. Protheroe worked as an attorney at South Carolina Legal Services from 2001 to 2018. He has worked at SC Appleseed since 2018.

14. I have ample experience with complex civil rights litigation in federal district and appellate courts, and particular experience in bringing litigation to challenge constitutional

violations in the collection of court fines and fees without a proper ability to pay assessment. I am currently serving as lead counsel in *Brown v. Lexington County*, No. 3:17-1426-MBS-SVH (D.S.C. June 1, 2017), a proposed class action lawsuit bringing constitutional claims against fine and fee collection practices. I also serve as class counsel for a class certified under Fed. R. Civ. P. 23(b)(2), along with Mr. Brooke, Ms. Early, and Ms. Davis, in *Johnson v. Jessup*, No. 1:18-cv-00467-TDS-LPA (M.D.N.C. May 30, 2018), a class action lawsuit challenging North Carolina's enforcement of a statute requiring driver's license suspensions for nonpayment of traffic fines and costs. I served as class counsel for a certified class along with Mr. Marshall in *Fuentes v. Benton Cty.*, No. 15-2-02976-1 (Wash. Super. Ct., Yakima Cty. Oct. 6, 2015), a state lawsuit bringing constitutional claims against the collection of court fines and fees. I also served as lead counsel in the following cases involving constitutional claims, two of which confronted court fine and fee collection practices, which were settled with notable reforms: *Thompson v. DeKalb County, Georgia*, No. 15-cv-00280 (N.D. Ga. Jan. 29, 2015); *Kennedy v. Biloxi*, No. 1:15-cv-348-HSO-JCG (S.D. Miss. Oct. 21, 2015); and *Collins v. City of Milwaukee*, No. 2:17-cv-234-JPS (E.D. Wis. Feb. 2, 2017). Class certification was sought under Rule 23(b)(2) in *Kennedy* and *Collins*, but these cases were resolved without the need for a ruling on the class certification motions.

15. Ms. Dunn also serves as co-counsel in *Brown* and is counsel in *Bairefoot v. City of Beaufort*, No. 9:17-cv-02759-RMG (D.S.C. Oct. 11, 2017), a lawsuit involving constitutional claims concerning the inadequate provision of indigent defense. For twelve years, beginning in the mid-1990's, Ms. Dunn helped litigate *Ferguson v. Charleston*, 532 U.S. 67 (2001), a constitutional challenge to the mandatory testing of pregnant and postpartum women at a public hospital for cocaine use, and the delivery of those test results to law enforcement. Ms. Dunn's

clients ultimately won a favorable ruling in the United States Supreme Court, which led to settlement of the case.

16. Mr. Marshall also serves as co-counsel in *Brown* and has been appointed lead class counsel or co-lead class counsel in numerous cases, including the following: *Fuentes v. Benton Cty.*, No. 15-2-02976-1 (Yakima Cty. Super. Ct., Wash. 2015); *Wilbur v. Mount Vernon*, No. C11-1100-RSL (W.D. Wash. 2011) (class certified and plaintiffs prevailed at trial); *McGinnity v. AutoNation, Inc.*, No. 27102-1-III (Arbitration; Spokane Cty. Super. Ct., Wash.) (class received substantial damages in arbitration, affirmed on appeal); and *Ramirez v. Precision Drywall, Inc.*, No. 08-2-26023-2 SEA (King Cty. Super. Ct., Wash. 2009) (class received substantial jury award at trial, which was largely affirmed on appeal). In *Fuentes*, for example, Mr. Marshall served as co-lead class counsel with the American Civil Liberties Union of Washington for two certified classes of indigent people in a case bringing constitutional claims against court fine and fee collection practices. After one year of litigation, Mr. Marshall, our co-counsel, and I secured a court-approved settlement that obtained substantial injunctive relief on behalf of thousands of indigent people. In *Barnett v. Wal-Mart Stores, Inc.*, No. 01-2-024553-8KNT (King Cty. Super. Ct. Wash., Sep. 10, 2001), Mr. Marshall's firm was appointed co-lead class counsel for a certified class of more than 88,000 current and former Wal-Mart employees in Washington who alleged wage and hour violations. After more than seven years of litigation, they obtained a \$35,000,000 settlement on behalf of the class.

17. Mr. Brooke has served as lead counsel or co-counsel in federal civil rights cases brought by plaintiffs challenging state law, policy, or practice in Alabama, Georgia, Louisiana, Tennessee, South Carolina, North Carolina, and California. This work includes challenges to practices related to the collection of fines and fees without a proper ability to pay assessment in

the following cases: *Jessup*, No. 1:18-cv-00467-TDS-LPA (class counsel for certified 23(b)(2) class in lawsuit challenging North Carolina's enforcement of a statute requiring driver's license suspension for nonpayment of traffic fines and costs); *Cook v. Black*, No. 2:16-cv-11024 (E.D. La. June 21, 2016) (class-wide injunctive and damages claims settled); *Foster v. City of Alexander City*, No. 3:15-cv-00647 (M.D. Ala. Sep. 8, 2015) (injunctive and class-wide damages claim settled and approved by court); and *Cleveland v. City of Montgomery*, No. 2:13-cv-00732 (M.D. Ala. Aug. 28, 2013) (declaratory claims settled). Mr. Brooke also served as lead counsel in a challenge to the use of private probation companies in relation to the operation of municipal courts, in *Reynolds v. Judicial Correction Services, Inc.*, No. 2:15-cv-00161 (M.D. Ala. Mar. 12, 2015) (settled). Mr. Brooke is also counsel in two federal putative class action lawsuits challenging the post-arrest detention processes of two state court systems in Alabama: *Edwards v. Cofield, et al.*, No. 3:17-cv-00321 (M.D. Ala. May 18, 2017); and *Schultz v. Alabama*, No. 5:17-cv-270 (N.D. Ala., motion to intervene granted Mar. 8, 2018 on behalf of plaintiff-intervenor Mr. Hester). Mr. Brooke is lead class counsel for a class certified under Rule 23(b)(2) in the matter of *Wilson v. Gordon*, No. 3:14-cv-01492 (M.D. Tenn. Sept. 2, 2014). Along with another SPLC colleague, Mr. Brooke was also lead class counsel for the Rule 23(b)(3) settlement class in the *Foster* matter. Mr. Brooke has also served as class counsel for a certified class under Rule 23(b)(3) in the matter of *Mairi Nunag Tanedo v. East Baton Rouge Parish School Board*, No. 8:10-cv-01172 (C.D. Cal. Dec. 12, 2011) (Dkt. No. 232), under the lead attorney's supervision. Mr. Brooke has also been lead counsel in three cases where certification was sought under Rule 23(b)(2), but these cases were resolved without the need for a ruling on the class certification motions. See *Cent. Ala. Fair Housing Ctr. v. Magee*, No. 11-cv-982 (M.D. Ala. Nov. 18, 2011); *Charlene Loder v. Reese McKinney, Jr.*, No. 11-cv-979 (M.D. Ala. Nov. 17,

2011); *Reynolds v. Judicial Correction Services, Inc.*, No. 2:15-cv-00161 (M.D. Ala. Mar. 12, 2015).

18. Ms. Early serves as co-counsel in *Harper v. City of Gardendale*, No. 2:17-CV-1791 (N.D. Ala. Oct. 23, 2017)—which originally sought certification of a Rule 23(b)(2) class of people challenging unconstitutional private probation practices, which was resolved through settlement and which currently seeks certification of a Rule 23(b)(3) class. She also serves as co-counsel in *Ayo v. Dunn*, No. 3:17-cv-526 (M.D. Ala. Aug. 7, 2017), which seeks certification of a Rule 23(b)(3) class of people challenging unconstitutional pre-trial supervision practices. Along with Mr. Brooke, Ms. Early also serves, or has served, as class counsel in *Jessup, Cook and Wilson*.

19. Ms. Davis serves as counsel in *Cook v. Taylor*, No. 2:19-cv-478 (M.D. Ala. Jul. 3, 2019), which seeks certification of a Rule 23(b)(2) class of people challenging Alabama's unconstitutional suspension of drivers' licenses for failure to pay fines and costs without determining individuals' ability to pay. Along with Mr. Brooke, Ms. Early and me, she also serves as class counsel in *Jessup*.

20. The ACLU has been deemed adequate class counsel in numerous cases, including: *Fuentes v. Benton County, Washington*, No. 15-2-02976-1 (Yakima County Super. Ct., Wash. Oct. 5, 2016); *Roy v. Cty. of Los Angeles*, 114 F. Supp. 3d 1030, 1033 (C.D. Cal. 2015); *Ortega-Melendres v. Arpaio*, 836 F. Supp. 2d 959, 989–90 (D. Ariz. 2011); *Hernandez v. Lynch*, No. EDCV 16-00620-JGB (KKx) (C.D. Cal. Nov. 10, 2016); *Damus v. Neilsen*, No. 18-578-JEB (D.D.C. July 2, 2018); *Garza v. Hargan*, 304 F. Supp. 3d 145 (D.D.C. 2018); and *Saravia v. Sessions*, No. 3:17-cv-03615-VC (N.D. Cal. Nov. 20, 2017). I was not counsel in all of these cases, but am able to consult to colleagues who litigated these lawsuits as needed.

21. TMLG has been deemed adequate class counsel in numerous cases, including but not limited to the following: *Fuentes v. Benton County, Washington*, No. 15-2-02976-1 (Yakima Cty. Super. Ct., Wash. Oct. 5, 2016); *Wilbur v. Mount Vernon*, No. 2:11-CV-01100-RSL (W.D. Wash. July 5, 2011); *Ramirez v. Precision Drywall, Inc.*, No. 08-2-26023-2 SEA (King Cty. Super. Ct., Wash. Jan. 26, 2009); *Brown v. Consumer Law Associates, LLC*, No. 2:11-CV-00194-LRS (E.D. Wash. May 16, 2011); *Odom v. Microsoft Corp.*, No. 2:03-CV-02976 (W.D. Wash. Oct. 6, 2003); *Dibb v. AllianceOne Receivables Mgmt., Inc.*, No. 3:14-CV-05835-RJB (W.D. Wash. Oct. 20, 2014); *Bronzich v. Persels & Associates, LLC*, No. 2:10-CV-00364 (E.D. Wash. Oct. 18, 2010); *Ruebel v. Olympic Racquet & Health Club, Inc.*, No. 11-2-42207-1 SEA (King Cty. Super. Ct., Wash. Dec. 9, 2011); *Splater v. Thermal Ease Hydronic Systems, Inc.*, No. 03-2-33553-3 SEA (King Cty. Super. Ct., Wash. Aug. 14, 2003); *Breazeale v. Victim Services, Inc.*, No. 3:14-cv-05266-VC (N.D. Cal. Dec. 1, 2014); *Cavnar v. Bounceback, Inc.*, No. 2:14-CV-00235 (E.D. Wash. July 18, 2014); *Jordan v. Nationstar Mortgage, LLC*, No. 2:14-CV-00175 (E.D. Wash. June 5, 2014); *Lowry v. Ralph's Concrete Pumping, Inc.*, No. 12-2-40087-3 KNT (King Cty. Super. Ct., Wash. Dec. 19, 2012); *Helde v. Knight Transp., Inc.*, No. 2:12-CV-00904-RSL (W.D. Wash. May 24, 2012); *Tolliver v. Avvo, Inc.*, No. 16-2-05904-0 SEA (King Cty. Super. Ct., Wash. Mar. 15, 2016); *McCracken v. Pacific Cargo Servs., LLC*, No. 11-2-27357-1 SEA (King Cty. Super. Ct., Wash. Aug. 10, 2011); *Spencer v. FedEx Ground Package System, Inc.*, No. 14-2-30110-3 SEA (King Cty. Super. Ct., Wash. Nov. 4, 2014); *Witschel v. IMCO General Construction, Inc.*, No. 13-2-00975-0 (Skagit Cty. Super. Ct., Wash. June 10, 2013); *Paz v. Sakuma Brothers Farms, Inc.*, No. 2:13-cv-01918-MJP (W.D. Wash. Oct. 24, 2013); *Dickerson v. Cable Communications, Inc.*, No. 3:12-cv-00012-PK (D. Or. Jan. 4, 2012);

Simpson v. ABM Industries, Inc., No. 10-2-33915-9 SEA (King Cty. Super. Ct., Wash. Sep. 24, 2010; and *Reese v. Dycom Indus., Inc.*, No. 2:09-CV-00606 (W.D. Wash. May 1, 2009).

22. SPLC has been deemed adequate class counsel in more than twenty cases, including the following: *Alexander v. Sandoval*, 532 U.S. 275 (2001); *Paradise v. Allen*, 480 U.S. 149 (1987); *Dothard v. Rawlinson*, 433 U.S. 321 (1977); *Rosiles-Perez v. Superior Forestry Serv.*, 250 F.R.D. 332 (M.D. Tenn. 2008); *Escolastico De Leon-Granados v. Eller & Sons Trees*, 2006 U.S. Dist. LEXIS 73781 (N.D. Ga., Sept. 28, 2006); *Recinos-Recinos v. Express Forestry, Inc.*, 233 F.R.D. 472 (E.D. La. 2006); *Salinas-Rodriguez v. Alpha Services, LLC*, No. 3:05 CV 440 WHB-AGN (S.D. Miss. 2005); *Gaddis v. Campbell*, 03-T-390-N (M.D. Ala. 2003); *Baker v. Campbell*, CV-03-1114-M (N.D. Ala. 2003); *S.S. v. Wood*, No. 01-M-224-N (M.D. Ala. 2001); *Brown v. James*, No. 98-T-663-N (M.D. Ala. 1998); *Austin v. James*, 15 F.Supp.2d 1220 (M.D. Ala. 1998); *Harris v. James*, 94-1422-N (M.D. Ala. 1994); *Southern Christian Leadership Conference v. Evans*, 785 F.Supp. 1469 (M.D. Ala. 1992); *Bradley v. Haley*, No. 92-A-70-N (M.D. Ala. 1992); *R.C. v. Fuller*, 88-D-1170-N (M.D. Ala. 1988); *Nowak v. Foster*, 84-0057-P (W.D. Ky. 1984); *Pugh v. Locke*, 559 F.2d 283 (11th Cir. 1977); *Smith v. YMCA*, 462 F.2d 634 (5th Cir. 1972); *Wyatt v. Sawyer*, CV-70-3195 (M.D. Ala. 1970); *Nixon v. Brewer*, CV-3017-N (M.D. Ala. 1970).

23. SC Appleseed is currently serving as co-counsel in *Michelle H. v. McMaster*, No. 2:15-cv-00134-RMG (D.S.C. Jan. 12, 2015) (class action lawsuit in federal court seeking systemic reform of South Carolina's child welfare system) and *Patterson v. S.C. Dep't of Employment and Workforce*, No. 2013-CP-06-00059 (S.C. Court of Common Pleas, Barnwell Cty., Feb. 14, 2013) (class action lawsuit in state court challenging the denial of unemployment benefits to tens of thousands of South Carolinians).

24. The ACLU has significant experience related to the constitutionality of state statutes, policy, and practices that cause the suspension of driver's licenses for unpaid court fines and fees. As discussed above, as counsel in *Jessup*, I am currently litigating a challenge to a North Carolina statute requiring the suspension of driver's licenses for unpaid traffic fines and costs. I am also currently litigating constitutional violations related to the collection of court fines and fees in South Carolina in *Brown v. Lexington County*, No. 3:17-1426-MBS-SVH (D.S.C. June 1, 2017).

25. Since 2013, I have investigated constitutional violations stemming from court fine and fee collection practices in Florida, Georgia, Mississippi, North Carolina, South Carolina, Washington, and Wisconsin. I have also advised colleagues at the ACLU and ACLU affiliates in Colorado, Michigan, Maine, Montana, New Hampshire, Ohio, Nebraska, Pennsylvania, Rhode Island, South Dakota, Tennessee, and Texas on policy reforms to remedy such violations.

26. The ACLU-SC has significant experience related to the constitutionality of state statutes, policy, and practices that cause the suspension of driver's licenses for unpaid court fines and fees. As noted above, Ms. Dunn is currently litigating constitutional violations related to the collection of court fines and fees in South Carolina in *Brown*.

27. Terrell Marshall has significant experience related to the constitutionality of state statutes, policy, and practices that cause the suspension of driver's licenses for unpaid court fines and fees. As noted above, Mr. Marshall and Mr. Nusser are currently litigating constitutional violations related to the collection of court fines and fees in South Carolina in *Brown*.

28. The SPLC has significant experience related to the constitutionality of state statutes, policy, and practices that cause the suspension of driver's licenses for unpaid court fines and fees. As noted above, Mr. Brooke, Ms. Early, and Ms. Davis are currently litigating similar

issues related to the revocation of driver's licenses for unpaid traffic fines and costs in North Carolina. Ms. Davis and her colleagues at SPLC are litigating a similar challenge against the unconstitutional suspension of drivers' licenses in Alabama. Mr. Brooke negotiated a settlement with the State of Mississippi on this same issue. That effort resulted in the State of Mississippi's agreement to cease suspending driver's licenses for nonpayment of fines and fees without a pre-deprivation hearing on whether nonpayment is willful, and the restoration of driver's licenses previously suspended.

29. SC Appleseed has significant experience related to the constitutionality of state statutes, policy, and practices that cause the suspension of driver's licenses for unpaid court fines and fees. SC Appleseed and Mr. Protheroe have engaged in advocacy in South Carolina regarding the collateral effects of criminal convictions and court debt, as well as economic justice issues such as the rights of debtors in both private and public debt collection efforts.

30. The ACLU, ACLU-SC, Terrell Marshall, SPLC, and SC Appleseed have spent substantial time and effort to investigate this case and to understand the policies and practices of the South Carolina Department of Motor Vehicles ("DMV") and South Carolina Office of Motor Vehicle Hearings ("OMVH") relating to the suspension of driver's licenses for failure to pay traffic tickets under South Carolina Code Section 56-25-20. This includes reviewing court and DMV records, observing court proceedings, speaking with DMV and OMVH staff about policies and practices related to the collection of traffic fines and fees and DMV reinstatement fees, the suspension of driver's licenses, and the process for requesting an OMVH hearing to contest the DMV's suspension of a driver's license. The extent of that investigation is shown in the substantial allegations of facts set forth in the Complaint. The ACLU, ACLU-SC, Terrell Marshall, SPLC, and SC Appleseed have extensive knowledge of the facts and the law

applicable to the issues raised in Plaintiffs' Class Action Complaint for Injunctive and Declaratory Relief.

31. The ACLU, ACLU-SC, Terrell Marshall, SPLC, and SC Appleseed attorneys and staff are prepared to commit the time and resources necessary to zealously, fairly, and adequately represent the interests of the proposed Suspension Class and the proposed Reinstatement Fee Class.

32. The ACLU, ACLU-SC, Terrell Marshall, SPLC, and SC Appleseed, have sufficient funds available to litigate this case. Plaintiffs' counsel have paid for all costs associated with this litigation to date.

33. On October 31, 2019, I consulted the online South Carolina Bench Book for Magistrates and Municipal Court Judges ("Bench Book") to determine whether there is guidance for summary courts from the Chief Justice of South Carolina or South Carolina Court Administration about how to entertain and decide requests to continue court hearings by people summoned to appear for traffic cases.

34. I saw that the Bench Book had a specific chapter on "Traffic" matters, as opposed to "Civil" and "Criminal" matters. Attached as Exhibit A is a true and correct copy of the "Traffic" chapter of the South Carolina Bench Book for Magistrates and Municipal Court Judges, <https://bit.ly/2JCtwcG> (last visited Oct. 31, 2019). The "Traffic" chapter of the Bench Book does not contain guidance to summary courts on procedures for entertaining and deciding a request to continue a court hearing in a traffic case.

35. The online Bench Book also included chapters on "Forms," "Orders," "Memoranda," and "Court Rules." I clicked on the link to each chapter and read the resulting webpage in order to determine whether there were any forms, orders, memoranda, or court rules

that address how a South Carolina summary court should handle a request for a continuance of a traffic court hearing. I did not find any forms, orders, memoranda, or court rules addressing the procedures for submitting a request for a continuance of a traffic court hearing, deciding such a request, or communicating the court's decision to the requestor.

36. Attached as Exhibit B is a true and correct copy of the Municipal Association of South Carolina, Table VS7-1, List of Violations That Are Used to Suspend for FTPTT (Failure to Pay Traffic Tickets). This exhibit is also available at <https://bit.ly/2BsMZZb>.

37. Attached as Exhibit C is a true and correct copy of the State of South Carolina Notice of Suspension, Form DL-53, #2 Home Jurisdiction Copy, <https://bit.ly/336Ylhk>. This form is used to report noncompliance with a traffic ticket to the South Carolina Department of Motor Vehicles ("DMV").

38. Attached as Exhibit D is a true and correct copy of the Memorandum to Summary Court Judges and Staff from Renee Lipson, Staff Attorney, South Carolina Court Administration, March 14, 2018. This exhibit is also available at <https://bit.ly/2mjjsgt>.

39. Attached as Exhibit E is a true and correct copy of Paul Taylor et al., *The Fading Glory of the Television and Telephone*, Pew Research Center (Aug. 19, 2010). This exhibit is also available at <https://www.pewresearch.org/wp-content/uploads/sites/3/2011/01/Final-TV-and-Telephone.pdf>.

40. Attached as Exhibit F is a true and correct copy of CDM Smith, *Charting a Course to 2040: South Carolina Statewide Public Transportation and Coordination Plan*, S.C. Dep't of Transportation (2014). This exhibit is also available at <https://bit.ly/2nhxK1j>.

41. Attached as Exhibit G is a true and correct copy of StreetLight Data, *Commutes Across America: Where Are the Longest Trips to Work? Part 1* (2018). This exhibit is also available at <https://bit.ly/2r4j8UP>.

42. Attached as Exhibit H is a true and correct copy of U.S. Census Bureau, *American Community Survey (2017 5-Year Estimates)*, Table S0801 (Commuting Characteristics by Sex)—South Carolina and United States (2017). This exhibit is also available at <https://bit.ly/31N6LJu>.

43. Attached as Exhibit I is a true and correct copy of Danielle Conley & Ariel Levinson-Waldman, *Discriminatory Driver's License Suspension Schemes*, American Constitution Society (2019). This exhibit is also available at <https://bit.ly/2IGJeuE>.

44. Attached as Exhibit J is a true and correct copy of Back on the Road California, *Stopped, Fined, Arrested: Racial Bias in Policing and Traffic Courts in California* (2016). This exhibit is also available at <https://bit.ly/31kAs4n>.

45. Attached as Exhibit K is a true and correct copy of Alan M. Voorhees Transportation Center et al., *Motor Vehicles Affordability and Fairness Task Force: Final Report* (2006). This exhibit is also available at <https://bit.ly/2lLarfV>.

46. Attached as Exhibit L is a true and correct copy of American Association of Motor Vehicle Administrators, *Reducing Suspended Drivers and Alternative Reinstatement Best Practices* (2018). This exhibit is also available at <https://bit.ly/2nXb3zL>.

47. Attached as Exhibit M is a true and correct copy of the American Bar Association, Working Group on Building Public Trust in the American Justice System et al., *Report to the House of Delegates, Resolution 114* (Aug. 6, 2018). This exhibit is also available at <https://bit.ly/2nQRKZf>.

48. Attached as Exhibit N is a true and correct copy of Board of Governors of the Federal Reserve System, *Report on the Economic Well-Being of U.S. Households in 2017* (2018). This exhibit is also available at <https://bit.ly/2LoT78j>.

49. Attached as Exhibit O is a true and correct copy of U.S. Census Bureau, *American Community Survey (2017 5-Year Estimates)*, Table GCT1701 (Percent of People Below Poverty Level in the Past 12 Months (For Whom Poverty Status is Determined)) (2017). This exhibit is also available at <https://bit.ly/2mnrDYW>.

50. Attached as Exhibit P is a true and correct copy of Timothy R. Neuman et al., *Guidance for Implementation of the AASHTO Strategic Highway Safety Plan Volume 2: A Guide for Addressing Collisions Involving Unlicensed Drivers and Drivers with Suspended or Revoked Licenses*, National Cooperative Highway Research Program (2003). This exhibit is also available at http://onlinepubs.trb.org/onlinepubs/nchrp/nchrp_rpt_500v2.pdf.

51. On October 31 and November 1, 2019, I searched the Craigslist (<https://www.craigslist.org/about/sites#US>) website for job postings in Charleston County, South Carolina. I browsed available job postings and identified a range of advertised positions that require a valid driver's license. These include jobs in housekeeping, cleaning, construction, painting, warehouse staffing, maintenance and plumbing, and as a courier, a technician, and a retail merchandiser. Attached as Exhibit Q are true and correct copies of a number of Charleston-area job postings on the Craigslist website that require driver's licenses, which I located through this search. I have highlighted in yellow the reference to the driver's license requirement in each job posting for ease of reference.

52. Attached as Exhibit R is a true and correct copy of U.S. Census Bureau, *American Community Survey (2017 5-Year Estimates)*, Table DP05 (ACS Demographic and Housing Estimates)—South Carolina (2017). This exhibit is also available at <https://bit.ly/2VH3gTu>.

53. Attached as Exhibit S is a true and correct copy of U.S. Dep't of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation, 2019 Poverty Guidelines, (2019). This exhibit is also available at <https://aspe.hhs.gov/2019-poverty-guidelines>.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was executed in New York, New York on this 1st day of November, 2019.


Nusrat J. Choudhury, NY Reg. No. 4538502

EXHIBIT A

**South Carolina Bench Book
for
Magistrates and Municipal Court Judges
Traffic**

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- 1 Trial
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- 1 Title

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A. Jurisdiction

1. Jurisdiction

Traffic offenses are offenses against the State in violation of penal law and therefore are criminal in nature. Thus the processes and procedural safeguards discussed in the CRIMINAL section apply to traffic offenses. For example, an individual charged with a traffic offense for which a prison sentence may be imposed, has the same right to due process of law including the right to counsel and right to trial by an impartial jury as one charged with assault and battery.

The statutory authority of magistrates to handle traffic offenses is S.C. Code Ann. § 22-3-550. "Magistrates have jurisdiction of all offenses which may be subject to the penalties of a fine or forfeiture not exceeding five hundred dollars (\$500.00), or imprisonment not exceeding thirty days, or both." Municipal judges are granted the same jurisdiction in traffic cases as magistrates, by S.C. Code Ann. § 14-25-45 of the South Carolina Code. Magistrates and municipal judges may impose sentences within these limits singularly or in the alternative. The penalty for most violations of the motor vehicle laws that are within the jurisdiction of magistrates in all cases, except for DUI, DUS, and Reckless Driving, is a fine not exceeding \$500.00, plus assessments.

The summary court jurisdiction may be limited in those cases in which an offense within the jurisdiction of the summary court is included in a charge beyond the judge's jurisdiction or when a charge of an offense within the magistrate's jurisdiction has been joined with an offense over which the summary court judge has no jurisdiction. (S.C. Code Ann. § 22-3-540 made applicable to municipal judges by S.C. Code Ann. § 14-25-45.)

The jurisdiction of magistrates over traffic offenses is within their respective counties. Where the traffic offenses have occurred within the county of the magistrate, the magistrate has all of the power, authority, and jurisdiction as prescribed by the Code of Laws. (S.C. Code Ann. § 22-3-520 "Magistrates shall have and exercise within their respective counties all the powers, authority and jurisdiction in criminal cases herein set forth.") However, S.C. Code Ann. 17-13-40(B) provides that when police authorities of a county are in hot pursuit of an offender for a violation of a county ordinance or statute of this State committed within the county, the authorities may arrest the offender, with or without a warrant, at a place within the county, or at a place within the adjacent county. The jurisdiction of municipal courts over traffic offenses is within the respective limits of such municipalities. Similar to above, however, S.C. Code Ann. 17-13-40(A) provides that when police authorities of a town or city are in hot pursuit of an offender for a violation of a municipal ordinance or statute of this State committed within the corporate limits, the authorities may arrest the offender, with or without a warrant, at a place within the county in which the town or city is located, or at a place within a 3 mile radius of the corporate limits.

Proceedings in traffic offenses triable in summary courts are commenced by the service of either a properly drafted arrest warrant or a Uniform Traffic Ticket. The statutory authority for the Uniform Traffic Ticket is S.C. Code Ann. § 56-7-10, which vests summary courts with jurisdiction to hear and dispose of traffic charges and certain other named non-traffic offenses, which are listed at S.C. Code Ann. § 56-7-10. The Uniform Traffic Ticket is the only official summons, other than numbered arrest warrants, on which traffic offenses may be charged. "Traffic offenses" means only those traffic offenses defined or described in Title 56. Specific non-traffic offenses which may be charged on a Uniform Traffic Ticket are listed at S.C. Code Ann. § 56-7-10. They are, as follows:

	Recodified As *	As Codified By 56-7-10
Interfering with Police Officer Serving Process		§ 16-5-50
Dumping Trash on Highway/Private Property		§ 16-11-700
Indecent Exposure		§ 16-15-130
Disorderly Conduct		§ 16-17-530
Discharging Fireworks from Motor Vehicle		§ 23-35-120
Damaging Highway		§ 57-7-10
Place Glass, Nails, Etc. on Highway		§ 57-7-20
Obstruction of Highway by Railroad Cars, Etc.		§ 57-7-240
Signs Permitted on Interstate		§ 57-25-140
Brown Bagging	§ 61-6-20*	§ 61-5-20
Drinking Liquors in Public Conveyance	§ 61-6-4720*	§ 61-13-360
Poles Dragging on Highway		§ 57-7-80
Open Container	§ 61-4-110*	§ 61-9-87
Purchase or Possession of Beer or Wine by a Person Under Age	§ 20-7-8920*	§ 20-7-370
Purchase or Possession of Alcoholic Liquor by A Person Under Age Twenty-One	§ 20-7-8925*	§ 20-7-380
Unlawful Possession and Consumption of Alcoholic Liquors	§ 61-6-4710*	§ 61-5-30
Sale of Beer or Wine on Which Tax Has Not Been Paid	§ 61-4-20*	§ 61-9-20
Falsification of Age to Purchase Beer or Wine	§ 61-4-60*	§ 61-9-50
Unlawful Purchase of Beer or Wine for A Person Who Cannot Legally Buy	§ 61-4-80*	§ 61-9-60
Unlawful Sale or Purchase of Beer or Wine, Giving False Information as to Age, Buying Beer or Wine Unlawfully for Another	§ 61-4-100*	§ 61-9-85
Employment of a Person Under the Age of Twenty-One As An Employee in Retail or Wholesale or Manufacturing Liquor Business	§ 61-6-4140*	§ 61-13-340
Failure to Remove Doors from Abandoned Refrigerators		§ 16-3-1010
Malicious Injury to Animals or Personal Property		§ 16-11-510
Timber, Logs, or Lumber Cutting, Removing, Transporting Without Permission, Valued at Less Than Fifty Dollars		§ 16-11-580
Littering		§ 16-11-700
Larceny of a Bicycle Valued at Less Than One Hundred Dollars		§ 16-13-80
Cock Fighting		§ 16-17-650
Ticket Scalping		§ 16-17-710
Glue Sniffing		§ 44-53-1110
Trespassing on Utility Right of Ways		§ 16-11-755
Trespassing on Posted Property or After Notice		§ 16-11-600
Trespassing for Various Purposes Without Permission		§ 16-11-610

Trespassing Premises or Business After Warning or Refusing to Leave		§ 16-11-620
Negligent Operation of Watercraft; Operation of Watercraft While Under Influence of Alcohol or Drugs		§ 50-21-110
Negligence of Boat Livery to Provide Proper Equipment and Registration		§ 50-21-120
Interference with Aids to Navigation or Regulatory Markers or Operation of Watercraft in Prohibited Area		§ 50-21-170
Operation of Watercraft Without a Certificate of Title		§ 50-23-190
Parking on private property without permission		§ 16-11-760

*** The section changes are found in the editor's notes under section S.C. Code Ann. § 56-7-10**

"The uniform traffic ticket, established under the provisions of Section 56-7-10, may be used by law enforcement officers to arrest a person for an offense committed in the presence of a law enforcement officer if the punishment is within the jurisdiction of magistrate's court and municipal court." (S.C. Code Ann. § 56-7-15). The uniform traffic ticket may also be used by law enforcement to cite individuals for violations of county or municipal ordinance violations. (1990 Op. Atty. Gen. No. 90-48).

County and municipal uniform ordinance summons were established under the provisions of S.C. Code Ann. § 56-7-80, which provides as follows: (A) Counties and municipalities are authorized to adopt by ordinance and use an ordinance summons as provided herein for the enforcement of county and municipal ordinances. Upon adoption of the ordinance summons, any county or municipal law enforcement officer or code enforcement officer is authorized to use an ordinance summons. Any county or municipality adopting the ordinance summons is responsible for the printing, distributing, monitoring, and auditing of the ordinance summons to be used by that entity. (B) **The uniform ordinance summons may not be used to perform a custodial arrest. No county or municipal ordinance which regulates the use of motor vehicles on the public roads of this State may be enforced using an ordinance summons.**

Persons under the age of seventeen charged with most traffic offenses may be tried in magistrate's and municipal courts. The family court has concurrent jurisdiction of all such cases involving juveniles. Whichever court (circuit, magistrate's or municipal) would have jurisdiction of the offense charged if committed by an adult would share jurisdiction with the family court. (S.C. Code Ann. § 20-7-410.) Since magistrates and municipal judges may not incarcerate a juvenile, (S.C. Code Ann. § 20-7-7210), cases should be referred to the family court (before trial) if it appears that a penalty other than a fine may prove more appropriate.

Traffic proceedings in the summary courts are required to be summary in nature or with only such delay as a fair and a just examination of the case requires. (S.C. Code Ann. § 22-3-730.) In order to assure the summary nature of the proceedings, the charging paper may be amended at any time before trial. (S.C. Code Ann. § 22-3-720.)

B. Trial

1. Trial

A defendant with a traffic offense triable in magistrate or municipal court is entitled to a trial by jury. S.C. Code Ann. § 22-2-150 provides that every person arrested and brought before a magistrate, charged with an offense within his jurisdiction, is entitled on demand to a trial by jury. Likewise, "Any person to be tried in a municipal court may, prior to trial, demand a jury trial..." (S.C. Code Ann. § 14-25-125). The same trial procedure discussed in the CRIMINAL section applies to the trial of traffic offenses.

Juries in magistrate and municipal courts must be drawn in the manner prescribed by S.C. Code Ann. § 22-2-60. S.C. Code Ann. 22-2-195 provides for the random selection and summoning of jurors by computer. However, you must receive prior written approval from South Carolina Court Administration before using a computer to generate jury lists. (See CRIMINAL, Trial Procedure.)

"In the trial of any case before a magistrate the testimony of all witnesses must be taken down in writing and signed by the witnesses except when the defendant waives the taking and signing of the testimony. In any case before any magistrate in which a stenographer takes down the testimony or in which the testimony is electronically recorded it need not be read over and signed by the witnesses." S.C. Code Ann. § 22-3-790. In municipal courts, the defendant may mechanically record the proceedings himself, or use the service of the municipal court reporter, at the defendant's own cost. S.C. Code Ann. 14-25-195. The Office of Court Administration recommends that all court proceedings be mechanically recorded.

Of special importance is the June 26, 1980, Order of the Chief Justice of the South Carolina Supreme Court that requires that all magistrates and municipal judges dispose of all criminal (which includes traffic) cases within sixty (60) days of the date of arrest in each case.

2. Revocation or Suspension of Driver's License

Anyone who forfeits bond, is convicted of, or pleads guilty or nolo contendere to an offense requiring their driver's license to be revoked or suspended must surrender his/her driver's license to the court. The clerk of court, magistrate, or municipal judge must transmit the driver's license to the Department of Public Safety within five days of receipt. Failure to comply within the five day period is punishable by a fine not to exceed five hundred dollars.

The following magistrate and municipal court offenses require the revocation or suspension of the convicted's driver's license:

<u>Offense</u>	<u>Revocation or Suspension Provision</u>
DUI 1st (56-5-2930)	56-5-2990
Driving With Unlawful Alcohol Concentration (56-5-2933)	56-5-2933
Reckless Driving 2nd+ (56-5-2920)	56-5-2920
DUS 1st (56-1-460 (A)(2)(a))	56-1-460 (B)
DUS 1st, 2nd, 3rd and subsequent (56-1-460 (A)(1)(a), (b), and (c))	56-1-460 (B)
Operation, allowing operation uninsured vehicle 1st (56-10-270)	56-10-270

False insurance certificate 1st (56-10-260)	56-10-260
Operation, unlicensed taxi (58-23-1210)	56-1-290
Possession small amount of marijuana or hashish 1st offense (44-53-370(d)(3))	56-1-745
DL or ID of another, lend or permit use (56-1-510 (2))	56-1-746
Fraud in application for DL or ID (56-1-510 (5))	56-1-746
DL or ID of another or false or altered, use of (56-1-515)	56-1-746
False age information to purchase beer, wine (61-4-60)	56-1-746
Purchase beer, wine on behalf of underaged person (61-4-80)	56-1-746
Transfer beer, wine, liquor to underaged person (61-4-90)	56-1-746
Purchase, possession beer, wine by underaged person (20-7-8920)	56-1-746
Purchase, possession furnishing false age to purchase liquor by underaged person (20-7-8925)	56-1-746
Failure to pay for Gasoline (16-13-185(B))	56-1-292

Upon conviction, collect the driver's license. If the offense was charged on a Uniform Traffic Ticket, attach the license to the pink and yellow copies of the ticket and to the Transmittal Form (DL-76-B). For charges initiated on an ABC summons, attach the driver's license to the orange copy of the summons and the transmittal form. Use a separate form for cases brought by each arresting agency. Complete the transmittal form in quadruplicate, retain one copy for your files, and submit three copies to SCDPS (South Carolina Department of Public Safety). They will return copies to you to verify acceptance.

**C.
Title**

1. Title

Title 56 of the 1976 Code of Laws is the general statutory law relating to motor vehicles and the violation of motor vehicle laws that would be tried in the magistrate's courts. Title 56 has 16 Chapters which in varying degrees contain acts of the General Assembly regulating motor vehicles and traffic law enforcement which would be triable in the magistrate or municipal court or might be before the magistrate or municipal court for a probable cause determination in a matter beyond the trial jurisdiction of the magistrate or municipal court judge. The several chapters relating to motor vehicles of Title 56 are as follows:

	Beginning Section:
Driver's License	56-1-10
Motor Vehicle Registration and Licensing	56-3-10
Uniform Act Regulating Traffic on Highways	56-5-10
Traffic Tickets	56-7-10
Motor Vehicle Financial Responsibility Act	56-9-10
Motor Vehicle Registration and Financial Responsibility	56-10-10
Regulation of Manufacturers, Distributors and Dealers	56-15-10
Regulation of Motorcycle Manufactures, Distributors, Dealers, and Wholesalers	56-16-10
Protection of Titles to and Interests in Motor Vehicles	56-19-10
Regulation of Traffic at State Institutions	56-21-10
Driver Training Schools	56-23-10
Non-Resident Traffic Violators Compact	56-25-10
Professional Housemoving	56-27-10
Enforcement of Motor Vehicle Express Warranties	56-28-10
Motor Vehicle Chop Shop, Stolen, and Altered Property Act	56-29-10
Rental of Private Passenger Automobiles	56-31-10

There are several areas of the law relating to motor vehicles that are of particular concern to magistrates and municipal court judges. These subjects will be dealt with specifically in the text that follows.

D. General Principles

1. Requirement to Elect

S.C. Code Ann. § 22-3-740 relates to the election of one of several offenses on which to try the accused in motor vehicle violations. This section of the Code relates to the committing of an act that can be interpreted to be the elements of the crime for more than one offense. Magistrates and municipal court judges sometime mistakenly construe S.C. Code Ann. § 22-3-740 to mean that more than one traffic offense cannot be committed at the same time. For example, the offense of speeding may be done in such a manner as to constitute the offense of reckless driving. Although the driver is guilty of both speeding and reckless driving, he may be charged with only one offense. In contrast however, when a person drives without a license and speeds at the same time, he may be charged with both offenses, even though they were committed at the same time. The offense of driving without a license is not within the purview of the statute as being "...susceptible of being designated...", as speeding, and the act of speeding should not be designated as driving without a license. The principle for magistrates and municipal court judges to understand is that if the criminal offenses alleged to be committed are unrelated offenses, S.C. Code Ann. § 22-3-740 does not apply to them. Examples of offenses where an election must be made and offenses where an election need not be made are as follows:

Election Must Be Made	Election Need Not Be Made
1. Speeding	1. Driving Without License
2. Reckless Driving	2. Drunk Driving
1. Drunk Driving	1. No Vehicle Registration
2. Reckless Driving	2. Speeding
1. Driving Left of Center	1. Reckless Driving
2. Reckless Driving	2. No Seat Belt
1. Passing School Bus	1. Passing School Bus
2. Reckless Driving	2. No Vehicle License

2. Prohibition of Reduction of Charges

Each traffic offense is a separate and distinct offense, and a defendant may not be tried for a traffic offense for which he has not been formally charged in an arrest warrant or a uniform traffic ticket. Therefore, a defendant may not be found guilty of a "reduced" charge for which he was not formally charged for the following reasons: (1) the defendant may not be tried for a traffic offense not charged in an arrest warrant or a Uniform Traffic Ticket (see TRAFFIC, JURISDICTION); (2) the magistrate or municipal judge is required to elect which charge to prefer if the act committed can be designated as any one of several different offenses (see TRAFFIC, GENERAL PRINCIPLES, REQUIREMENT TO ELECT); and (3) there are no "degrees" of traffic offenses. The magistrate or municipal judge may amend the warrant or ticket before trial (see CRIMINAL, WARRANTS, ARREST WARRANTS, THE WARRANT AT TRIAL), but the defendant must be given sufficient notice to adequately prepare his defense. As an example of this general principle prohibiting reduction of charges in traffic offense cases, if a defendant is charged with driving under the influence and the proof at trial does not support a finding of guilty, then the defendant cannot be convicted of reckless driving based on the evidence which failed to prove the DUI charge but would have succeeded in proving a charge of reckless driving.

**E.
Reckless Driving**

1. Reckless Driving

The offense of reckless driving is found in S.C. Code Ann. § 56-5-2920. This section relates to any person driving any vehicle in such a manner to indicate a willful or wanton disregard for the safety of persons or property. A suggested instruction to the jury about reckless driving is as follows:

Reckless Driving: Suggested Instruction to the Jury

The defendant in this case is charged with reckless driving, a traffic offense. S.C. Code Ann. § 56-5-2920 of the S.C. Code of Laws states that "any person who drives any vehicle in such a manner as to indicate either a willful or wanton disregard for the safety of persons or property is guilty of reckless driving."

Willfull can be defined as doing something deliberately. Wanton is to act unruly or without any checks or limitations. As a general rule, what constitutes reckless driving is to be determined from all the surrounding circumstances where the statute does not specifically declare what particular acts shall comprise the offense. What constitutes reckless driving under some conditions may not be such under other conditions. As a general rule, something more than mere negligence in the operation of a motor vehicle is necessary to constitute the offense of reckless driving. Generally, the offense denotes operation of a vehicle under such circumstances, and in such manner, as to show a willfull or reckless disregard of consequences.

"Recklessness implies the doing of a negligent act knowingly. When a man actually acts negligently and he realizes that he is acting negligently, the law says he is reckless or willfull and wanton, whichever term you prefer, they all mean the same thing, that is, the conscious failure to exercise due care." State v Rachels, 218 S.C. 1, 61 S.E. 2nd 249 (1950).

For example only, if a motorist unthinkingly or ignorantly passes a school bus without stopping, but driving carefully, slowly, and with a lookout for school children who might be injured, he is guilty of "passing a school bus", regardless of the fact that he was careful. But, he is not guilty of "reckless driving". On the other hand, if the same motorist passes the same bus at a high rate of speed, without being on the lookout for children who might be injured by his act, the law says he either knew or should have known that his acts endangered others, and although he is guilty of "passing a school bus", he is also guilty of "reckless driving", and a jury may find him guilty of the greater offense only; that is, reckless driving.

On the other hand, it is not necessary that a motorist violate a traffic law to be guilty of reckless driving. A driver who continues to drive after dozing off at the wheel, disregarding the fact the he is very sleepy, has shown a wanton disregard for the safety of persons and property and is, therefore, guilty of reckless driving.

This court cannot, of course, literally look into the mind of a person to determine whether or not he was heedless or without regard to the safety of others; which is to say, reckless. We must do that by a judgment of his action, and it is by this defendant's acts that you shall know him. The law permits you to judge whether or not the defendant was reckless, by his acts. Otherwise, neither you nor any other jury would have a basis for making such decision. Secondly, it is not necessary that you find that he knew his acts endangered the safety of others; that is, that he was actually conscious of the fact. It is necessary only that you find that he should have known in light of the circumstances.

NOTE to Judges:

To avoid confusing the jury about what is in evidence, it is suggested that the school bus or dozing off example not be used if the actual case involves either passing a school bus or dozing off at the wheel.

F. Driving Under Suspension

1. Driving Under Suspension

S. C. Code Ann. § 56-1-460 makes it unlawful for any person to drive a motor vehicle on any public highway of this State when his license to drive is cancelled, suspended, or revoked. A first offense violation of the driving under suspension statute where the suspension resulted from a violation of S.C. Code Ann. § 56-5-2990 (Driving Under the Influence or Driving With an Unlawful Alcohol Concentration) requires that the defendant, upon conviction, be fined \$300.00 (exclusive of assessments) or imprisoned for not less than ten (10) nor more than thirty (30) days. Therefore, such a first offense violation is within the jurisdiction of magistrate and municipal court. However, the punishment for second and subsequent violations of S.C. Code Ann. § 56-1-460 which are the result of a violation of S.C. Code Ann. § 56-5-2990 exceed the normal jurisdictional limit in summary courts, and must be heard in the court of general sessions.

S. C. Code Ann. § 56-1-460 (A)(1) provides that magistrates have jurisdiction over first, second, third, and subsequent violations of the driving under suspension statute when the suspension is **not** a result of a violation of S.C. Code Ann. § 56-5-2990. Please note that the penalty for second and subsequent offenses exceeds the normal jurisdictional level of magistrate court. However, the Legislature specifically vested jurisdiction over these cases in magistrate court. Therefore, upon conviction, judges have full sentencing authority as provided in the statute. For example, a conviction for a third offense of S.C. Code Ann. § 56-1-460 carries a sentence of a fine of \$1,000.00 and incarceration for not less than ninety (90) days nor more than six (6) months, no portion of which may be suspended by the trial judge. If the sentencing magistrate determines it to be appropriate, he may sentence the defendant to the full six (6) months.

S. C. Code Ann. § 14-25-45 provides that municipal courts shall have all such powers, duties, and jurisdiction in criminal cases made under State law and conferred upon magistrates. Therefore, municipal judges have jurisdiction to dispose of these cases also.

Rule 602 of the South Carolina Appellate Court Rules provides for the defense of indigents in criminal proceedings. The Rule requires appointment of counsel in magistrate and municipal courts upon a showing of indigency and "...if a prison sentence is likely to be imposed upon conviction." In certain subsequent violations of the DUS statute, jail time is mandatory. When presiding over those cases, reference to Rule 602 and consideration of appointment of counsel is required.

2. Suggested Charge for Driving Under Suspension

The defendant is charged with driving under suspension. The State must prove beyond a reasonable doubt that the defendant drove a motor vehicle on a public highway in this State during the time the defendant's driver's license was cancelled, suspended, or revoked.

To be guilty of driving under suspension, the defendant must have been notified by the Department of Public Safety that his driver's license has been cancelled, suspended, or revoked.

G.**Qualifying the Data Master Operator and Admissibility of Results****1. Generally**

S.C. Code Ann. § 56-5-2930, DUI, makes it unlawful for a person to drive a motor vehicle within this State while: (1) under the influence of alcohol to the extent that the person's faculties to drive are materially and appreciably impaired; (2) under the influence of any other drug or a combination of other drugs or substances which cause impairment to the extent that the person's faculties to drive are materially and appreciably impaired; or (3) under the combined influence of alcohol and any other drug or drugs or substances which cause impairment to the extent that the person's faculties to drive are materially and appreciably impaired. S.C. Code Ann. § 56-5-2933, DUI Per Se, makes it unlawful for a person to drive a motor vehicle within this State while his alcohol concentration is ten one-hundredths of one percent or more. An integral part of any trial for DUI or DUI Per Se is the qualification of the breath test machine operator by the court.

The breath test machine operator must be qualified as an expert witness. An expert witness is a person who has some specialized training, education or experience that the court determines would be useful to a layperson jury in consideration of a particular issue in a case. Generally, the court has wide latitude in the qualification of an expert witness. However, the DUI and DUI Per Se statutes do mandate certain training and certification. S.C. Code 56-5-2950.

First, the court will make the initial determination of the qualification of the witness outside the presence of the jury unless the parties have previously stipulated to the witness' qualifications. The prosecution will first ask questions of the witness to establish his qualification, then defense counsel will be afforded the right of cross-examination on the qualification of the witness. After hearing "both" the prosecution and the defense, the court will make an initial determination about qualifying the witness. However, even if the witness is qualified as an expert and allowed to testify, the jury will be free to accept or reject any testimony of the expert witness and defense counsel is free to attack the witness' qualifications on cross-examination in the presence of the jury.

Second, the court must also make a preliminary determination that the results are admissible. Most of this analysis hinges on statutory and case law requirements for admissibility of the results. Judicial officers should note that the applicable statutes have been amended and great care must be exercised in applying cases based upon the old statutory provisions.

1. Qualification Process: [see S.C. Code 56-5-2950]

- a. Was the breath test administered by a person "trained and certified" by the Department of Public Safety, pursuant to SLED policies?

If so, you may find the witness qualified. [often this is stipulated]

2. Determining Admissibility of Operator's Testimony

As indicated, even upon a finding that a person is qualified to testify as to the results of the breath test, the court must next address the question of admissibility in accordance with case and statutory requirements.

- a. Was the breath test administered at the direction of a law enforcement officer who has arrested a person for driving a motor vehicle in this State while under the influence of

alcohol / drugs?

b. Prior to taking the test, the defendant was informed in writing that:

1. he does not have to take the test or give the samples but that his privilege to drive must be suspended or denied for at least 90 days if he refuses to submit to the test and that his refusal may be used against him in court;
2. his privilege to drive must be suspended for at least 30 days if he takes the tests or gives the samples and has an alcohol concentration of fifteen one-hundredths of one percent or more;
3. he has the right to have a qualified person of his own choosing conduct additional independent tests at his expense [note - the defendant's failure to obtain such additional tests is not admissible];
4. he has the right to request an administrative hearing within 30 days of the issuance of the notice of suspension; and
5. he must enroll in an Alcohol and Drug Safety Action Program within 30 days of the issuance of the notice of suspension.

c. Generally, it has been established that the test must be administered at the direction of the arresting officer, but not by the arresting officer. This still hold true unless "the person's conduct during the twenty-minute pre-test waiting period is videotaped pursuant to Section 56-5-2953(A)(2)(d)." In this event, the test may be administered by the arresting officer.

d. The test was administered in accordance with methods approved by SLED.

e. Pursuant to 56-5-2950(g), prior to the use of the test results in any proceeding or trial, a written report must be given to the person tested indicating the time of the arrest, the time of the test, and the results of the test.

f. The breath test machine was in proper working order at the time of the test.

g. Before the breath test was administered, a ten one-hundredths of one percent simulator test must have been performed and the result must reflect a reading between 0.076 percent and 0.084 percent.

h. The accused was not allowed to put anything in his mouth for 20 minutes prior to the test

The findings in f-h above, along with the administering of the test by a qualified person, are referred to as the foundational requirements of *State v. Parker*, 245 S.E.2d 904 (1978). That case requires that a certain foundation be laid prior to admissibility of the tests results. However, *State v. Huntley*, 349 S.E.1, 562 S.E.2nd. 472(2002), may suggest a different approach. The court in *Huntley*, while addressing the proper statutory language to be applied as a result of a change made by the Code Commissioner, went on to suggest that the failure to use the statutorily mandated simulator test range would go to the weight, not the admissibility, of the test results. In other words, the failure to use the correct test reading on the simulator test is properly addressed on cross examination for the jury to consider. The court indicated that the record showed the different ranges would make no difference

as to whether the machine was working properly. This approach appears to be a shift from an admissibility standard, as seen in *Parker*, to a "weight of the evidence" standard, as seen in *Huntley*, for some factors depending on the record established.

3. Instructions to the Jury

a. DRIVING UNDER THE INFLUENCE

[FOR CASES AFTER JUNE 29, 1998]

I have indicated to you that the defendant is charged with the offense known in law as Driving Under the Influence. South Carolina Law, Section 56-5-2930 states:

It is unlawful for a person to drive a motor vehicle within this state while under the:

___ 1. influence of alcohol to the extent that the person's faculties to drive are materially and appreciably impaired;

___ 2. Influence of any other drug or a combination of other drugs or substances which cause impairment to the extent that the person's faculties to drive are materially and appreciably impaired; or

___ 3. combined influence of alcohol and any other drug or drugs, or substances which cause impairment to the extent that the person's faculties to drive are materially and appreciably impaired.

To constitute a violation of this law the State must prove, beyond a reasonable doubt, the elements of this offense:

First: That in the County and State [___ or municipality] at the time and place alleged in the charging document, the defendant was driving a motor vehicle;

_____ The word "drive" requires the vehicle to be in motion in order to meet this element of the offense. This requirement may be met by showing through direct or circumstantial evidence that the defendant had placed his vehicle in motion while under the influence of alcohol [drugs or a combination thereof];

and

Second: That at the time and place alleged in the charging document the defendant was under the influence of alcohol [drugs or a combination thereof], such that the defendant's faculties to drive were materially and appreciably impaired.

_____ [If needed in drug case] For purposes of this section, "drug" means illicit or licit drug, a combination of licit or illicit drugs, a combination of alcohol and an illicit drug, or a combination of alcohol and a licit drug.

Now, what is under the influence? It is not necessary to show that the defendant was in a helpless condition or that the defendant was dead drunk or even so drunk that the defendant could not walk without staggering. On the other hand, proof that the defendant had, at some time previous to the occasion in question partaken in some degree of alcohol [drugs or a combination thereof], is not

sufficient in itself to place one under the influence. A person is not under the influence simply because that person consumes some alcohol [drugs or a combination thereof] and drives a vehicle.

A person is under the influence when the person has ingested alcohol [drugs or a combination thereof] such that the person's faculties to drive are materially and appreciably impaired. The person must be under the influence so as to cause the person to lose normal control of the person's mental or physical faculties, either one or both, to such an extent that there is a material and appreciable impairment of either or both of these faculties. A person violates the statute by operating a motor vehicle where he has partaken of any alcohol [drugs or a combination thereof] to the extent that he cannot drive a motor vehicle with reasonable care, or cannot drive as a prudent driver would operate a vehicle. One who drives [or operates] a vehicle when that person's mental or physical faculties have been thus impaired is considered to be driving while under the influence.

_____ **Omit if NO B/A TEST ---- Chemical Test Inferences**

In a prosecution for the violation of the law [Section 56-5-2930] pertaining to driving a vehicle under the influence of alcohol [drugs or a combination of them], the alcohol concentration at the time of the test, as shown by chemical analysis of the defendant's breath, or other body fluids, gives rise to the following statutory inferences:

- (1) If the alcohol concentration was at that time five one-hundredths of one percent or less, it is conclusively presumed that the person was not under the influence of alcohol.
- (2) If the alcohol concentration was at that time in excess of five one-hundredths of one percent but less than eight one-hundredths of one percent, this fact does not give rise to any inference that the person was or was not under the influence of alcohol, but that fact may be considered with other evidence in determining the guilt or innocence of the person.
- (3) If the alcohol concentration was at that time eight one-hundredths of one percent or more, it may be inferred that the defendant was under the influence of alcohol.

The results of any breath analysis test were submitted to you for your consideration. You are not required to accept or believe the results of the test. Any inference created by law which I have just read to you is an inference only. This inference is simply an evidentiary fact to be taken into consideration by you, the jury, along with other evidence in the case, and to be given such weight as the jury determines it should receive when considered with all of the evidence in the case.

_____ **[use if needed] AFFIRMATIVE ASSISTANCE**

South Carolina Law [56-5-2950] provides that:

The person tested or giving samples for testing may have a qualified person of his own choosing conduct additional tests at his expense and must be notified in writing of that right... The arresting officer must provide affirmative assistance to the person to contact a qualified person to conduct and obtain additional tests.

The person tested or giving samples for testing may have a backup test. If a person tested requests a blood test, the arresting officer is required to provide affirmative assistance promptly in obtaining a blood test. Affirmative assistance, at a minimum, includes providing transportation for the person to the nearest medical facility which provides blood tests to determine a person's alcohol concentration.

The initiative rests with the person who has been charged with driving under the influence and not with the arresting officer. The arresting officer need only provide affirmative assistance to the person if there is a request for assistance to conduct additional tests.

If you find that the arresting officer did not provide affirmative assistance to the defendant as I have described that duty to you as required by statute, then the results of any breathalyzer test given to the defendant shall be disregarded and not afforded any evidentiary weight or value. If you find that the arresting officer did provide affirmative assistance to the defendant to conduct additional tests at the defendant's expense and did take the defendant to a qualified person for conducting such additional tests, OR that the defendant did not make a request after being notified of such right or that the defendant waived such right, then you may accord any breathalyzer results such evidentiary weight and value as you determine taking into consideration the statutory provisions in regard to chemical analysis that I have previously charged to you and my charge pertaining to such provisions.

In regard to any waiver of this right, the person must know of such right and then knowingly and voluntarily relinquish or give up such right.

_____ [Optional] Even where it has been shown that affirmative assistance was provided by the arresting officer to the person being tested, if this assistance was subsequently negated by acts of law enforcement personnel, then, in that event, the breathalyzer test result cannot be considered by you, the jury.

Breathalyzer Foundation: State v. Parker 2455 E.2d.904 (1978)

Checklist for Judge

Prima Facie -

- (1) Machine was in proper working order at time of test,
- (2) Correct chemicals were used,
- (3) Accused not allowed to put anything in mouth for 20 minutes prior to test,
- (4) Test administered by qualified person in proper manner.
- (5) Advised of rights concerning breathalyzer.

Notes:

The State has now moved to the Datamaster machine. Based on an opinion of the Supreme Court, it appears that *Parker* is still applicable. See, *State v. Huntley*, 349 S.C. 1, 562 S.E.2d 472 (S.C. 2002). However, while *Parker* required the proper foundation to be met prior to admissibility of the test results, *Huntley* suggests that may not always be the case. *Huntley* now opens the door to whether, based on the record established, the results may be admitted and that some foundational problems may be questions of the weight of the evidence as opposed to the admissibility of the evidence.

On another note - one problem to be watched is that it has been asserted that the Datamaster does not use chemicals to actually test breath for the presence of alcohol. Instead, the machine utilizes principles of infrared absorption.

____[use if needed] REFUSAL OF BREATHALYZER TEST

A person may refuse to take the breath-alcohol test when it is offered to that person under lawful conditions. It is the right of the person to so refuse; but is also the right of the state to prove to you, through proper testimony, that the person did refuse. You may give whatever weight you wish to any refusal [____if you find such refusal to exist], in your deliberations as to the defendant's innocence or guilt, keeping in mind that a defendant is never required to produce evidence or prove innocence; rather, the burden always remains with the State to prove a defendant's guilt beyond a reasonable doubt.

_____Now, although a person may refuse to take the breathalyzer test, if a person does refuse, then that person's driver's license will be suspended for a period of ninety days; this suspension will occur even if the person is not convicted at trial.

____[use if requested] HGN test

Now, a Horizontal Gaze Nystagmus (HGN) test involves watching a person's eyeballs when an object is gradually moved out of the suspect's vision to detect involuntary movement of the eyeball. This testing procedure is not conclusive proof of driving under the influence or determinative of a specific degree of blood alcohol content, but rather is simply one piece of evidence to be given whatever consideration you desire along with all the other evidence in the case in determining the guilt or innocence of the defendant.

State v. Sullivan, 310 S.C. 311, 426 S.E.2d 766 (1993)

**SUGGESTED ADDITIONAL CHARGE FOR DRIVING WITH AN UNLAWFUL ALCOHOL
CONCENTRATION
(DUI PER SE) - § 56-5-2933**

The defendant is charged with driving with an unlawful alcohol concentration. The State must prove that the defendant was driving a motor vehicle in this State with a blood alcohol concentration of eight one-hundredths of one percent or more.

**H.
Forfeiture of Bail Posted**

1. Forfeiture of Bail Posted

S.C. Code Ann. § 56-5-6220 provides in part that, "...the entry of any plea of guilty, the forfeiture of any bail posted or the entry of a plea of nolo contendere for a violation of the traffic laws of this State...shall have the same effect as a conviction after trial...". This section further provides that a traffic offender may not be forced to trial in less than 10 days following the date of arrest. When the Uniform Traffic Ticket is issued in the form prescribed by S.C. Code Ann. § 56-7-10, the date of trial before the magistrate must be shown as no less than 10 days following the date of arrest.

In counting days under S.C. Code Ann. § 56-5-6220, the count starts on the day following the arrest. For example, when the arrest is on the 3rd of the month, the count would begin on the 4th. The 10th day would fall on the 13th day of the month so, the 13th would be the earliest day on which the case could be set for trial. When the 10th day falls on Sunday, it would then be set on the Monday following. Sundays are counted when they fall on 1st through the 9th days, but not when they fall on the 10th day. (Rule 6(A) SCRPC.)

And offender may lawfully forfeit bail, enter a plea, or be tried before the 10th day if he consents to the earlier date.

Rule of Thumb

1. Date of trial shown on the Uniform Traffic Ticket should never be less than ten (10) days following the date of arrest. When the 10th day falls on Sunday, the trial date would be no sooner than the 11th day.

2. When an offender volunteers to have his case disposed of earlier than the 10th day, it would be a good idea to have some signed statement to that effect on the back of the ticket.

Example:

"I consent to (bond forfeiture) (trial) (entry of plea of guilty) on this charge on the _____ day of _____, 20____."

(Offender's Signature)

I.
Parking Lot Jurisdiction

1. Parking Lot Jurisdiction

S.C. Code Ann. § 23-1-15 gives law enforcement officers authority to enforce all traffic laws on parking lots open to use by the public, even though such lots are privately owned. Before such authority may be exercised, the parking lot must be posted "with appropriate signs to inform the public that the area is subject to police jurisdiction with regard to unlawful operation of motor vehicles."

Both State traffic laws and municipal ordinances (when the area is in the city or town) may be enforced under S.C. Code Ann. § 23-1-15, which reads:

Any real property which is used as a parking lot and is open to use by the public for motor vehicle traffic shall be within the police jurisdiction with regard to the unlawful operation of motor vehicles in such parking lot.

Such parking lots shall be posted with appropriate signs to inform the public that the area is subject to police jurisdiction with regard to unlawful operation of motor vehicles. The extension of police jurisdiction to such areas shall not be effective until the signs are posted.

In any such area, the law enforcement agency concerned shall have the authority to enforce all laws or ordinances relating to the unlawful operation of motor vehicles which such agency has with regard to public streets and highways immediately adjoining or connecting to the parking area.

In addition, S.C. Code Ann. § 16-11-760 provides penalties for parking on private property, provided notice prohibiting such parking is posted "in a conspicuous place on the borders of such property". Punishment for this offense is by a fine of not less than twenty-five dollars nor more than one hundred dollars or by imprisonment for a term not exceeding thirty days. This offense may be charged on a uniform traffic ticket.

J.
Previous DUI Charge Pending

1. Previous DUI Charge Pending

S.C. Code Ann. § 56-5-2930 prohibits persons under the influence from driving any vehicle within the State. Many times a defendant will be arrested for driving under the influence and it will be found that a previous charge against him has not been disposed. In these cases magistrates and municipal court judges are often times confused as to the procedure to be followed. The South Carolina Supreme Court in the case of State v. Sarvis, 266 S.C. 15, 221 S.E. 2nd 108 (1975), held that a reasonable delay in bringing a second driving under the influence charge to trial so that disposition of a first charge could be determined was not prejudicial to the defendant.

2. Delay in Trying Second Charge

The language of the Court follows:

Delay in Trying Second Charge

The only request by respondent was that his case be tried in Magistrate's Court. He has not sought a speedy trial in any other court. In view of respondent's prior conviction for a first offense, the Magistrate's Court had no jurisdiction to grant respondent's request. In substance, the contention of respondent is that he was entitled to have the second charge against him tried in Magistrate's Court as a first offense while the appeal from the first offense conviction was pending. If this has been done and respondent had been convicted on the second charge, he would have had two convictions for first offense charges of driving under the influence, since his first conviction was affirmed.

It is apparent that the main cause of delay in disposing of the second charge against the respondent was the appeal from the conviction for the first offense. The delay, resulting from such appeal, in order to determine the appropriate court in which to try the second charge, was reasonable and necessary and deprived respondent of no constitutional right to a speedy trial. Respondent's right to a speedy trial did not give him the right to insist that he be given a speedy trial in a court without jurisdiction to try the offense.

The controlling considerations when dealing with the defendant's right to a speedy trial have been set forth in State v. Foster, 260 S.C. 511, 197 S.E. 2nd 280. One of the most important factors is that of prejudice to the defendant from the delay.

The only prejudice claimed, or found by the lower court, was that by waiting until the appeal from the conviction for the first offense was affirmed by the Court, respondent's second charge was determined absolutely to be a second offense subjecting him to a charge of a higher crime for which the punishment would be more severe. This result is required by the law when a defendant is charged with multiple violations of the statute making it unlawful to drive while under the influence of intoxicants. The fact that for a second violation a defendant is charged with a second offense under the statute is the intent of the law and does not constitute legal prejudice. State v. Sarvis, supra 221 S.E. 2nd at 110.

K.

Collection by Patrolman of Bail Money

1. Collection by Patrolman of Bail Money

S.C. Code Ann. § 56-25-40 provides that a patrolman of the South Carolina Highway Patrol may accept a deposit of money in lieu of taking the arrested person immediately before the proper magistrate or municipal court judge to enter into a formal recognizance. S.C. Code Ann. § 17-15-230 requires a patrolman to accept, in lieu of cash bail or bond, guaranteed arrest bond certificates, in an amount not to exceed \$1,500.00, issued by an automobile club or association. However, these certificates are unacceptable when the offense is driving under the influence of intoxicating liquors or drugs. With the advent of the Non-Resident Violator's Compact (NRVC), the need for the State Highway Patrol to collect bail money has been all but eliminated. See Section "M" of the "Traffic" section for a detailed explanation of the NRVC.

§ 14-1-214 authorizes the payment of fines, fees, assessments, court costs, and surcharges by credit card or debit card. The statute also authorizes the imposition of a fee for processing payment by credit card. Reference should be made to the statute for those individuals from whom payments from credit or debit cards may be refused. If a deposit is made in a case triable in magistrate's court or municipal court, it cannot exceed the maximum fine for the offense for which the defendant is to be tried. (§ 22-5-530.) On December 11, 2003, the Chief Justice issued an Order, Re: Deposits to Summary Court Judge in Lieu of Recognizance. (A copy of this Order may be found in the "Orders" section of the Benchbook.) The Order provides that the ability to immediately release persons charged with a crime is limited by § 16-3-1525(H), which requires notification of the victim of the bond hearing and, if the notification is not given in a timely manner, requires the bond hearing to be delayed for a reasonable time to allow notice. Because of the conflict between the two sections, counties and municipalities that have instituted proceedings pursuant to § 22-5-530 shall provide for individualized hearings in cases where the accused may pose a threat to the public.

Subsequent to the enactment of S.C. Code Ann. § 56-25-40 relating to the collection by a patrolman of bail money, the General Assembly enacted S.C. Code Ann. § 56-5-6220 of the 1976 Code of Laws. This section relates to the entry of a guilty plea, forfeiture of bail posted, or entry of a plea of nolo contendere to have the same effect as conviction after trial. S.C. Code Ann § 56-5-6220 provides that in cases where bail is posted by the defendant with the patrolman, no forfeiture of such bail shall become effective until ten days following the date of arrest.

The Order of Chief Justice Jean Hoefler Toal dated February 8, 2002, requires magistrates and municipal judges to accept bond monies and the trial officer's copies of Uniform Traffic Tickets within seventy-two (72) hours from the date of the alleged violations. At that time, the officer should be issued a receipt listing the amount of bond received with each copy of the traffic ticket. The bail money should then be deposited in the magistrate's bank account for official funds pursuant to the Order of the Chief Justice of the South Carolina Supreme Court dated September 7, 2006.

In a few cases, the patrolman may determine after the deposit of the bail money with the summary court that the case should be nol prossed. In these situations, the magistrate should return to the patrolman, the trial officer's copy and a check for the bond.

On the appointed day of the trial of the case where bail has been posted by the defendant with the officer, and subsequently deposited with the magistrate or municipal court, the case shall be disposed of as provided by law pursuant to S.C. Code Ann. § 56-5-6220. If the defendant is found not guilty, a check for the bond money is returned to the defendant. If the defendant enters a plea of guilty, forfeits

the bail posted enters a plea of nolo contendere, the bail posted is paid over to the county treasurer pursuant to the law. The Order of the Chief Justice dated February 8, 2002, further requires that all uniform traffic tickets shall be certified, or "signed off", at the time of disposition of the case, but, if circumstances warrant, no later than within forty-eight (48) hours of disposition of the case. For detailed direction concerning the proper handling of traffic tickets, see "Signing Off Traffic Tickets" in the MEMORANDUM SECTION of this book.

L.
Common Traffic Violations

1. Generally

Listed below are a number of motor vehicle violations and special statutes relating to such violations that may be commonly encountered by the magistrate and municipal court judge. This list is certainly not a complete citation of all motor vehicle violations. In addition, magistrates and municipal court judges are advised to refer directly to the Code of Laws before attempting to apply any of these statutes.

2. Hazardous Moving Violations

Acquiescing in Racing	56-5-1600
Changes Lanes Unlawfully	56-5-1900
Crossing Median or Other Separation	56-5-1920
Disregarding Stop Sign	56-5-2740
Disregarding Traffic Signal	56-5-950
Right Turn on Red	56-5-970
Driving Left of Center	56-5-1810
Driving Wrong Side Divided Highway	56-5-1920
Driving Under Influence	56-5-2930
Driving Without Lights	56-5-4450
Fail to Dim Headlights	56-5-4780
Fail to Give Proper Signal	56-5-2150
Fail to Yield Right of Way (No Sign)	56-5-2310
Fail to Yield Right of Way (Left Turn)	56-5-2320
Fail to Yield Right of Way (Stop Intersection)	56-5-2330
Fail to Yield Right of Way (At Sign)	56-5-2330(c)
Fail to Yield Right of Way (From off Road)	56-5-2350
Following Too Closely	56-5-1930
Turning Movements and Signals	56-5-2150
House Trailer– Speeding	56-5-1570
Improper Backing	56-5-3810
Improper Passing on Left	56-5-1860
Improper Passing (Yellow Line)	56-5-1890
Improper Turning Around (Curve or Grade)	56-5-2140
Improper Turning (Left or Right)	56-5-2120
Making U Turn Divided Highway	56-5-1920
Minimum Speed Law	56-5-1560
Motor Driven Cycle– Speeding	56-5-1550
Passing Stopped School Bus	56-5-2770
Racing on Public Roads	56-5-1590
Reckless Driving	56-5-2920

Maximum Speed Limit	56-5-1520
Too Fast for Conditions and General Speed Limits	56-5-1520

3. Hazardous Non-Moving Violations

Improper Parking	56-5-2510
Improper Parking (No Park Sign)	56-5-2540
Projecting Load (Length)	56-5-4080
Unlawful Use of Spot Light	56-5-4660

4. Vehicle License Violations

Fail to Display License Plates	56-3-1240
Fail to Transfer Ownership	56-3-1270
False Affidavit (Uninsured Vehicle) (RECODIFIED FROM 56-11-760)	56-10-260
Improper Vehicle License	56-3-1360
Improper Use of Dealer's License	56-3-2320
No Vehicle License	56-3-110
Operating or Allowing Uninsured Vehicle	56-10-270
Registration Cards: Possession and Display	56-3-1250

5. Equipment Violations

Defective Brakes	56-5-4850
Driving Unsafe Vehicle	56-5-4410
Goggles or Face Shield Required (Motorcycle)	56-5-3670
Helmets: Operator and Passenger (Motorcycle)	56-5-3660
Improper Lights (Front)	56-5-4490
Improper Lights (Rear)	56-5-4510
Lights on Other Vehicle	56-5-4650
Limitation on Number Front Lamps	56-5-4820
Muffler Violations	56-5-5020
No Clearance Lights or Reflectors	56-5-4580
No Light or Flag on Projecting Load	56-5-4630
Reflectors on Passenger Cars	56-5-4540
Stop Lamps Required	56-5-4560
Unsafe Equipment	56-5-5310
Violation Vehicle Inspection Law (REPEALED)	56-5-5350

6. Buses, Trucks, Trailers

Failure to Display Fuel Tax Marker (REPEALED)	12-31-640

Empty Weight Stenciled Outside	56-5-4150
No Clearance Lights and Reflectors	56-5-4580
No Light or Flag on Projecting Load	56-5-4630
Over Height	56-5-4060
Over Length	56-5-4070
Over Weight (Axle)	56-5-4130
Over Weight (Gross)	56-5-4140
Over Weight (License)	56-5-4150
Over Width Vehicle	56-5-4030
Projecting Load (Length)	56-5-4080
Spilling Loads	56-5-4100
Warning Devices (Trucks to Carry)	56-5-5060
Warning Devices (When Disabled)	56-5-5090
Poles Dragging on Highway	57-7-80

7. Violations Pertaining to Accidents

Fail to Report Accident (Personal Injury)	56-5-1260
Fail to Report Accident (Property Damage)	56-5-1270
Leaving Scene of Accident (Personal Injury)	56-5-1210
Leaving Scene of Accident (Property Damage)	56-5-1220

8. Driver's License Violations

Altered Driver's License	56-1-510
Borrowing or Lending Driver's License	56-1-510
Child or Ward Operating Motor Vehicle	56-1-490
Driving Under Suspension (Fixed Period)	56-1-460
Driving Under Suspension (SR-22) (REPEALED)	56-9-70
Fail to Surrender Driver's License	56-1-350
False Affidavit (Driver's License)	56-1-510
No Driver's License Issued (THIS IS THE PENALTY SECTION)	56-1-440
No Driver's License in Possession	56-1-190
Violation, Driver's License Restriction	56-1-170

9. Special Sections

Altering or Defacing Traffic Sign	56-5-1030
Chemical Test and Refusal (Breath Alcohol)	56-5-2950
Child Restraint Systems– Use Required	56-5-6410
Conviction Inadmissible in Civil Action	56-5-6160
Damaging Highway	57-7-10
Discharging Fireworks from Motor Vehicle	23-35-120

Disobedience to Traffic Officer	56-5-740
Failure to Stop for Police Vehicle	56-5-750
Handicap Parking	56-3-1970
Obstruction of Hwy. By Railroad Cars, etc.	57-7-240
Parties to a Crime	56-5-6110
Placing Glass, Nails, etc. on Highway	57-7-20
Reports Not to be Used as Evidence in Civil Actions	56-5-1290
Safety Belts	56-5-6520
Signs Permitted on Interstate	57-25-140
Unclaimed Vehicle in Storage to be Reported (Loss of Lien for Failure)	56-19-840
Uniform Traffic Ticket	56-7-10
Unlawful Transportation of Alcoholic Liquors (REPEALED)	61-5-20
Use of Horn	56-5-4960

M.
Non-Resident Violations Compact

1. Generally

Act 461 of 1980 authorized entry of South Carolina into the Non-Resident Violators Compact (NRVC) and its terms became effective in this State on January 1, 1981. The NRVC provides a method for the enforcement of certain traffic violations which were previously unenforceable because the defendant did not post bond, did not appear for trial, and could not be located to be brought to trial or pay the fine.

The effect of the NRVC is that, following the issuance of the uniform traffic ticket for certain moving traffic violations to a person who is licensed in South Carolina, or any other member-jurisdiction, a person who fails to post bond prior to the date of the trial, and fails to appear at the time of trial, will be tried in his absence, and if he is found guilty, his driver's license will be suspended until such time as he pays the fine imposed by the court (or otherwise complies with the final order of the court). This is the basic procedure followed in all NRVC jurisdictions. Therefore, if a New York driver is stopped for speeding in South Carolina, is issued a ticket, does not post bond prior to trial, does not appear for trial, and is found guilty, his driver's license will be suspended until he pays the fine to the South Carolina court which heard the case. The same would be true if a South Carolina driver were issued a traffic ticket in Florida, or any NRVC member-jurisdiction.

The statutory provisions regarding the NRVC are embodied in Chapter 25 of Title 56 of the South Carolina Code. This chapter includes:

1. S.C. Code Ann. § 56-25-10, which authorized South Carolina's entry into the Non-Resident Violators Compact.
2. S.C. Code Ann. § 56-25-20, which authorized the South Carolina Department of Public Safety to suspend the driver's license of any South Carolina driver who fails to comply with the terms of a traffic ticket issued in South Carolina or in any other state which is a member of the NRVC. Such suspension remains in effect until (1) the driver presents evidence to the Department of Public Safety that the terms of the ticket have been complied with, and (2) the driver pays a thirty-dollar reinstatement fee.
3. S.C. Code Ann. § 56-25-30; which authorizes law enforcement officers to allow any South Carolina driver, or a driver licensed in a state which is a member of the NRVC, to proceed on his own recognizance following the issuance of the uniform traffic ticket.
4. S.C. Code Ann. § 56-25-40 (a), which provides that under the following circumstances, a driver may not be released on personal recognizance by the law enforcement officer, to wit:
 - a. if the officer requires the driver to personal appear before a magistrate, recorder, or other judicial officer;
 - b. if the offense is one which alone would result in a suspension or revocation of a person's license or privilege to drive;
 - c. if the offense is a violation of S.C. Code Ann. § 56-1-440 prohibiting the operation of a motor vehicle without a valid driver's license;
 - d. if the offense involves the violation of a highway weight limitation.

NOTE: This statute has special application to South Carolina licensed drivers. The list of offenses not covered by the NRVC procedures is much shorter and less restrictive for South Carolina drivers from

other NRVC member-jurisdictions. The result is that South Carolina drivers may be released on personal recognizance and the NRVC used for offenses such as violations of equipment laws, size limitations, parking laws and laws regarding the transportation of hazardous material. Drivers from other NRVC member-jurisdictions, if ticketed in South Carolina may not be released on personal recognizance and the NRVC may not be used if the offense is in any of the categories listed above [(a) through (d)] or if it is a violation of any of the laws included in this note. (Equipment violations, size limitations, parking laws, transportation of hazardous waste regulations) (Important: See Procedures Under the NRVC.)

5. S.C. Code Ann. § 56-25-40 (b), which creates a new criminal offense of willfully failing to appear in court, as required by the uniform traffic ticket, when the driver has neither posted bond, nor been granted a continuance. The penalty for this misdemeanor is a fine of not more than \$200.00, or imprisonment for not more than 30 days. This offense is separate and distinct from the original traffic violation. A numbered arrest warrant charging S.C. Code Ann. § 56-25-40 (b) failure to appear must be issued and served on the defendant.

2. Procedures Under the NRVC (General)

When a law enforcement officer stops a driver and issues the uniform traffic ticket for a traffic offense, he must first determine whether that person should be taken immediately before a judicial officer or required to post a bond. If, for example, the driver is licensed in a jurisdiction which is not a member of the compact, the officer must collect a bond or take the defendant immediately before a judicial officer. An updated list of the NRVC member-jurisdictions is located on page V-41. Also, for any other reason the officer may exercise his discretion and require a bond or an immediate appearance.

Next, if the officer determines that the driver is licensed by a NRVC member-jurisdiction and that the driver need not post bond or immediately appear before a judicial officer, he must determine whether the violation charged is covered by the NRVC. The list of offenses which are not covered by the NRVC differs according to whether the driver is licensed by the State of South Carolina, or by another compact member-jurisdiction.

Type of Citation Generally Covered (S.C. and all compact members):

- Moving traffic violations which of themselves do not carry suspension or revocation

Type of Citation NOT Covered (S.C. and all compact members):

- Moving traffic violations which alone carry suspension or revocation of license
- Driving without a valid driver's license
- Highway weight limitation violations

Type of Citation NOT Covered (All compact members except S.C.):

- Other offenses which mandate personal appearance
- Equipment violations
- Inspection violations
- Size and weight violations

- Parking violations
- Transportation of hazardous material violations

These offenses which are not covered by the NRVC are handled in the same manner in which they have been in the past, i.e., a "roadside bond" is collected or the driver is immediately taken before a judicial officer.

Upon a determination by the officer that a court appearance is not necessary, or that a "roadside bond" need not be collected, the motorist who is given the citation must: (1) be informed of the terms of the NRVC, (2) agree to abide by the terms of the citation, and (3) be allowed to proceed on his own recognizance. However, should the driver desire to post his bond with the officer, the officer may accept the money.

If the motorist either voluntarily posts bond with the officer, or sends his bond to the trial court prior to trial, the NRVC procedure is never needed. Non-compliance with the terms of the citation will activate the NRVC procedures.

S.C. Code Ann. § 56-25-20 provides that within twelve (12) months from the date a citation was issued, a court must notify the Department of Public Safety that a defendant is a resident of a NRVC member-jurisdiction, the Department of Public Safety must notify the defendant's home jurisdiction of his failure to comply with the terms of a citation. Upon being so notified, the home jurisdiction will begin procedures to suspend the driver's license of that defendant.

If, at any time, the defendant pays the fine imposed by the court, the court will issue a receipt to him which will constitute proof of his compliance with the terms of the traffic citation. If the license suspension procedure has already begun, the defendant must present that receipt to the proper authorities in his home jurisdiction (Department of Public Safety, in South Carolina) in order to have his license and driving privileges reinstated. Should the defendant fail to pay his fine, even after his license has been suspended, the suspension will continue indefinitely, until he can present proof of compliance.

3. Procedural Guidelines for Administering the NRVC

1. Citation is issued to member-jurisdiction driver South Carolina, or any other member-jurisdiction.
2. In most cases, the driver is allowed to continue without posting bond. Exceptions: driving under the influence, reckless homicide, and other major violations. The officer has discretion as to whether a courtesy summons will be issued.
3. If the driver posts bond prior to trial, or appears at trial date, or requests a jury trial or continuance, proceed as usual and NRVC does not apply.
4. If bond is not posted, or other arrangements made for trial on the trial date, the defendant is tried in his absence, and if found guilty, Form 100 is prepared and defendant's copy (white copy) is mailed to the defendant.
5. The traffic summons and remaining copies of Form 100 are placed in the calendar file at least fifteen (15) days past the trial date.
6. If the defendant responds to Form 100 within fifteen (15) days from the date it is mailed, then the yellow and blue copies of Form 100 are destroyed, and this ends the NRVC involvement. The pink Court Record copy of Form 100 should be attached to traffic summons as a permanent record of payment. Standard receipt should also be filled out.
7. If a defendant fails to respond within fifteen (15) days from the date of mailing, the judge should forward the yellow copy of Form 100 (#2 labeled "Home Jurisdiction Copy") to the South Carolina Department of Public Safety within twelve (12) months

from the date of issuance. If the judge fails to send Form 100 within the required twelve (12) months, the Department will be unable to forward it to the home jurisdiction, or in the case of a South Carolina driver, unable to suspend his driving privilege.

8. A. If an out-of-state driver is involved, the Department of Public Safety forwards Form 100 (yellow copy) to the home jurisdiction, which will take administrative action against the driver.
B. If a South Carolina driver is involved, the Department will notify the individual that his privilege to drive has been suspended, and will remain so suspended until the citation is cleared with the court.
9. Upon defendant complying with the citation, the top portion of Form 100 (blue and pink copies) is completed, along with the judge's receipt. The blue copy of Form 100 and the white copy of the receipt are forwarded to the defendant. The defendant is responsible for presenting the blue copy to his home jurisdiction (i.e. the state which issued his drivers license) for purpose of withdrawing the suspension.
10. The pink copy of Form 100 is retained by the judge for court records.

4. Member of NRVC Compact

MEMBER OF NRVC COMPACT

STATES	YES	NO	STATES	YES	NO
Alabama	X		Montana		X
Alaska		X	Nebraska	X	
Arizona	X		Nevada	X	
Arkansas	X		New Hampshire	X	
California		X	New Jersey	X	
Colorado	X		New Mexico	X	
Connecticut	X		New York	X	
Delaware	X		North Carolina	X	
District of Columbia	X		North Dakota	X	
Florida	X		Ohio	X	
Georgia	X		Oklahoma	X	
Hawaii	X		Oregon		X
Idaho	X		Pennsylvania	X	
Illinois	X		Rhode Island	X	
Indiana	X		South Carolina	X	
Iowa	X		South Dakota	X	
Kansas	X		Tennessee	X	
Kentucky	X		Texas	X	
Louisiana	X		Utah	X	
Maine	X		Vermont	X	
Maryland	X		Virginia	X	
Massachusetts	X		Washington	X	
Michigan		X	West Virginia	X	
Minnesota	X		Wisconsin		X
Mississippi	X		Wyoming	X	

Missouri	X				
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5. Traffic Ticket

UNIFORM TRAFFIC TICKET
FROM HIGHWAY PATROL TRAINING MANUEL CHAPTER 5
INSTRUCTIONS FOR COMPLETION OF UNIFORM TRAFFIC TICKET

SHADED AREAS OF TICKET ARE AREAS THAT NO CORRECTIONS ARE PERMITTED

Form 428
Rev 10-23

SOUTH CAROLINA STATE HIGHWAY PATROL UNIFORM TRAFFIC TICKET

STATE OF SOUTH CAROLINA VERSUS
 FIRST NAME _____ MIDDLE NAME _____ LAST NAME _____

STREET AND NO. _____ CITY _____ STATE _____

STATE LICENSED _____ DRIVER'S LICENSE NO. _____ DRI. LIC. CLASS _____

VEH. LIC. NO. _____ STATE _____ MAKE OF VEH _____ YEAR _____ COMM VEH | AUTO | TRUCK | CCMB.
 HAZ. MT. | MCPED | MTRCYCL | OTHER _____

YOU ARE SUMMONED TO APPEAR BEFORE THE TRIAL OFFICER

NAME OF TRIAL OFFICER _____ STREET AND NO. _____

DATE OF TRIAL _____ 19____ TIME OF TRIAL _____ CITY _____ STATE _____ ZIP CODE _____

VIOLATION - COURT APPEARANCE REQUIRED YES NO VIOLATION SECTION NO. _____

OWNER OF VEHICLE _____ DATE OF ARREST _____ 19____

ADDRESS OF OWNER _____ DATE OF VIOLATION _____ 19____

BAIL DEPOSITED _____ NAME OF ARRESTING OFFICER _____ RANK _____

DESCRIPTION OF ACCUSED
 RACE _____ SEX _____ BIRTH DATE _____ 19____ HT. _____ HAIR _____ WT. _____ EYES _____ COUNTY _____ NUMBER _____

DATE BAIL RECD. _____ BY _____ BADGE _____ DISTRICT _____ 19____

CASE BEFORE
 MAGISTRATE MUN. COURT
 CIRCUIT COURT FAMILY COURT FEDERAL COURT

NAME OF TRIAL OFFICER IF DIFFERENT FROM ABOVE _____ TIME OF VIOLATION _____ WEATHER _____
 A.M.-1
 P.M.-2

DEFENDANT: DID NOT APPEAR APPEARED

DISPOSITION
 FORFEITED BOND PLED: NOLO CONTENDERE

TRIAL BY: TRIAL OFFICER JURY

VERDICT OF: GUILTY DATE OF TRIAL IF ANY, _____ MILES _____ N | E | S | W

DOCKET NO.

GUILTY PLEA WITH REDUCED POINTS

Form 438
Rev. 10-88

SOUTH CAROLINA STATE HIGHWAY PATROL
UNIFORM TRAFFIC TICKET **OVER**

STATE OF SOUTH CAROLINA VERSUS
FIRST NAME _____ MIDDLE NAME _____ LAST NAME _____

STREET AND NO. _____ CITY _____ STATE _____

STATE LICENSED _____ DRIVER'S LICENSE NO. _____ DR. LIC. CLASS _____

VEH. LIC. NO. _____ STATE _____ MAKE OF VEH _____ YEAR _____
 COMM VEH _____ AUTO _____ TRUCK _____ COMB. _____
 HAZ. MT. _____ MOPED _____ MTRCYCL. _____ OTHER _____

YOU ARE SUMMONED TO APPEAR BEFORE THE TRIAL OFFICER

NAME OF TRIAL OFFICER _____ STREET AND NO. _____

DATE OF TRIAL _____ TIME OF TRIAL _____ CITY _____ STATE _____ ZIP CODE _____
 19

VIOLATION - COURT APPEARANCE REQUIRED YES NO _____ VIOLATION SECTION NO. _____

OWNER OF VEHICLE _____ DATE OF ARREST _____

ADDRESS OF OWNER _____ DATE OF VIOLATION _____

BAIL DEPOSITED _____ NAME OF ARRESTING OFFICER _____ RANK _____

RACE	SEX	DESCRIPTION OF ACCUSED				COUNTY		NUMBER
		BIRTH DATE	HT.	HAIR	WT.	EYES		
		19						

DATE BAIL REC'D	BY	BADGE	DISTRICT
19			

CASE BEFORE
 MAGISTRATE MUN. COURT
 CIRCUIT COURT FAMILY COURT FEDERAL COURT

NAME OF TRIAL OFFICER F DIFFERENT FROM ABOVE _____
 DEFENDANT: DID NOT APPEAR APPEARED

DISPOSITION
 GUILTY
 FORFEITED BOND PLED: NOLO CONTENDERE

TRIAL BY: TRIAL OFFICER JURY

VERDICT OF TRIAL IF ANY
 GUILTY NOT GUILTY DATE OF TRIAL IF ANY _____ MILES _____
 19 9 09

DOCKET NO.

DAY	S	M	T	W	T	F	S
	1	2	3	4	5	6	7
TIME OF VIOLATION		WEATHER					
A.M.-1							
P.M.-2							
I	U	P	S	O	HWY. NO.		
1	2	3	4	5			
MILES		N		E		S	
		-		-		-	

The word "OVER" will be printed on the right top corner of the tickets if a point reduction is necessary.

The reverse side of all tickets would reflect the following statement:

(SPEEDS MAY DIFFER)

THIS SUBJECT FOUND GUILTY OF
SPEEDING 64 IN 55 ZONE.
MAGISTRATE: /s/ JUDGE SMITH

EXHIBIT B

TABLE VS7-1
LIST OF VIOLATIONS THAT ARE USED TO SUSPEND FOR FTPTT
(Failure to Pay Traffic Tickets)

500 - IMPROPER START	548 - DRIVING IN SAFETY ZONE
501 - INSPECTION LAW	549 - NEGLIGENT/CARELESS OPERATION
502 - NO PROOF OF OWNERSHIP	550 - NO SIGNAL/IMPROPER SIGNAL
503 - CHILD RESTRAINT LAW	552 - DEFECTIVE BRAKES
504 - FAILURE TO CHANGE ADDRESS/NAME	553 - OPEN CONTAINER
506 - FAIL TO REPORT ACCIDENT	554 - FAILURE TO SURRENDER SUSP TAGS
507 - IMPROPER, EXPIRED, OR NO TAGS	555 - VIOLATION OF LIQUOR LAW
508 - REST HOUR VIOLATION	556 - DISREGARD RAILROAD BARRIER
509 - SEATBELT VIOLATION	557 - FUEL TAX MARKER
510 - IMPROPER USE OF DEALER TAG	558 - TINTED WINDOW VIOLATION
511 - INVOLUNTARY MANSLAUGHTER	559 - ALTER, DEFACE SIGNS OR SIGNAL
512 - RECKLESS HOMICIDE	561 - RECKLESS DRIVING
513 - BLOCKING INTERSECTION/LANE	562 - PASS STOPPED SCHOOL BUS
514 - EXCESSIVE NOISE	563 - HIT - RUN PROPERTY DAMAGE
515 - DIGGING OUT, SPINNING TIRES	564 - SPEEDING – 25 MPH AND OVER
516 - UNSAFE, PROPER LOAD	566 - OPER VEH WITHOUT OWNER CONSENT
517 - OPER/ALLOW OPERATION UNINS VEH	567 - LEND/BORROW DRIVERS LIC
518 - FAILURE TO STOP – BLUE LIGHT	568 - FALSE AFFIDAVIT – DR LIC
519 - FALSE INSUR CERTIFICATE	569 - NO DRIVERS LICENSE
520 - ACQUIESCING IN RACING	570 - ALLOW UNLICENSED DRIVER
521 - SPEEDING – 10 MPH AND UNDER	571 - FELONY-MOTOR VEHICLE
522 - IMPROPER LANE SHIFT	572 - THEFT/UNLAWFUL TAKING OF VEH.
523 – IMPROPER PARKING	573 - TOO FAST COND. 10 MPH OR LESS
524 - FOLLOWING TOO CLOSELY	574 - TOO FAST COND. 10 MPH/GREATER
525 - FAILURE TO DIM LIGHTS	575 - DEFECTIVE TAILLIGHT
526 - IMPROPER LIGHTS	576 - MISREPRESENTATION OF IDENTITY
527 - IMPROPER BACKING	579 - SAFETY RULE VIOLATION
528 - OPERATING UNSAFE VEHICLE	582 - OTHER MOVING VIOLATION
529 - DRIVING IN WRONG LANE	583 - EXCESS HGT, LGH, WDT, WT
530 - DRIVING OFF ROADWAY	584 - CUTTING CORNERS
531 - FAILURE TO TRANSFER OWNERSHIP	585 - LOG BOOK VIOLATION
532 - NO FLAG IN PROJECTED LOAD	586 - DISORDERLY CONDUCT
533 - CARELESS OPERATION	587 - DRIVING LICENSE VIOLATION
534 - FAILURE TO DISPLAY LICENSE	588 - TRAFFIC/LITTER ON HIGHWAY (this description reads: LITTERING VIOLATION in the DMV system)
535 - MUFFLER VIOLATION	
536 - SPILLING LOAD	589 - VEHICLE LICENSE VIOLATION
537 - CROSSING MEDIAN	590 - NA
538 - FAILURE TO REGISTER VEHICLE	591 - TRANS WHISKEY ILLEGALLY
539 - NO REGISTRATION POSSESSION	592 - FAULTY EQUIPMENT
540 - NO HELMET	593 - NA
541 - SPEEDING – OVER 10 MPH	594 - IMPROPER STOPPING
542 - DISREGARD SIGN OR SIGNAL	595 - FELONY-DUI
543 - DISOBEDIENCE OF OFFICER	596 - DRIVING UNDER SUSPENSION
544 - NO RIGHT OF WAY	597 - MINIMUM SPEED LAW
545 - WRONG SIDE OF ROAD	598 - RACING ON HIGHWAY
546 - PASSING UNLAWFULLY	599 - DRIVING UNDER INFLUENCE
547 - TURNING UNLAWFULLY	

EXHIBIT C

STATE OF SOUTH CAROLINA



NOTICE OF SUSPENSION

(FAILURE TO RESPOND TO CITATION, APPEAR IN COURT, OR PAY FINE)
 THE DEFENDANT HAS FAILED TO RESPOND TO A CITATION OR PAY A FINE FOR THE VIOLATION DESCRIBED HEREIN WITHIN THE PRESCRIBED TIME LIMIT. INITIATE ACTION TO SUSPEND THE DEFENDANTS DRIVER'S LICENSE IN ACCORDANCE WITH THE LAWS OF THIS STATE OR THE PROVISIONS OF THE NONRESIDENT VIOLATOR COMPACT.

CITATION NO.		DATE OF VIOLATION	LOCATION OF VIOLATION		DOCKET NO.	SECTION VIOLATED	
DESCRIPTION OF VIOLATION				FINE AND COSTS	TRIAL DATE		
DRIVER'S LICENSE NO.		STATE	DATE OF BIRTH		NAME OF COURT		
NAME LAST	FIRST	MIDDLE	SEX	COURT INFO	MAILING ADDRESS		
STREET ADDRESS					CITY	STATE	ZIP CODE
CITY		STATE	ZIP CODE		TELEPHONE	AREA CODE () NUMBER	
REGIS.(TAG) NO.	STATE	YEAR	MAKE		MODEL	AUTHORIZED BY	DATE

FORM DL-53 (REVISED 02-05)

#2 HOME JURISDICTION COPY

MAIL THIS COPY TO:

**S.C. DEPT. OF PUBLIC SAFETY
 DRIVER'S RECORDS
 BOX 1498
 BLYTHEWOOD, S.C. 29016-1498**

EXHIBIT D

South Carolina Court Administration

South Carolina Supreme Court Columbia, South Carolina

TONNYA K. KOHN
INTERIM DIRECTOR

ROBERT L. MCCURDY
ASSISTANT DIRECTOR

1220 SENATE STREET, SUITE 200
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1800
FAX: (803) 734-1355
EMAIL: rmccurdy@sccourts.org

MEMORANDUM

TO: Summary Court Judges and Staff

FROM: Renee Lipson, Staff Attorney

Subject: Procedures for Disposition of UTTs/Warrants and the Right to Counsel

DATE: March 14, 2018

Below is an outline of the procedures discussed at the Mandatory Program on November 1st, 2017. These procedures are in accordance with Chief Justice Beatty's September 15th, 2017 memorandum regarding sentencing unrepresented defendants to imprisonment. That memorandum is attached for your reference. Also attached are the following updated or created forms to be used with this process, as well as the Chief Justice's Orders of approval of the forms:

- SCCA/507A - Checklist for Magistrates and Municipal Judges
- SCCA/507B - Information Regarding Your Rights
- SCCA/519 - Summary Court Summons
- SCCA/520 - Notice of Trial in Absentia
- SCCA/521 - Notice of Defendant's Rights
- SCCA/522 - Bench Warrant after Trial in Absentia
- SCCA/523 - Bench Warrant after Failure to Appear

The procedures below are solely for defendants that are unrepresented by counsel and fail to appear on their court dates. If the defendant appears, they can be represented by counsel or the court may obtain a valid waiver of the right to counsel on the record. If a defendant appears in court with counsel, or waives their right to counsel, and is convicted, the defendant may be sentenced as prescribed by the charge convicted of, to include imprisonment if applicable.

For those courts who are on the S.C. Judicial Department's Case Management System, please note CMS will provide specific instructions on the business processing of trials in absentia upon the system's update, which is scheduled to be available for those courts on CMS by April 11, 2018. Please use the attached forms until the documents are implemented into CMS. For those courts that are not on CMS, please provide this memorandum and forms to your case management provider for implementation into their case management systems.

Regular Traffic Offenses (NRVC eligible) - if the Defendant fails to appear on his court date:

1. If the citation has been paid in full before the court date
 - a. Case is disposed as Forfeit Bond
 - b. Case is reported to DMV at the end of the day and reported to SLED at the end of the month
2. If the citation has not been paid before the court date
 - a. Trial in absentia
 - i. REMINDER: State must still prove case. Defendant is not to be automatically found guilty solely because he did not come to court.
 - ii. Defendant must have had notice of court date and that it would go forward without his presence (information on UTT)
 - b. If Defendant is found guilty, case is disposed as TIA Guilty Bench Trial
 - c. If Defendant is found not guilty, case is disposed as usual
 - d. Case is reported to DMV at the end of the day

- e. Court generates NRVC and mails to Defendant
 - i. Defendant pays NRVC before court sends the NRVC to DMV
 1. Case is reported to SLED at the end of the month
 - ii. If Defendant does not pay, court sends NRVC to DMV and case is reported to SLED at the end of the month
 1. Defendant pays and court gives Defendant copy for DMV
 2. Defendant does not pay and DMV suspends license
 - a. Defendant then pays and court gives Defendant copy for DMV

Field Booking/Field Arrest - if the Defendant fails to appear on his court date:

1. Field Booking/Field Arrest
 - a. Defendant is issued ticket and told to come to court on a specific day
 - b. Defendant did not have a bond hearing
 - c. If Defendant does not appear, court can TIA defendant, but the sentence can only be a fine. No jail, no suspended sentence.
 - i. If the court is not willing to do fine only, Defendant MUST be rescheduled for another court date and informed of his right to counsel. Not TIA.
2. Trial in Absentia
 - a. REMINDER: State must still prove case. Defendant is not to be automatically found guilty solely because he did not come to court.
 - b. Defendant must have had notice of court date and that it would go forward without his presence (information on UTT)
 - c. If Defendant is found not guilty, case is disposed as usual
 - d. If Defendant is found guilty, case is disposed as TIA. Disposition is sent to DMV and SLED.
 - i. Defendant notified of TIA via court Notice of Trial in Absentia
 - ii. Case appears on public index as TIA - fine amount will be visible on public index
 - iii. Defendant can pay online, in person, or mail - case is complete.
 - e. After Conviction at TIA
 - i. Defendant can request a post-trial hearing on the merits of the case, the amount of the fine, and his right to STP.
 - ii. Notice of Trial in Absentia (SCCA/520) will inform the Defendant of these rights.
 - iii. Defendant must contact the court to arrange a hearing to establish a payment plan.
 - iv. Defendant will not be arrested or required to pay anything at this hearing.
 - f. Scheduled Time Payments (STP) - §17-25-350
 - i. In any offense carrying a fine or imprisonment, the judge or magistrate hearing the case **shall**, upon a decision of guilty of the accused being determined and it being established that he is indigent at that time, set up a **reasonable** payment schedule for the payment of such fine, taking into consideration the income, dependents and necessities of life of the individual.
 - ii. Such payments shall be made to the magistrate or clerk of court as the case may be until such fine is paid in full.
 - iii. Failure to comply with the payment schedule shall constitute contempt of court; however, imprisonment for contempt may not exceed the amount of time of the original sentence, and where part of the fine has been paid the imprisonment cannot exceed the remaining pro rata portion of the sentence. **NOT APPLICABLE IN THIS SITUATION - THERE IS NO UNDERLYING JAIL TIME** .
 - iv. No person found to be indigent shall be imprisoned because of inability to pay the fine in full at the time of conviction.
 - v. Entitlement to free counsel shall not be determinative as to defendant's indigency.
 - g. Remedy for Nonpayment
 - i. Not imprisonment! No issuance of a bench warrant or rule to show cause!
 - ii. Refer the matter to the Department of Revenue/Set Off Debt.
 - iii. Conversion of unpaid criminal fines, surcharges, assessments, costs, fees, and/or restitution to a civil judgment within one year of the imposition of sentence - §17-25-323(C)
 1. Applicable to both magistrate and municipal courts
 2. Procedure in the memos section of the Bench Book (Memo dated November 18, 2013)
 - h. This procedure applies to:
 - i. UTTs where Defendant was not taken into custody and did not have a bond hearing
 - ii. Zoning violations
 - iii. Animal control
 - iv. City/county ordinance summonses
 - v. Courtesy summonses
 - vi. If you want to incarcerate a Defendant in one of the above situations, he must be rescheduled and informed of his right to counsel. No TIA unless Defendant has waived counsel by conduct or affirmative waiver.

Custodial Arrests if the Defendant fails to appear on his court date:

1. Main Issue
 - a. Defendants cannot be sentenced to jail time without being appointed, or waiving, counsel.
 - i. This procedure may provide the possibility of the defendant waiving his right to counsel.

2. Bond Hearing
 - a. The Bond Checklist (SCCA/507A) has been updated
 - i. After the judge goes through the checklist with the Defendant, the Defendant will acknowledge receiving his rights by initialing the designated areas on the checklist and signing the document.
 1. If the Defendant refuses to initial and sign the checklist, the bonding judge should so indicate on the document, but it would still be considered that the defendant received his right to counsel.
 - b. If indigent, Defendant shall be given instructions on how to apply for counsel
 - c. Defendant will be given trial date
 - d. Defendant will be given new form "Information Regarding Your Rights" (SCCA/507B)
 - e. All forms direct that as a condition of bond the Defendant is required to update the court of any change of address
- Trial Date - Defendant fails to appear
- a. Options
 - i. Reschedule
 - ii. Bench warrant for bond violation (§17-15-40)
- b. Reschedule
 - i. Preferred method
 1. Policy underlying the Chief Justice's September 15, 2017 memo is to keep people out of jail unless their right to counsel is honored or waived.
 - ii. Defendant is sent the Summary Court Summons to Reschedule (SCCA/519) and Notice of Defendant's Rights (SCCA/521)
 - iii. Summons and the enclosure informs Defendant of possible TIA and waiver of right to counsel
 - iv. Gives Defendant new court date
 - v. Can also be used in the Field Arrest procedure
- c. Bench Warrant for Bond Violation (SCCA/523)
 - i. To be used in the judge's discretion
 1. Consider whether Defendant is a danger to the community and/or if the charge carries a mandatory jail sentence
 2. Policy underlying the Chief Justice's September 15, 2017 memo is to keep people out of jail unless their right to counsel is honored or waived.
 3. To be used sparingly - not meant to be the primary means of getting Defendant into court if he misses his first court date
 - ii. Issue for bond violation for failure to appear, not the underlying offense
 - iii. Notify surety if applicable (§38-53-70)
 - iv. Bench warrant states Defendant is to be brought before the judge within a reasonable time
 1. Sole purpose of the bench warrant is to direct law enforcement to bring the Defendant before the issuing court ASAP
 - v. Bench warrant will be amended to no longer contain any disposition/sentence
 - vi. Bench warrant is not a jail commitment
- d. When Defendant is Picked Up on Bench Warrant for Failure to Appear
 - i. If trial court is in session, take Defendant before that judge
 1. If not, bring Defendant before bond judge within 24 hours of arrest
 - ii. At hearing:
 1. Inform Defendant of indigent right to counsel
 2. Renew constitutional rights
 3. Personally serve Defendant with summons with new trial date
 - a. Coordinate with trial court to determine trial date - can be done through phone calls or email
 4. Release on original bond if possible
- e. Second Failure to Appear
 - i. If Defendant fails to appear a second time, TIA
 1. Judge must determine on the record if:
 - a. Defendant received proper notice of trial's time and place,
 - b. Defendant was warned trial would proceed in his absence, AND
 - c. Defendant waived his right to counsel by conduct
 2. REMINDER: State must still prove case. Defendant is not to be automatically found guilty solely because he did not come to court.
 3. If Defendant is found guilty, seal the sentence
 - a. No sentence is issued orally on the record.
 - b. Sealed sentence is required by law. It is not opened until Defendant is brought before the court.
 4. No sentence or money appears on the public index.
- f. Sealed Sentence
 - i. Notify Defendant of TIA and the existence of the sealed sentence by mail. Defendant will have to appear before the court to have sentence unsealed. OR
 - ii. Issue bench warrant to have Defendant brought before the court for opening of sealed sentence. (SCCA/522)
- g. State v. Smith, 276 S.C. 494, 280 S.E.2d 200 (1981)
 - i. A sealed sentence does not become the judgment of the court until it is opened and read to the defendant.
 - ii. Judge that opens the sentence is the sentencing judge under the law

- iii. The authority to change a sentence rests solely and exclusively in the hands of the sentencing judge within the exercise of his discretion.
 - iv. It is an equal abuse of discretion to refuse to exercise discretionary authority when it is warranted as it is to exercise the discretion improperly.
 - v. The mere recital of the discretionary decision is not sufficient to bring into operation a determination that discretion was exercised.
 - 1. It should be stated on what basis the discretion was exercised.
- Notification of Sealed Sentence by Mail
 - i. Defendant calls and sets up date for sentencing hearing
 - ii. State and Victim must be notified of date of hearing
 - iii. Sentence is opened/unsealed
 - When Defendant is Picked Up on Bench Warrant for Sentencing
 - i. If trial court is in session, take Defendant before that judge.
 - 1. If not, bring Defendant before bond judge within 24 hours of arrest - opening of sentence may be delayed a reasonable amount of time to notify state and allow Victim to attend court
 - ii. Open/unseal sentence
 - iii. IMPORTANT: If there is a victim in the case, victims' rights statutes must be complied with. Victim must be notified and has a right to be present.

Sentencing Considerations

1. To be used in all types of cases where a fine is imposed - field arrests and custodial arrests
2. §22-3-800 Suspension of Imposition or Execution of Sentence in Certain Cases
 - a. Notwithstanding the limitations of §17-25-100 and §24-21-410, after a conviction or plea for an offense within a magistrate's jurisdiction the magistrate at the time of sentence may suspend the imposition or execution of a sentence upon terms and conditions the magistrate considers appropriate, including imposing or suspending up to 100 hours of community service, except where the amount of community service is established otherwise (examples: littering and DUI)
 - b. The magistrate shall not order community service in lieu of a sentence for offenses under Title 50, for offenses under §34-11-90, or for an offense of driving under suspension pursuant to §56-1-460 when the person's driver's license was suspended pursuant to the provisions of §56-5-2990.
 - c. The magistrate must keep records on the community service hours ordered and served for each sentence.
 - d. However, after a conviction or plea for drawing and uttering a fraudulent check or other instrument in violation of §34-11-60 within the magistrate's jurisdiction, at the time of sentence the magistrate may suspend the imposition or execution of a sentence only upon a showing of satisfactory proof of restitution.
 - e. When a minimum sentence is provided for by statute, except in §34-11-90, the magistrate may not suspend that sentence below the minimum sentence provided, and penalties under Title 50 may not be suspended to an amount less than \$25 unless the minimum penalty is a fine of less than that amount.
 - f. Nothing in this section may be construed to authorize or empower a magistrate to suspend a specific suspension of a right or privilege imposed under a statutory administrative penalty.
 - g. Nothing in this section may be construed to give a magistrate the right to place a person on probation.
3. §14-25-75 Judge May Suspend Sentences
 - a. Any municipal judge may suspend sentences imposed by him upon such terms and conditions as he deems proper including, without limitation, restitution or public service employment.
4. After Sentencing
 - a. If after trial, Defendant has a jail sentence suspended upon payment of fine and Defendant does not pay the fine, the court must perform Bearden v. Georgia, 461 U.S. 660 (1983) analysis.
5. Bearden v. Georgia, 461 U.S. 660 (1983)
 - a. Courts may not ordinarily incarcerate an individual for nonpayment of a court-ordered legal financial obligation **unless** the court:
 - i. Holds a hearing;
 - ii. Makes a finding that the failure to pay was willful and not due to an inability to pay; and
 - iii. Considers alternative measures other than imprisonment
 - b. We recommend issuing a Rule to Show Cause (RTSC must be personally served - can attempt to mail RTSC first, but that is not deemed proper service if Defendant does not appear) to have the Defendant brought before the court. At the hearing, the defendant must be given a meaningful opportunity to explain:
 - i. Whether the amount allegedly owed is incorrect and
 - ii. The reason(s) for any nonpayment, including an inability to pay.
 - c. In determining whether the individual has shown an inability to pay, you should consider not only whether his net income is at or below the current Federal Poverty Guidelines, but also whether any of his income is derived from needs-based, means-tested public assistance, whether he has dependents, and the necessities of life of the individual.

- d. Consideration should also be given to whether the individual is homeless, incarcerated, or resides in a mental health facility, whether there are permanent or temporary limitations on the individual's ability to earn more money, and whether the person owes other court-ordered legal financial obligations.
- e. Be sensitive to the fact that the individual may have a constitutional right to counsel if a deferred sentence is likely to be imposed or the inability to pay defense is difficult to develop or present.
- f. After hearing the evidence, you should make findings on the record that the individual received adequate prior notice of: the hearing date/time; that failure to pay fines and assessments was the issue; the defense of inability to pay; the opportunity to bring documents and other evidence of inability to pay; and that there was a meaningful opportunity to explain the failure to pay.
- g. If you determine that incarceration must be imposed, you should make findings regarding:
 - i. The financial resources relied upon to conclude the nonpayment was willful; and/or
 - ii. Why alternative measures are not adequate to meet the State's interest in punishment and deterrence under the particular circumstances.

Previously Issued Bench Warrants

If the court has recalled previously issued bench warrants to evaluate the constitutionality of their issuance, the court must review the file of each case individually to determine if the bench warrant was issued properly. If the bench warrant was not properly issued, you may convert the judgment to set off debt. If the bench warrant was properly issued, it may be reissued.

EXHIBIT E

The Fading Glory of The Television and Telephone

FOR RELEASE: AUGUST 19, 2010

Paul Taylor, Project Director
Wendy Wang, Research Associate
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PewResearchCenter

A Social & Demographic Trends Report

The Fading Glory of The Television and Telephone

By Paul Taylor and Wendy Wang

One day you're the brightest star in the galaxy. Then something new comes along—and suddenly you're a relic. It's a turn of fate that awaits sports heroes, movie stars, political leaders. And, yes, even household appliances.

After occupying center stage in the American household for much of the 20th century, two of the grand old luminaries of consumer technology—the television set and the landline telephone—are suffering from a sharp decline in public perception that they are necessities of life.

Just 42% of Americans say they consider the television set to be a necessity, according to a new nationwide survey from the Pew Research Center's Social & Demographic Trends project. Last year, this figure was 52%. In 2006, it was 64%.

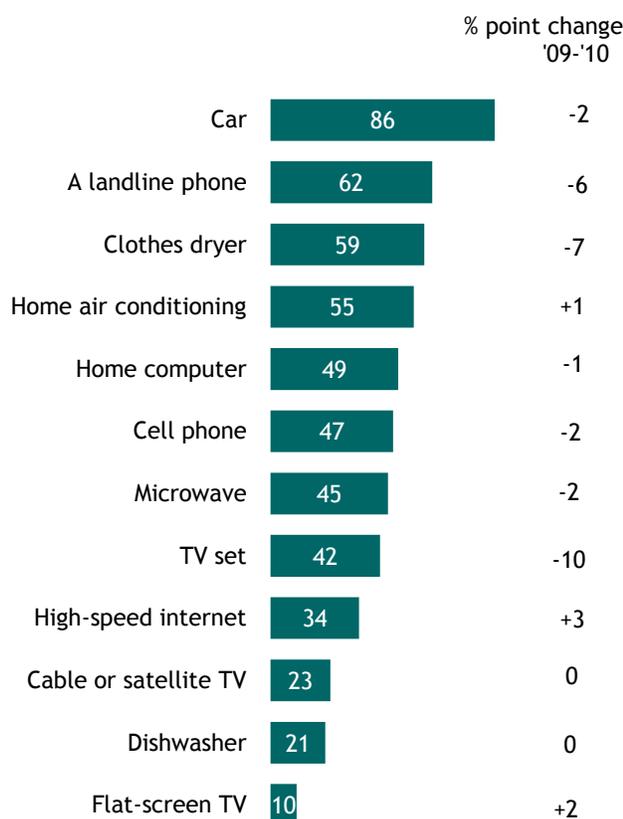
The drop-off has been less severe for the landline telephone: Some 62% of Americans say it's a necessity of life, down from 68% last year. But there's a related trend that's more perilous for the landline: Fully 47% of the public say that its younger, smarter and more nimble cousin—the cell phone—is a necessity of life.

Even more worrisome for both 20th-century household fixtures are the oh-so-very-21st-century attitudes of today's young adults. Fewer than half (46%) of 18- to 29-year-old survey respondents consider the landline phone a necessity of life. Fewer than three-in-ten (29%) say the same about the television set.

The Pew Research telephone survey (landline as well as cell phone) was conducted among a nationally representative sample of 2,967 adults from May 11 through May 31, 2010. Using a list of a dozen different items

What Americans Need

% rating each item as a necessity



Q wording: Do you pretty much think of this as a necessity or pretty much think of this as a luxury you could do without?

Note: N=2,967. About half of sample size were asked for each question item; see topline for details. 2009 results were based on a Social & Demographic Trends survey conducted April 2-8, 2009; n=1,003.

PewResearchCenter

(see chart) designed to make everyday life more productive, convenient, comfortable or entertaining, it asked respondents whether they consider each item a “necessity” or a “luxury.”

As past Pew Research reports on this topic have shown,¹ the public’s collective judgments have waxed and waned in recent times with the changing state of the economy. From 1996 through 2006—a period of economic expansion and heavy consumer spending—a rising share of Americans saw more items on the list as necessities rather than luxuries. Since 2006—as the housing bubble burst, the economy sank into a deep recession and consumer spending throttled down—the trend has moved the opposite way. A rising share now sees more everyday items as luxuries than necessities.

It’s Not Just the Economy

But the economy isn’t the only factor driving these numbers. For several items on the list—the television set and the landline phone are prime examples—innovations in technology also seem to be playing a role.

Indeed, the dichotomy posed by the question “luxury or necessity” may itself be something of a relic. For some items, a more appropriate question in 2010 may be whether consumers consider these venerable appliances to be “necessary” or “superfluous.”

In the case of the landline phone, a rising thumbs-down verdict comes not just from the survey but also from the marketplace. According to a Pew Research Center analysis of government data, just 74% of U.S. households now have a landline phone.² This is down from a peak of 97% in 2001.³

About the Survey

Results for this survey are based on telephone interviews conducted with a nationally representative sample of 2,967 people ages 18 and older living in the continental United States. A combination of landline and cellular random digit dial (RDD) samples was used to represent all adults in the continental United States who have access to either a landline or cellular telephone. A total of 1,893 interviews were completed with respondents contacted by landline telephone and 1,074 with those contacted on their cell phone. The data are weighted to produce a final sample that is representative of the general population of adults in the continental United States.

- Interviews conducted May 11-31, 2010
- 2,967 interviews
- Questions on luxury and necessity were asked of split halves of the sample, n=1,484 for Form 1 and n=1,483 for Form 2.
- Margin of sampling error is plus or minus 2.2 percentage points for results based on the total sample at the 95% confidence level. For questions on luxury and necessity, margin of error is ± 3.0 percentage points for Form 1 and ± 3.1 percentage points for Form 2.

Survey interviews were conducted under the direction of Princeton Survey Research Associates International. Interviews were conducted in English or Spanish.

¹ See Pew Social & Demographic Trends, “Luxury or Necessity? The Public Makes a U-Turn,” April 23, 2009

(<http://pewsocialtrends.org/pubs/733/luxury-necessity-recession-era-reevaluations>), and “Luxury or Necessity? Things We Can’t Live Without: The List Has Grown in the Past Decade,” Dec. 14, 2006 (<http://pewsocialtrends.org/pubs/323/luxury-or-necessity>).

² See Pew Research Center for the People & the Press and Pew Internet & American Life Project, “Assessing the Cell Phone Challenge,” May 20, 2010 (<http://pewresearch.org/pubs/1601/assessing-cell-phone-challenge-in-public-opinion-surveys>), and Stephen J. Blumberg, and Julian V. Luke, “Wireless substitution: Early release of estimates from the National Health Interview Survey, July-December 2009,” National Center for Health Statistics, May 2010 (<http://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless201005.htm>).

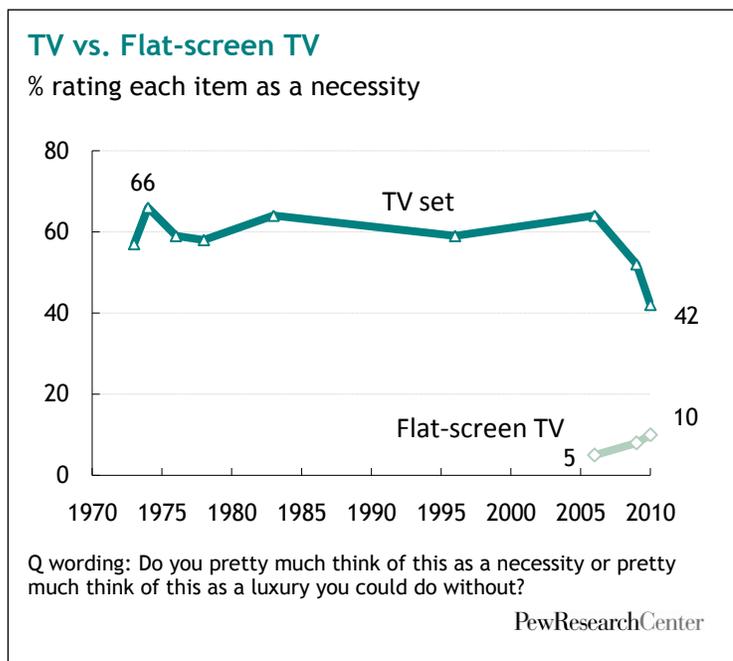
³ Blumberg et al, 2007, Chapter 3 in *Advances in Telephone Survey Methodology*, edited by James M. Lepkowski, et al, John Wiley & Sons, Inc.

During this same time period, use of cell phones has skyrocketed. Fully 82% of adults now use cell phones, up from 53% in 2000.⁴ There are now more cell phones in the U.S. than landline phones. And—as if to add insult to injury—today’s young adults are spending less time talking on their cell phones and more time texting.⁵

Our Schizophrenic Relationship with the Television Set

The television set presents a more confusing picture. Even as fewer Americans say they consider the TV set to be a necessity of life, more Americans than ever are stocking up on them. In 2009, the average American home had more television sets than people—2.86, according to a Nielsen report.⁶ In 2000, this figure was 2.43; in 1990, it was 2.0; and in 1975, it was 1.57.

Why the disconnect between attitudes and behaviors? It’s hard to know for sure. But it may be that, unlike the landline phone, the TV set hasn’t had to deal with competition from a newfangled gadget that can fully replace all of its functions.



Yes, it’s true that in the digital era, consumers know they can watch a lot of television programming on their computers or smart phones—and this knowledge is no doubt one of the reasons fewer people now say they think of a TV set as a necessity. But if a person wants real-time access to the wide spectrum of entertainment, sports and news programming available on television, there’s still nothing (at least not yet) that can compete with the television set itself.

There’s yet another twist to the TV story. It comes from one of the hottest new starlets of consumer technology—the flat-screen television. According to the latest Pew Research survey, 10% of the public now says that a flat-screen television is a necessity of life, up from 5% who felt that way in 2006. And according to industry reports, American consumers have bought more than 100 million flat-screen television sets since 2005.

So to summarize: Most Americans say they no longer view the TV set as a necessity. But they keep buying more and more of them, especially the ones with the big, sleek screens and crystal-clear pictures. Got that?

⁴ See Pew Internet & American Life, “Mobile Access 2010”, July 7, 2010 (http://www.pewinternet.org/~media/Files/Reports/2010/PIP_Mobile_Access_2010.pdf) and Pew Research Center for the People & the Press, biennial media consumption survey 2008 topline (<http://people-press.org/reports/questionnaires/444.pdf>)

⁵ See Ian Shapira, “Texting generation doesn’t share boomers’ taste for talk,” *The Washington Post*, Aug. 8, 2010.

⁶ See Nielsen wire, “More than Half the Homes in U.S. Have Three or More TVs,” July 20, 2009.

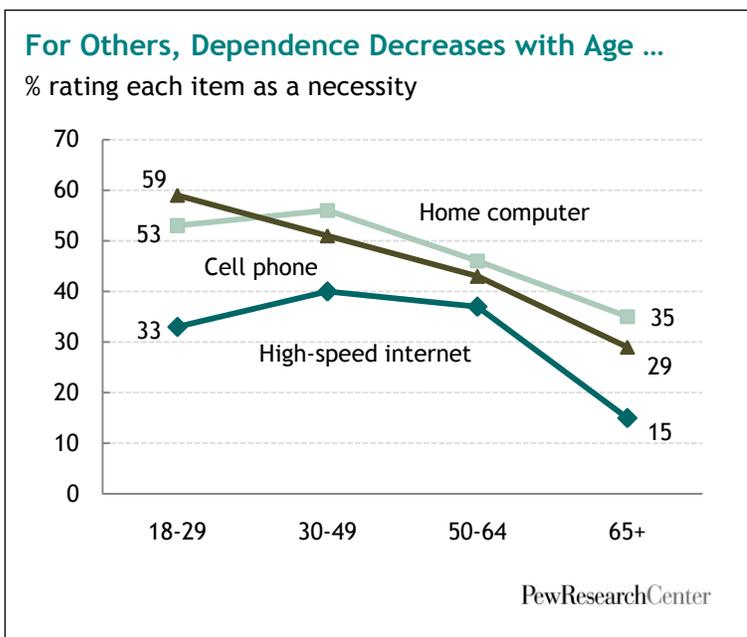
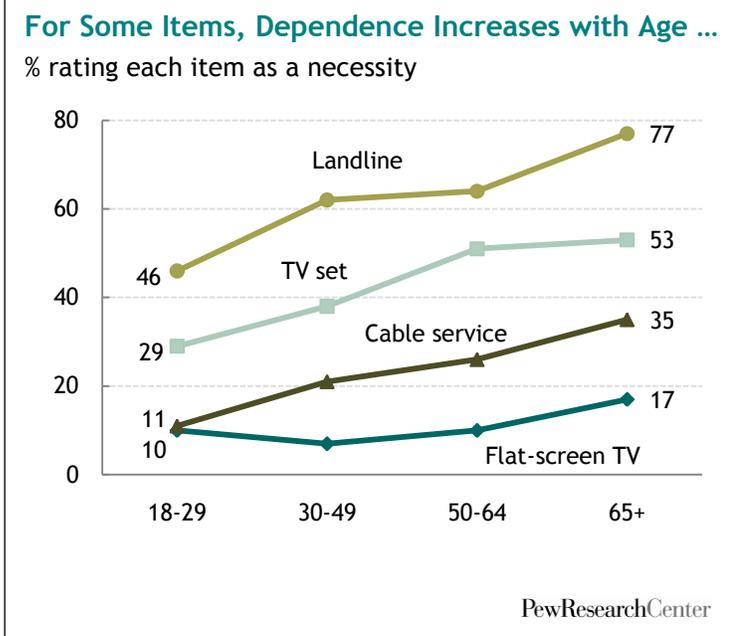
Appliances and Age

Judgments about whether household appliances are necessities or luxuries vary with the age of the respondent.

However, depending on the appliance, these age patterns sometimes run in opposite directions. A brief rundown.

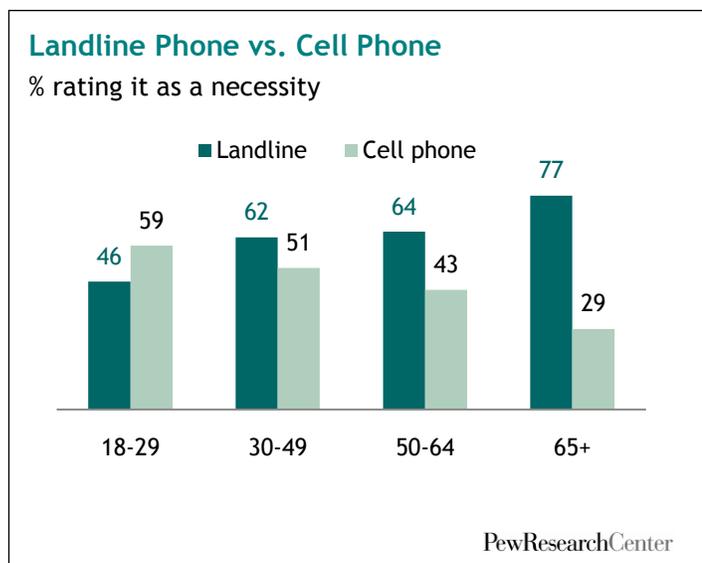
Television: Whether the item in question is the basic television set, the flat-screen television, or cable and satellite television service, the pattern is the same: The older the respondent, the more likely the person is to say these things are necessities of life.

Home computer; high-speed internet; cell phone: Here, the age patterns run the opposite way. In all three cases, the younger the respondent, the more likely the person is to see these items as necessities. In the case of home computers, however, the age gap has narrowed significantly in the past four years.



Head to Head: cell phone versus landline

phone: As the accompanying chart illustrates, the “balance of necessity” between cell phones and landline phones shifts with the age of the respondent. Among 18- to 29-year-olds, more respondents consider a cell phone a necessity than a landline phone. For those in middle age, more consider a landline phone to be a necessity. And for those ages 65 and over, those who say the landline is a necessity outnumber those who say the same about a cell phone by a ratio of more than two-to-one.

**Out With the Old, In With the New**

As old necessities fade, new necessities rise. A 2008 report by the Pew Research Center’s Internet & American Life Project found that 45% of internet users said it would be “very hard” to give up the internet, compared with 29% in 2000. Similarly, 51% of cell owners said it would be “very hard” to give up that phone, an increase from 43% who said that in 2006.⁷

Adoption rates reflect these changing attitudes. Some 79% of adults now use the internet, up from 46% in the spring of 2000. Similarly, 82% of adults now use cell phones, up from 53% in 2000.

The Internet & American Life Project’s surveys also show that a growing number of activities associated with older technologies have now migrated to newer gadgets. For example, it finds that 52% of all Americans now watch video online, ranging from short amateur clips to television programming to movies.⁸ Also, as of early 2008, 31% of Americans were listening to radio programming on their computers and other non-radio devices. And in this recent spring, some 14% of cell phone owners said they had watched videos (including TV programming) on their phones.⁹

Back to the Economy

As a June 2010 Pew Research Center report and other recent surveys of consumer behavior have shown, the deep recession that began in December 2007 has led to a new frugality in Americans’ spending and saving habits.¹⁰

⁷ See Pew Internet & American Life Project, “Mobile Access to Data and Information,” March 2008 (<http://www.pewinternet.org/Reports/2008/Mobile-Access-to-Data-and-Information.aspx?r=>).

⁸ See Pew Internet & American Life Project, “The State of Online Video,” June 3, 2010 (<http://www.pewinternet.org/Reports/2010/State-of-Online-Video.aspx>).

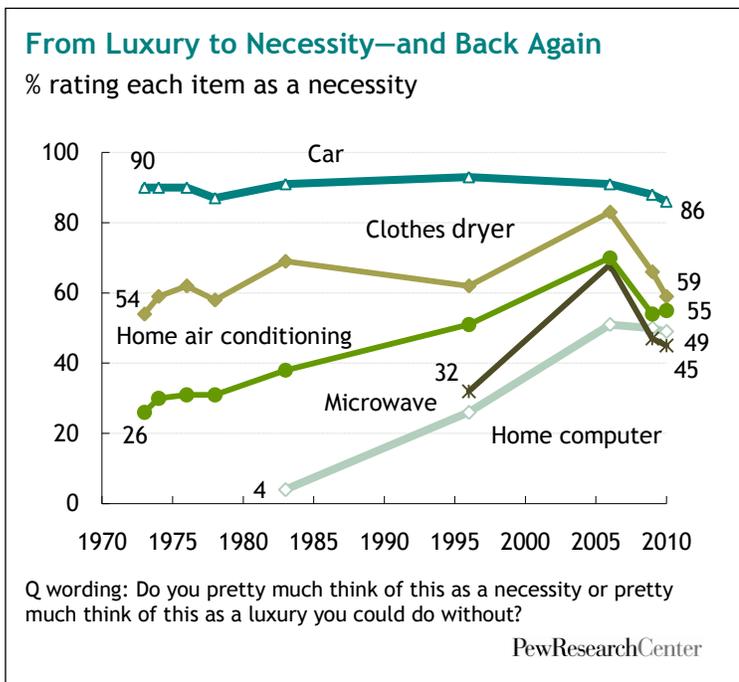
⁹ These numbers are calculated based on various Pew Internet & American Life Project surveys.

¹⁰ See Pew Social & Demographic Trends, “How the Great Recession Has Changed Life in America,” June 30, 2010 (<http://pewsocialtrends.org/pubs/759/how-the-great-recession-has-changed-life-in-america>).

It also appears to have scrambled Americans' judgments about whether many everyday appliances are necessities or luxuries.

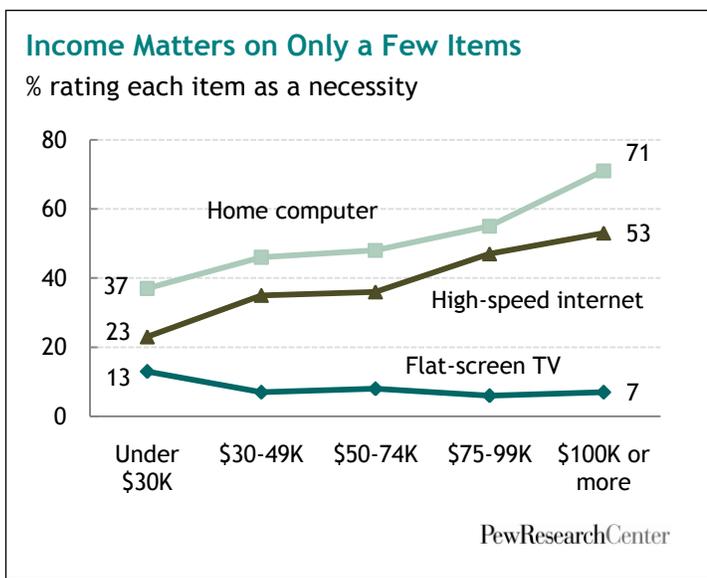
The accompanying chart shows the trend over time in "necessity" ratings for five familiar consumer items: the car, the clothes dryer, the microwave, home air conditioning and the home computer. Each has a somewhat different trajectory, some of which is attributable to when the technology came on the market and achieved widespread popularity.

But one pattern is consistent across all five items: Their necessity rating was at (or very near) its peak four years ago, and has since declined—in most cases, sharply. This suggests that the psyche of the American consumer is in a much different place now than it had been in the heady days before the recession.



Appliances and Income

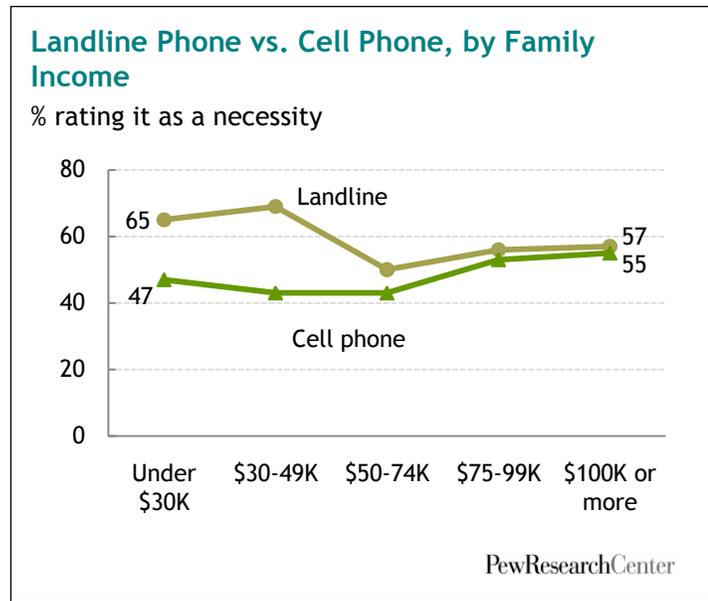
For most of the dozen items on the questionnaire, judgments about luxury or necessity vary only slightly by the income of the respondent. However, there are a few exceptions. People with higher incomes are more likely than those with lower incomes to rate a home computer and high-speed internet as a necessity. The pattern for flat-screen television runs the other way; people with incomes below \$30,000 are more likely than others to say this item is a necessity. Meantime, when it comes to telephones, people in lower income brackets are more inclined to say a landline is a necessity than say the same about a cell phone. This gap disappears among those in higher income brackets.



Other Explanations?

Might there be other explanations for changing perceptions about luxury and necessity? Consider, for example, the sharp drop since 2006 (from 83% then to 59% now) in the share of Americans who rate the clothes dryer as a necessity of life. Could it be that an environmentally conscious public has decided it makes sense to save energy by drying clothes in the sun?

Maybe. But before we declare a trend, we'd need to see a revival in the sales of clothespins. Like the television set and landline phone, they, too, once had the run of the American household. Funny, but you don't hear much about them anymore.



Acknowledgements

The authors thank Lee Rainie and Aaron Smith of the Pew Research Center's Internet & American Life Project for their help in identifying relevant trends in public attitudes toward various digital technologies.

PEW SOCIAL & DEMOGRAPHIC TRENDS
MAY 2010 ECONOMIC SURVEY
FINAL TOPLINE FOR SELECTED QUESTIONS
MAY 11-MAY 31, 2010
TOTAL N=2,967

NOTE: ALL NUMBERS ARE PERCENTAGES. THE PERCENTAGES GREATER THAN ZERO BUT LESS THAN 0.5 % ARE REPLACED BY AN ASTERISK (*). COLUMNS/ROWS MAY NOT TOTAL 100% DUE TO ROUNDING. UNLESS OTHERWISE NOTED, ALL TRENDS REFERENCE SURVEYS FROM SOCIAL & DEMOGRAPHIC TRENDS AND THE PEW RESEARCH CENTER FOR THE PEOPLE & THE PRESS.

Q10 I'm going to read you a list of things. For each one, please tell me whether you pretty much think of it as a necessity or pretty much think of it as a luxury you could do without. First, **[INSERT ITEM; RANDOMIZE; OBSERVE FORM SPLITS]**

READ IF NECESSARY: Do you think of this as a necessity or think of this as a luxury you could do without?

		<u>Necessity</u>	<u>Luxury</u>	(VOL.)
ASK FORM 1: [n=1,484]				
a. A car ¹¹				
May 2010		86	14	*
April 2009		88	12	*
Oct 2006		91	8	1
July 1996	<i>Washington Post/Kaiser/Harvard</i>	93	7	*
Dec 1983	<i>Roper</i>	91	9	0
Dec 1978	<i>Roper</i>	87	12	1
Dec 1976	<i>Roper</i>	90	10	1
Dec 1974	<i>Roper</i>	90	9	1
Dec 1973	<i>Roper</i>	90	9	1
b. Air conditioning for your home				
May 2010		55	44	1
April 2009		54	45	1
Oct 2006		70	29	1
July 1996	<i>Washington Post/Kaiser/Harvard</i> ¹²	51	49	*
Dec 1983	<i>Roper</i>	38	61	1
Dec 1978	<i>Roper</i>	31	69	1
Dec 1976	<i>Roper</i>	31	68	1
Dec 1974	<i>Roper</i>	30	69	1
Dec 1973	<i>Roper</i>	26	72	2

¹¹ For the Washington Post/Kaiser/Harvard and Roper surveys, the item was listed as "an automobile."

¹² For the Washington Post/Kaiser/Harvard and Roper surveys, the item was listed as "air conditioners for your home."

Q10 CONTINUED...		<u>Necessity</u>	<u>Luxury</u>	(VOL.)
c.	A dishwasher			
	May 2010	21	78	1
	April 2009	21	78	1
	Oct 2006	35	63	2
	July 1996 <i>Washington Post/Kaiser/Harvard</i>	13	86	0
	Dec 1983 <i>Roper</i>	19	80	1
	Dec 1978 <i>Roper</i>	12	87	1
	Dec 1976 <i>Roper</i>	15	83	1
	Dec 1974 <i>Roper</i>	13	85	2
	Dec 1973 <i>Roper</i>	10	89	1
d.	A computer for home use			
	May 2010	49	50	1
	April 2009	50	50	1
	Oct 2006	51	47	2
	July 1996 <i>Washington Post/Kaiser/Harvard</i>	26	74	*
	Dec 1983 <i>Roper</i>	4	94	2
e.	A flat-screen or high-definition TV ¹³			
	May 2010	10	90	*
	April 2009	8	91	1
	Oct 2006	5	93	2
f.	A microwave			
	May 2010	45	55	*
	April 2009	47	53	*
	Oct 2006	68	31	1
	July 1996 <i>Washington Post/Kaiser/Harvard</i>	32	68	0

¹³ In October 2006, the item was worded "a flat-screen, plasma or high-definition TV."

Q10 CONTINUED...		<u>Necessity</u>	<u>Luxury</u>	(VOL.)
ASK FORM 2: [n=1,483]				
g.	A TV set			
	May 2010	42	57	1
	April 2009	52	47	1
	Oct 2006	64	35	1
	July 1996 <i>Washington Post/Kaiser/Harvard</i>	59	41	0
	Dec 1983 <i>Roper</i>	64	36	0
	Dec 1978 <i>Roper</i>	58	41	1
	Dec 1976 <i>Roper</i>	59	40	1
	Dec 1974 <i>Roper</i>	66	33	1
	Dec 1973 <i>Roper</i>	57	42	1
h.	A clothes dryer			
	May 2010	59	40	1
	April 2009	66	33	1
	Oct 2006	83	16	1
	July 1996 <i>Washington Post/Kaiser/Harvard</i>	62	38	0
	Dec 1983 <i>Roper</i>	69	31	1
	Dec 1978 <i>Roper</i>	58	42	1
	Dec 1976 <i>Roper</i>	62	37	1
	Dec 1974 <i>Roper</i>	59	39	2
	Dec 1973 <i>Roper</i>	54	44	2
i.	Cable or satellite television service			
	May 2010	23	76	1
	April 2009	23	75	1
	Oct 2006	33	66	1
	July 1996 <i>Washington Post/Kaiser/Harvard</i> ¹⁴	17	83	0
j.	A cell phone			
	May 2010	47	52	1
	April 2009	49	50	1
	Oct 2006	49	49	2
k.	High-speed internet access			
	May 2010	34	64	2
	April 2009	31	67	2
	Oct 2006	29	67	4
l.	A landline or regular home phone			
	May 2010	62	37	1
	April 2009	68	31	1

¹⁴ The item for Washington Post/Kaiser/Harvard was worded "basic cable television."

EXHIBIT F



Charting a Course to 2040

SOUTH CAROLINA MULTIMODAL TRANSPORTATION PLAN

SOUTH CAROLINA STATEWIDE PUBLIC TRANSPORTATION AND COORDINATION PLAN

Prepared for:



Prepared by:



November 2014



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1. INTRODUCTION

1.1 OVERVIEW

Transportation plays a key role in determining the environmental conditions and the quality of life in any community. This is particularly true in South Carolina, due to the sensitivity of the unique mountain areas of the state, along with the Atlantic Ocean shoreline. These factors contribute to the high level of travel demand and the popularity of the state as both a tourist destination and a desirable residential area.

The 2040 South Carolina Multimodal Transportation Plan (2040 MTP) planning process includes several major components that encompass public transportation, including:

- **10 Regional Transit and Coordination Plan Updates** – transit plans developed for each of the 10 Council of Government regions
- **Statewide Public Transportation Plan Update** – overall public transportation plan for the state of South Carolina, summarizing existing services, needs and future funding programs
- **Multimodal Transportation Plan** – overall plan inclusive of all modes of transportation

This South Carolina Statewide Public Transportation & Coordination Plan was prepared in coordination with the development of the 2040 MTP. The initial Statewide Transit Plan was completed in May 2008 and the following pages provide an update representing changes across the state for public transportation through 2011, the base year for the overall MTP.

The purpose of this update is to identify existing public transportation services, needs, and strategies through the planning horizon of 2040. This plan differs from the 2008 plan in that it incorporates an overview of human services transportation across the state, in addition to the needs and strategies for increased coordination in the future.

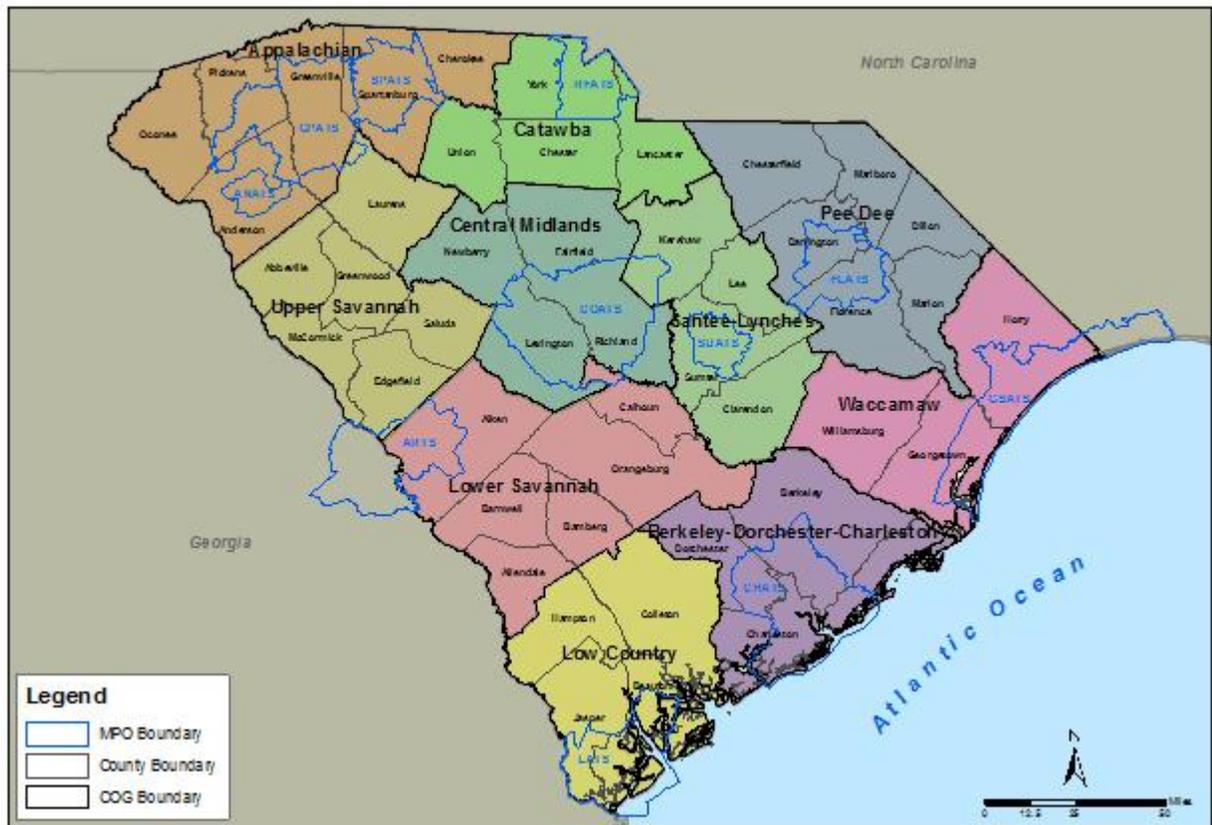
A key transportation strategy for the South Carolina Department of Transportation is to develop multimodal options for residents and visitors in all areas of the state, including public transportation. Many regions in the state have adopted policies that focus on addressing both existing transportation deficiencies, as well as growth in demand through expansion of transportation alternatives. In addition, the South Carolina Department of Transportation adopted a complete streets policy in support of alternative modes of transportation.



1.2 COMMUNITY SUMMARY

The State of South Carolina is bordered to the north by North Carolina and to the south and west by Georgia, and includes 46 counties. Transportation planning at the urban and regional levels is conducted by 11 Metropolitan Planning Organizations (MPOs) and 10 Councils of Governments (COGs), as shown in **Figure 1-1**. This strategic partnership creates a strong foundation to identify multimodal transportation needs and joint solutions that will improve the movement of people and goods throughout the entire state.

Figure 1-1: South Carolina MPOs and COGs



A brief review of South Carolina demographic and economic characteristics follows as a basis for evaluating future transit needs.

1.2.1 Population Trends

1.2.1.1 Statewide Population Trends

Between 2000 and 2010, the population of South Carolina increased by 15 percent, from 4.012 million to 4.625 million. Compared to the U.S. growth during the same period of 9 percent, South Carolina’s growth was almost 60 percent greater than the nation’s, but comparable to nearby states. Population totals and growth rates in the past two decades are shown in **Table 1-1** for South Carolina, nearby states, and the country as a whole.

Table 1-1: Population Trends: 1990, 2000, and 2010

State	Population			Annual Growth Rate	
	1990	2000	2010	1990-2000	2000-2010
South Carolina	3,486,703	4,012,012	4,625,364	1.51%	1.53%
North Carolina	6,628,637	8,049,313	9,535,483	2.14%	1.85%
Tennessee	4,877,185	5,689,283	6,346,105	1.67%	1.15%
Georgia	6,478,216	8,186,453	9,687,653	2.64%	1.83%
Alabama	4,040,587	4,447,100	4,779,736	1.01%	0.75%
United States	248,709,873	281,421,906	308,745,538	1.32%	0.97%

Source: U.S. Census Bureau

The future population of South Carolina is projected to increase over the next two decades, but at a slower rate than adjacent states and slower than the U.S., as shown in **Table 1-2** and **Figure 1-2**. This projection reverses the trend seen from 1990 to 2010, as South Carolina population increased at a rate greater than that of the U.S. and at a pace equal to neighboring states.

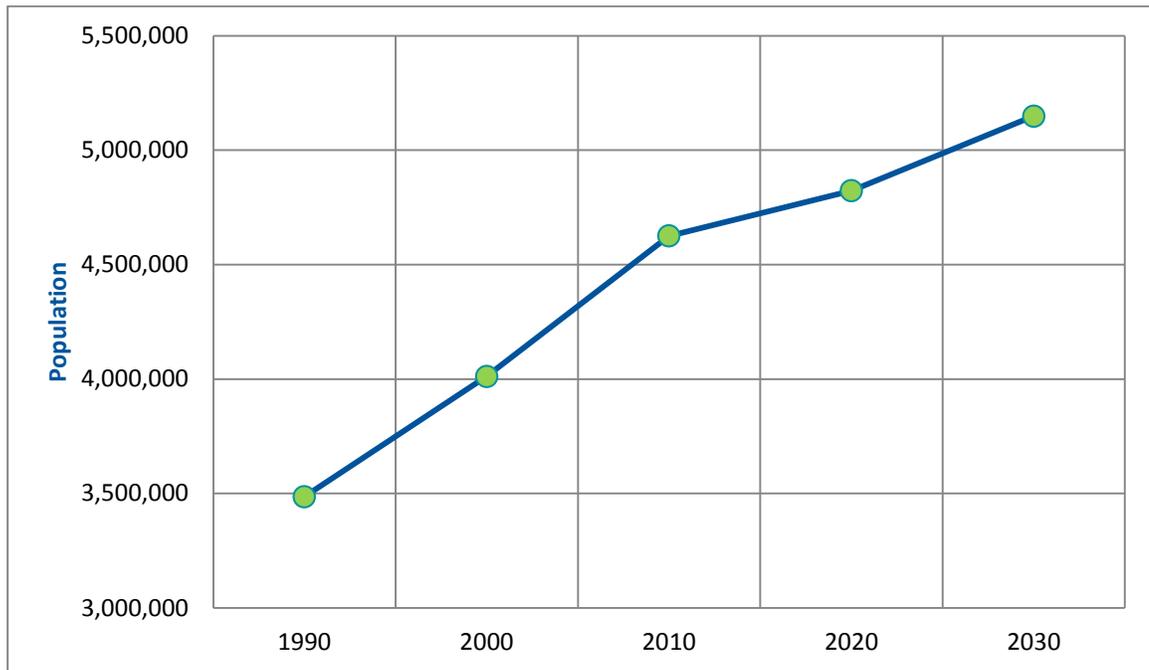
Table 1-2: Population Projections, 2010 – 2040

State	Population ⁽¹⁾		Total Percent Growth 2010-2030
	2020	2030	
South Carolina	4,822,577	5,148,569	11.1%
North Carolina	10,709,289	12,227,739	
Tennessee	6,780,670	7,380,634	
Georgia	10,843,753	12,017,838	
Alabama	4,728,915	4,874,243	
United States	341,387,000	373,504,000	

State	Annual Percentage Growth		Total Percent Growth 2010-2030
	2010-2020	2020-2030	
South Carolina	0.4%	0.7%	11.1%
North Carolina	1.2%	1.4%	26.5%
Tennessee	0.7%	0.9%	15.7%
Georgia	1.2%	1.1%	22.7%
Alabama	-0.1%	0.3%	2.0%
United States	1.1%	0.9%	20.0%

Note: (1) 1990, 2000 and 2010 populations from Census. 2020, 2030 populations are US Census Bureau projections from 2008.

Figure 1-2: South Carolina Population: 1990 to 2030



1.2.1.2 Regional Population Trends

The population growth in South Carolina over the last 20 years has not been evenly distributed throughout the state. The growth across the state by region is shown in **Table 1-3**. All Councils of Government (COG) regions experienced growth from 1990 to 2010, with the Lowcountry Region experiencing the highest growth during this time period at 3.03 percent per year from 1990 to 2000. Overall growth for the state during this time frame was 1.51 percent per year. The following decade growth for the state was slightly higher at 1.53 percent per year. The Catawba Region had the highest growth rate from 2000 to 2010 with 2.58 percent growth per year.

Table 1-3: Population Growth by Council of Government

Council of Government Areas	Population			Annual Growth	
	1990	2000	2010	90-00	00-10
SC Appalachian COG	887,993	1,028,656	1,171,497	1.58%	1.39%
Berkeley-Charleston-Dorchester COG	506,875	549,033	664,607	0.83%	2.11%
Catawba RPC	248,520	289,914	364,826	1.67%	2.58%
Central Midlands COG	508,798	596,253	708,359	1.72%	1.88%
Lowcountry COG	154,480	201,265	246,992	3.03%	2.27%
Lower Savannah COG	300,666	309,615	313,335	0.30%	0.12%
Pee Dee Regional COG	307,146	330,929	346,257	0.77%	0.46%
Santee-Lynches Regional COG	193,123	209,914	223,344	0.87%	0.64%
Upper Savannah COG	185,230	215,739	218,708	1.65%	0.14%
Waccamaw Regional PDC	227,170	289,643	363,872	2.75%	2.56%
South Carolina	3,486,703	4,012,012	4,625,364	1.51%	1.53%

Source: U.S. Census Bureau



As shown in the previous tables, South Carolina reported approximately 4.6 million persons in 2010, with the most populated areas being the Appalachian, Central Midlands, and Berkeley-Charleston-Dorchester regions. The Upper Savannah region had the lowest population among the 10 regions. From the urban centers of Columbia, Charleston, and Greenville, to the state's Atlantic shoreline, to the mountains and lakes, the cultural and recreational amenities are abundant. These amenities along with affordable housing, shopping centers, healthcare, and educational facilities draw people to the state.

1.2.2 Economic Summary

Prior to the 1900s, South Carolina had a strong history of agriculture, until the cotton and rapidly growing textile industry characterized the state's economy. The focus of textile production shifted to synthetic fiber production. The rapid decline of agriculture began in the 1960s. As late as 1960, more than half the state's cotton was picked by hand. Over the next twenty years, mechanization eliminated tens of thousands of jobs in rural counties. Cotton was no longer king, as cotton lands were converted into timberlands.

The end of the Cold War in 1990 brought the closing of military installations, such as the naval facilities in North Charleston. The quest for new jobs became a high state priority. Starting in 1975 the state used its attractive climate, lack of powerful labor unions, and low wage rates to attract foreign investment in factories, including Michelin, which located its U.S. headquarters in the state. The stretch of Interstate 85 from the North Carolina line to Greenville became home to many international companies.

Tourism became a major industry, especially in the Myrtle Beach area. With its semitropical climate, cheap land, and low construction costs (because of low wages), the state became very attractive to development. Barrier islands, such as Kiawah and Hilton Head, were developed as retirement communities. By the late 1980s, the state's economic growth rate flattened. South Carolina's development plan focused on offering low taxes and attracting low-wage industries, but the state's low levels of education were a challenge to attract high tech industries. However, in 1991, the state successfully recruited BMW's only U.S. auto factory to the Greer community, in Spartanburg County. Second-tier and third-tier auto parts suppliers to BMW likewise established assembly and distribution facilities near the factory, creating a significant shift in manufacturing from textiles to automotive. More recently, the state attracted direct-order fulfillment centers, distribution centers and a Boeing plant, located in North Charleston, attracting more high tech jobs.

Examples of companies such as these coming to the state have shifted jobs away from textiles to a more diverse and balanced manufacturing base. In addition to manufacturing, corporate headquarters, services, and tourism now play a major role in the state's economic viability. Annual employment projections from SC Works online website indicated a 1.3 percent growth in employment for the state, which is projected through 2020.



1.2.3 Employment

Unemployment throughout the state varies from county to county, with the highest rates (as of April 2013) being found in Marion County (15.0 percent), Allendale County (13.9 percent), and in Marlboro County (13.0 percent). The lowest rates are in Lexington County (5.7 percent), Greenville County (5.8 percent), and Charleston County (5.8 percent). The state's overall unemployment rate (8.0 percent) is similar to the national unemployment rate of (8.2 percent).¹

¹ Source: SC Department of Employment and Workforce and U.S. Bureau of Labor Statistics.



2. EXISTING TRANSIT IN SOUTH CAROLINA

2.1 OVERVIEW

This chapter describes existing transit services in the state of South Carolina and trends in transit use, service, expenditures, and efficiency. The existing operations statistics included in this report are for fiscal year (FY) 2009, FY 2010, and FY 2011 from the SCDOT OPSTATS reports, which are comprised of data submitted by individual transit agencies. Although FY 2012 had ended when the work on this Statewide Public Transportation & Coordination Plan was underway, it was not available in time to include in this report. A brief review of the recently released FY 2012 operations statistics in comparison to previous fiscal years is presented in Section 2.4. SCDOT updates the public transportation trends for the state annually. These data are available online at SCDOT's website: <http://www.scdot.org>.

SCDOT's Office of Public Transit plans, programs, and administers the provisions of rural and urban transit systems, and services for seniors and individuals with disabilities in partnership with the federal government and local communities.

The roles of the staff include the following: developing policies and programs that provide technical and financial assistance to local transit programs, developing initiatives and projects that increase the coordination of resources, developing and evaluating the performance of local transit systems, ensuring effective utilization of state and federal investment in public transportation, and monitoring compliance with all pertinent state and federal laws, rules, and regulations.

The SCDOT Office of Public Transit recognizes that public transportation empowers individuals to be independent, seek and retain employment, access medical care, and reach new opportunities, including education, commercial activity, and recreation. With the federal funding programs in place, SCDOT continues to work with local providers in meeting the state's goals and improving mobility alternatives to South Carolina residents.



Over the past decade, SCDOT has implemented an overall policy emphasis on coordination, which began by developing the locally-adopted Regional and Statewide Human Services Coordination Plans. In addition, SCDOT funds and supports planning efforts for the Councils of Governments for the 10 regions across the state. Stakeholders in this collaborative process are working on opportunities to better serve each region and effect public and human service transportation policies.



Charting a Course to 2040

One example occurring in the state today includes the Lower Savannah Council of Governments' Aging Disability and Transportation Resource Center² providing general public service to local residents. The agency is able to use federal transit funding from multiple programs to support their transportation program. This process is one framework that could be used and applied in other areas of the state. These innovative steps will increase the overall efficiency and effectiveness of the agencies within each region.

2.2 EXISTING TRANSIT SERVICES

South Carolina public transportation agencies provided more than 11.8 million trips to South Carolina residents in the 2011 fiscal year, as shown in **Table 2-1**. Transit ridership across the state increased approximately six percent from 2008 to 2011. **Figure 2-1** illustrates the statewide ridership trends. Fiscal Year 2011 showed a two percent increase from 2010, with approximately 246,000 additional transit trips.

Table 2-1: Urban and Rural Transit Ridership in South Carolina - 2011

Program	Ridership	Annual Service Hours	Annual Service Miles	Operating and Admin Budget
Urban Transit Service	8,745,937	479,934	6,722,939	\$35,323,802
Rural Transit Service	3,128,557	185,483	3,289,967	\$26,522,032
Statewide Transit Ridership	11,874,494	665,417	10,012,906	\$61,845,834

Source: SCDOT FY 2011 Transit Statistics

According to the 2010 U.S. Census, less than one percent of all trips to work in South Carolina are made by public transportation. The primary mode of travel in the state is the single occupant vehicle. However, for those residents who do use public transportation by choice or due to not having a vehicle available, there are several examples across the state that offer alternative transportation means for local residents.

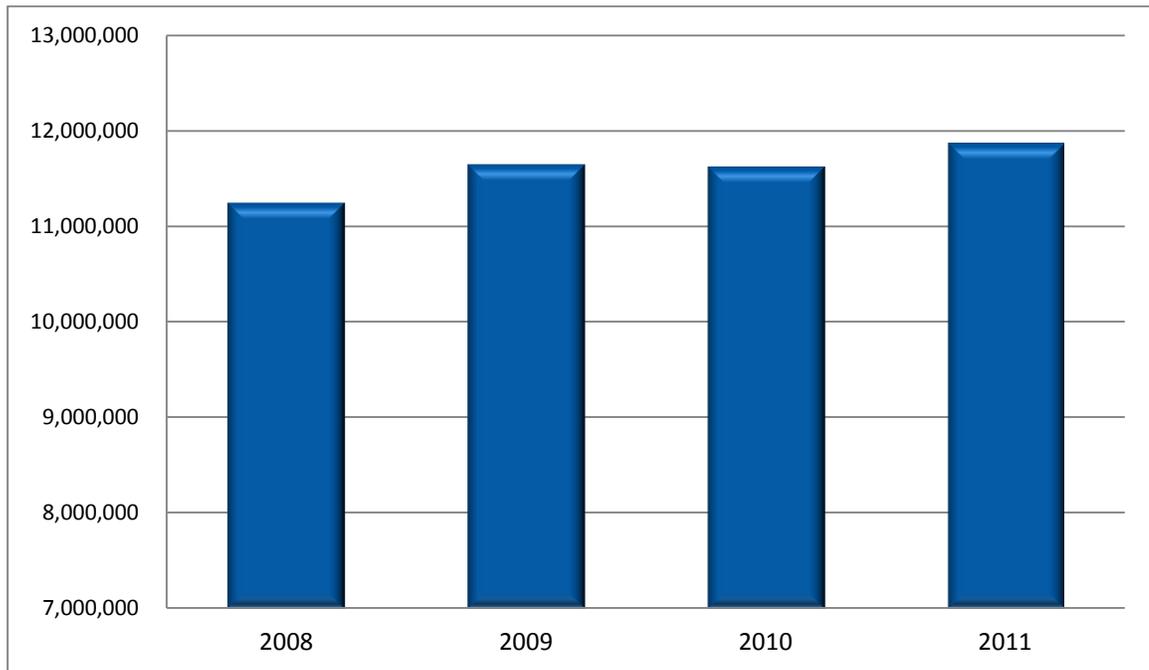
These include the ongoing SmartRide commuter-focused transit services, the Sumter Commuter Vanpool that travels from Sumter, SC into the greater Columbia area, the CARTA Express and Tri-County Link Commuter Solutions in the greater Charleston region, and the 82X Commuter Express services from Rock Hill into the Charlotte, North Carolina business district. There are multiple examples of rural express and commuter options throughout the state, collectively increasing the availability of modal choices for South Carolinians.



² <http://www.adtrc.org/>



Figure 2-1: Transit Ridership in South Carolina FY 2008-2011

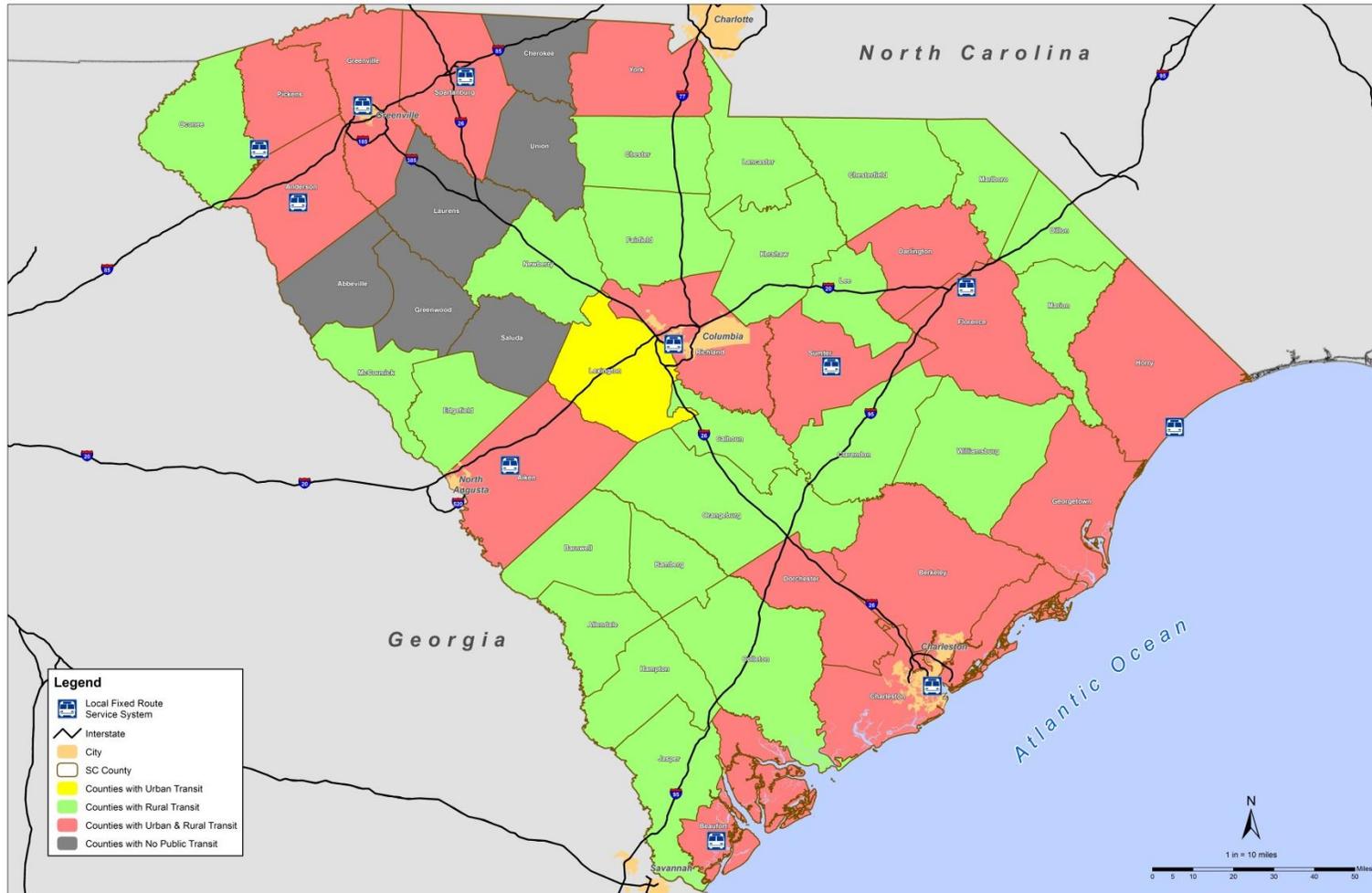


Through 2011, public transit was available to residents in 39 of the 46 counties in South Carolina. In 2011 the following seven counties were identified as not having public transit service supported by any of the funding programs administered by SCDOT.

- Abbeville, Greenwood, Laurens and Saluda counties, which are all situated in the Upper Savannah COG planning region;
- Cherokee County in the Appalachian COG planning region;
- Union county in the Catawba COG planning region. In 2011, Lancaster Area Ride Service operated a successful route in and around Lancaster County/Rock Hill area; however, general public transit was not available until 2012. **Figure 2-2** shows specific transit coverage across the state after the change in LARS began service.

At the time of this study (March 2013) SCDOT identified 28 publicly-supported transit agencies operating in 28 areas of the state. Of these, 7 are exclusively urbanized, 17 are exclusively rural or non-urbanized, and 4 offer both urbanized and rural services. These agencies provide a range of service options to residents, such as fixed-route, route deviation, ADA complementary paratransit service, commuter, and demand response. A brief description follows:

Figure 2-2: Public Transit Service





Charting a Course to 2040

- **Fixed route transit service** – Transit service using rubber tired passenger vehicles operating on fixed routes and schedules. Services provided on a repetitive, fixed schedule basis along a specific route with vehicles stopping to pick up and deliver passengers to specific locations; each fixed route trip serves the same origins and destinations.
 - **Route deviation service** – Transit service that operates as conventional fixed route bus service along a fixed alignment or path with scheduled time points at each terminal point and key intermediate locations. Route deviation service is different than conventional fixed route bus service in that the bus may deviate from the route alignment to serve destinations within a prescribed distance (e.g., ¼-mile) of the route. Following an off route deviation, the bus must return to the point on the route it left. Passengers may use the service in two ways:

 - If they want to be taken off route as part of a service deviation, they must tell the bus operator when boarding; or
 - If they want to be picked up at an off route location, they must call the transit system and request a pickup, and the dispatcher notifies the bus operator.
-
- **Demand response service** – A transit mode comprised of passenger cars, vans, or small buses operating in response to calls from passengers or their agents to the transit operator, who then dispatches a vehicle to pick up the passengers and transport them to their destinations. A demand response (DR) operation is characterized by the following:

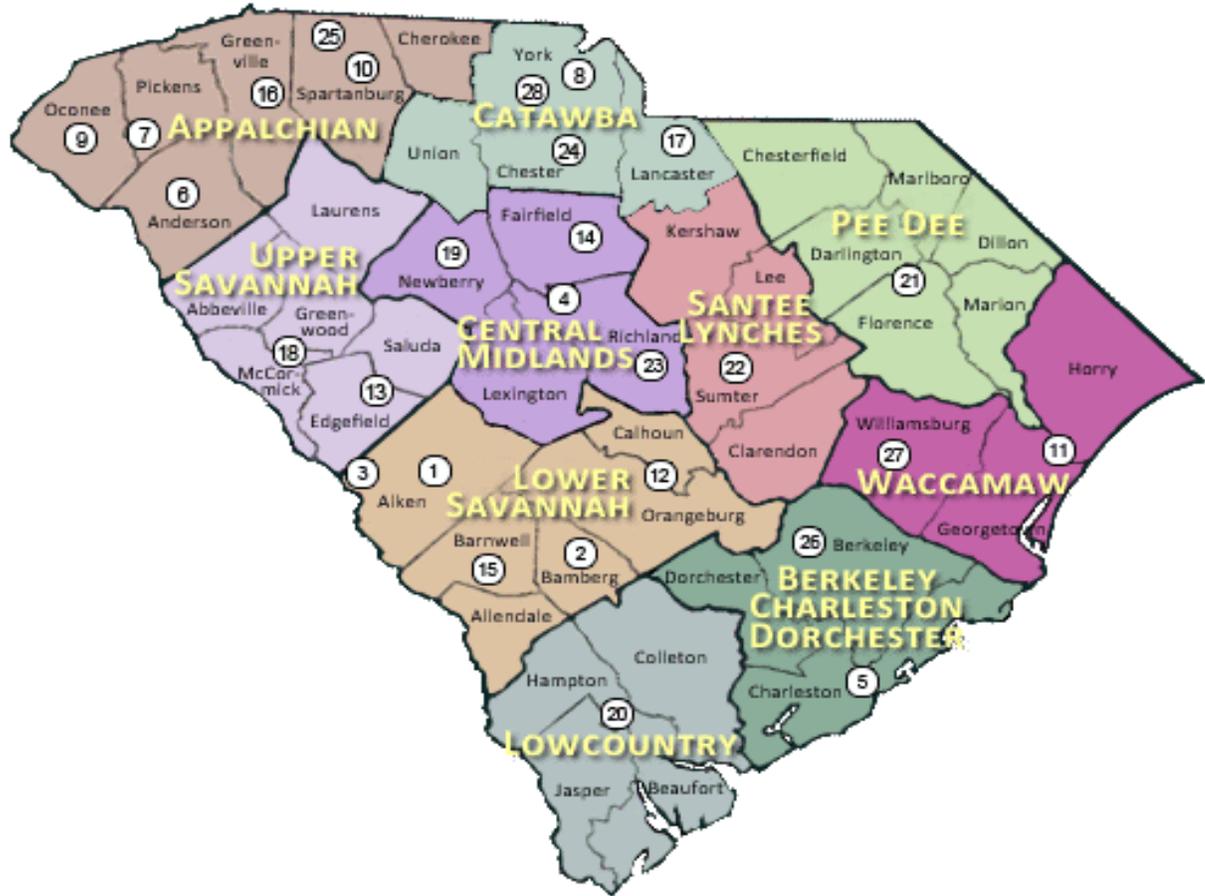
 - The vehicles do not operate over a fixed route or on a fixed schedule except, perhaps, on a temporary basis to satisfy a special need; and
 - Typically, the vehicle may be dispatched to pick up several passengers at different pick-up points before taking them to their respective destinations and may even be interrupted en route to these destinations to pick up other passengers.
 - **Complementary Paratransit Services** – Transportation service required by the Americans with Disabilities Act (ADA) for individuals with disabilities who are unable to use fixed route transportation systems. This service must be comparable to the level of service provided to individuals without disabilities who use the fixed route system and meet the requirements specified in Sections 37.123-137.133 of Transportation Services for Individuals with Disabilities (Part 37), Code of Federal Regulations, Title 49, Volume 1. The complementary services must be origin-to-destination service (demand response (DR)) or on-call demand response (DR) service to an accessible fixed route where such service enables the individual to use the fixed route bus system for his or her trip.
 - **Commuter Bus** – Fixed route bus systems that primarily connect outlying areas with a central city through bus service that operates with at least five miles of continuous closed-door service. This service typically operates using motorcoaches (a.k.a. over-the-road buses), and



usually features peak scheduling, multiple-trip tickets, and multiple stops in outlying areas with limited stops in the central city.

Figure 2-3 identifies the current transit agencies in South Carolina.

Figure 2-3: Current Public Transit Providers in South Carolina



- | | |
|--|---|
| 1. Aiken Area COA, Inc./Pony Express | 15. Generations Unlimited/Local Motion |
| 2. Bamberg County Office on Aging/Handy Ride | 16. Greenlink/GTA |
| 3. Best Friend Express/Lower Savannah RTMA | 17. Lancaster Area Ride Service |
| 4. Central Midlands RTA/The COMET | 18. McCormick County Transit |
| 5. Charleston Area Regional Transit Authority | 19. Newberry County COA/Newberry Express |
| 6. City of Anderson/Electric City Transit | 20. Palmetto Breeze/Lowcountry RTA |
| 7. City of Clemson Transit/ Clemson Area Transit | 21. Pee Dee RTA |
| 8. City of Rock Hill | 22. Santee Wateree RTA |
| 9. City of Seneca Transit | 23. Santee Wateree at Lower Richland |
| 10. City of Spartanburg/SPARTA | 24. Senior Services of Chester Co./ Chester Connector |
| 11. Coast/Waccamaw RTA | 25. Spartanburg County Transportation Service Bureau |
| 12. Lower Savannah RTMA/Cross County Connector | 26. Tri-County Link/Berkeley-Charleston-Dorchester |
| 13. Edgefield County Senior Citizens Council/ECSCC | 27. Williamsburg County Transit System |
| 14. Fairfield County Transit System | 28. York County Access |



2.3 REGIONAL TRENDS AND SUMMARY

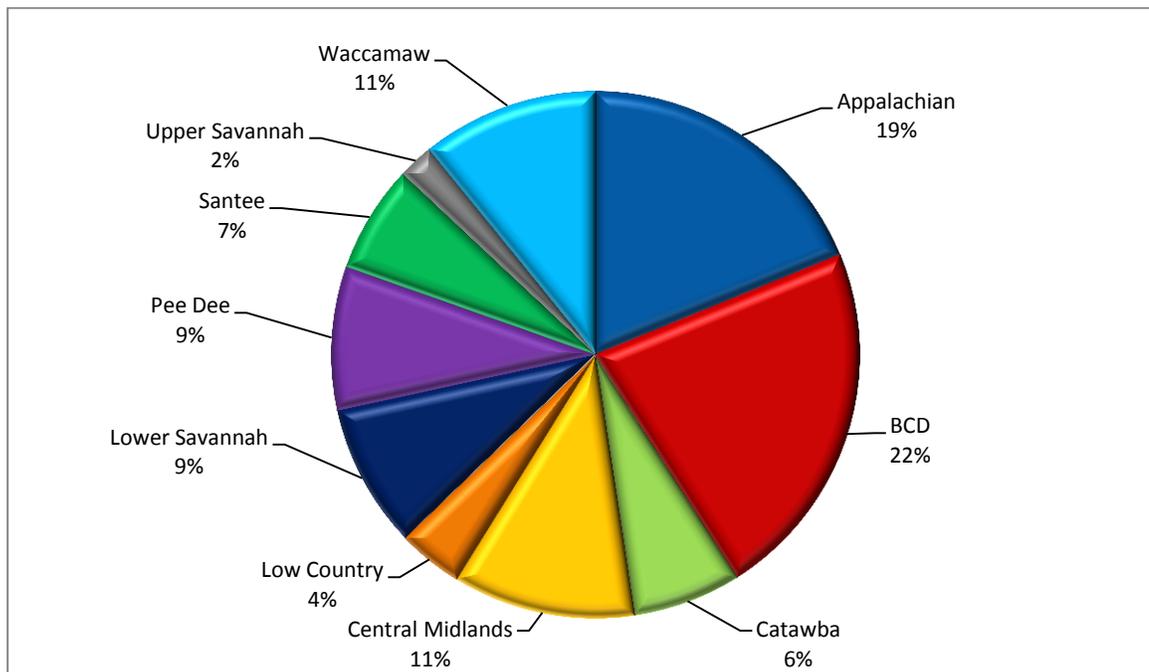
2.3.1 Vehicle Trends

Table 2-2 presents the number of peak vehicles by region for FY 2009-FY 2011. In 2011, the BCD Region had the highest number of peak vehicles with a total of 111, with the Appalachian Region following closely with 94 peak vehicles. A total of 500 peak vehicles are operated across the state each day for public transportation. (**Figure 2-4**). **Appendix A** provides detailed information for peak vehicles, broken out by urban versus rural areas.

Table 2-2: Peak Vehicles by Region, FY 2009 to FY 2011

	2009	2010	2011
Appalachian	88	91	94
BCD	104	115	111
Catawba	24	19	33
Central Midlands	65	62	56
Lowcountry	21	21	20
Lower Savannah	18	32	44
Pee Dee	52	38	44
Santee	34	36	33
Upper Savannah	15	16	11
Waccamaw	65	78	54
Statewide Total	486	508	500

Figure 2-4: 2011 Peak Vehicles by Region





2.3.2 Ridership and Service Trends

Table 2-3, Figure 2-5 and Figure 2-6 present the annual passenger trips by region and a summary for the state. In the past three years, ridership has slightly increased for fixed route service, but has decreased for demand responsive services. Detailed information for the breakout of urban versus rural data is shown in Appendix A. Both urban and rural regional ridership has increased slightly over the past three years.

Table 2-3: Annual Ridership by Region, FY 2009 to FY 2011

Region	2009	2010	2011
Appalachian	3,290,559	3,304,784	3,355,458
BCD	4,197,333	4,396,686	4,453,788
Catawba	124,270	87,883	79,807
Central Midlands	2,199,264	2,023,820	1,905,909
Lowcountry	188,449	151,264	151,056
Lower Savannah	113,865	100,996	114,824
Pee Dee	184,734	186,636	261,136
Santee	280,647	232,742	252,954
Upper Savannah	33,133	34,398	28,848
Waccamaw	571,356	652,303	847,172
Statewide Total	11,183,610	11,171,512	11,450,952

Figure 2-5: Ridership by Region

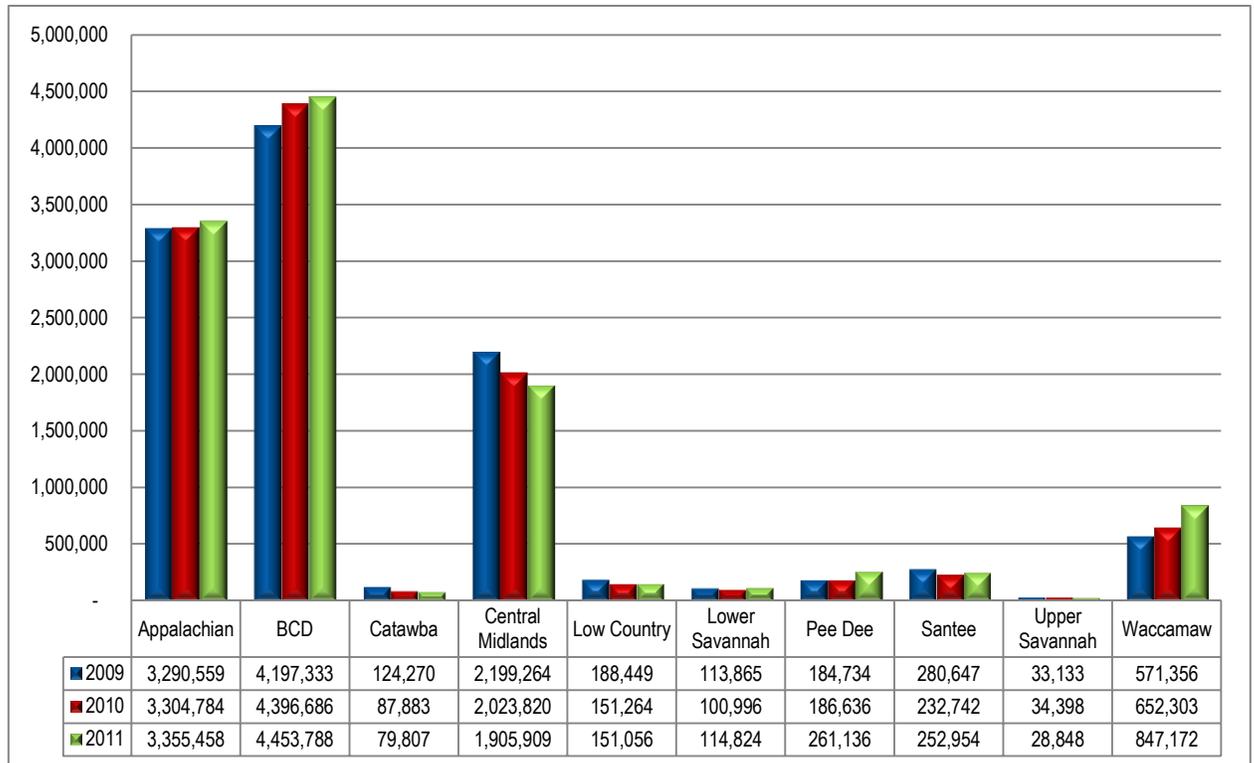




Figure 2-6: Ridership Trends

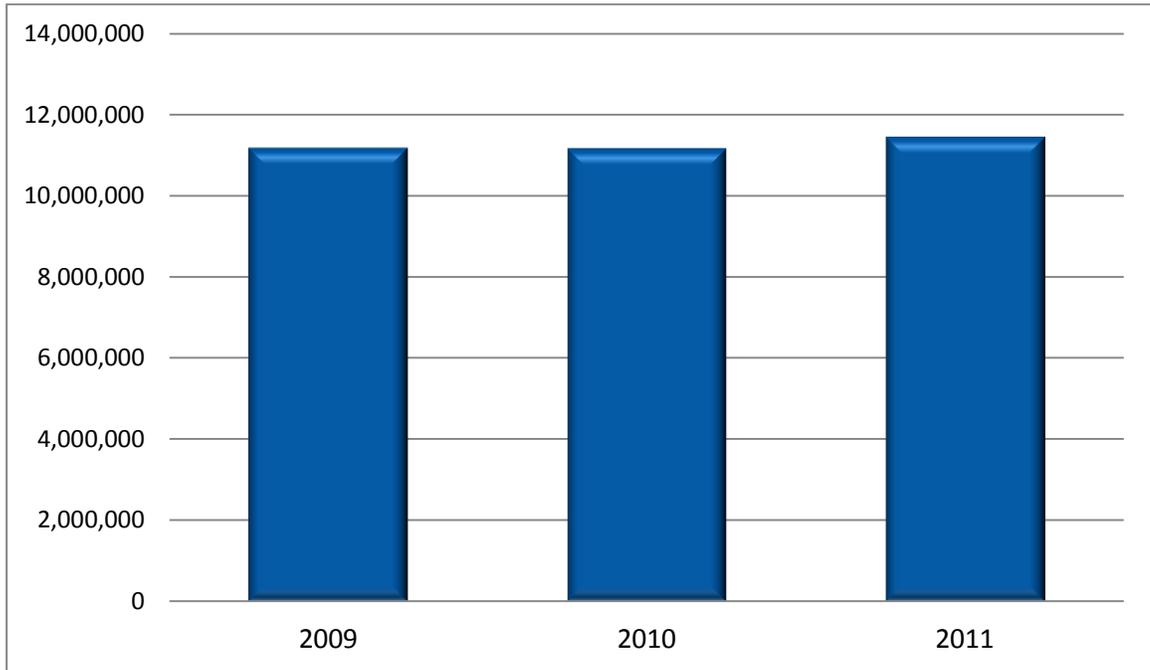


Table 2-4, Figure 2-7, and Figure 2-8 present the annual vehicle revenue miles, while Table 2-5, Figure 2-9, and Figure 2-10 show annual vehicle revenue hours. The amount of annual revenue service hours has increased slightly over the past three years, although the annual vehicle revenue miles slightly decreased.

Table 2-4: Annual Revenue Vehicle Miles by Region, FY 2009 to FY 2011

Region	2009	2010	2011
Appalachian	2,809,998	2,882,793	3,060,343
BCD	4,554,543	4,772,162	4,578,962
Catawba	1,006,519	465,774	441,741
Central Midlands	2,709,206	2,524,670	2,288,661
Lowcountry	969,042	629,672	629,969
Lower Savannah	724,714	790,385	900,149
Pee Dee	1,176,934	1,314,726	1,499,638
Santee	1,036,497	968,036	1,090,263
Upper Savannah	590,677	617,550	518,748
Waccamaw	1,483,966	1,710,139	1,851,975
Statewide Total	17,062,096	16,675,907	16,860,449



Figure 2-7: Annual Revenue Vehicle Miles by Region

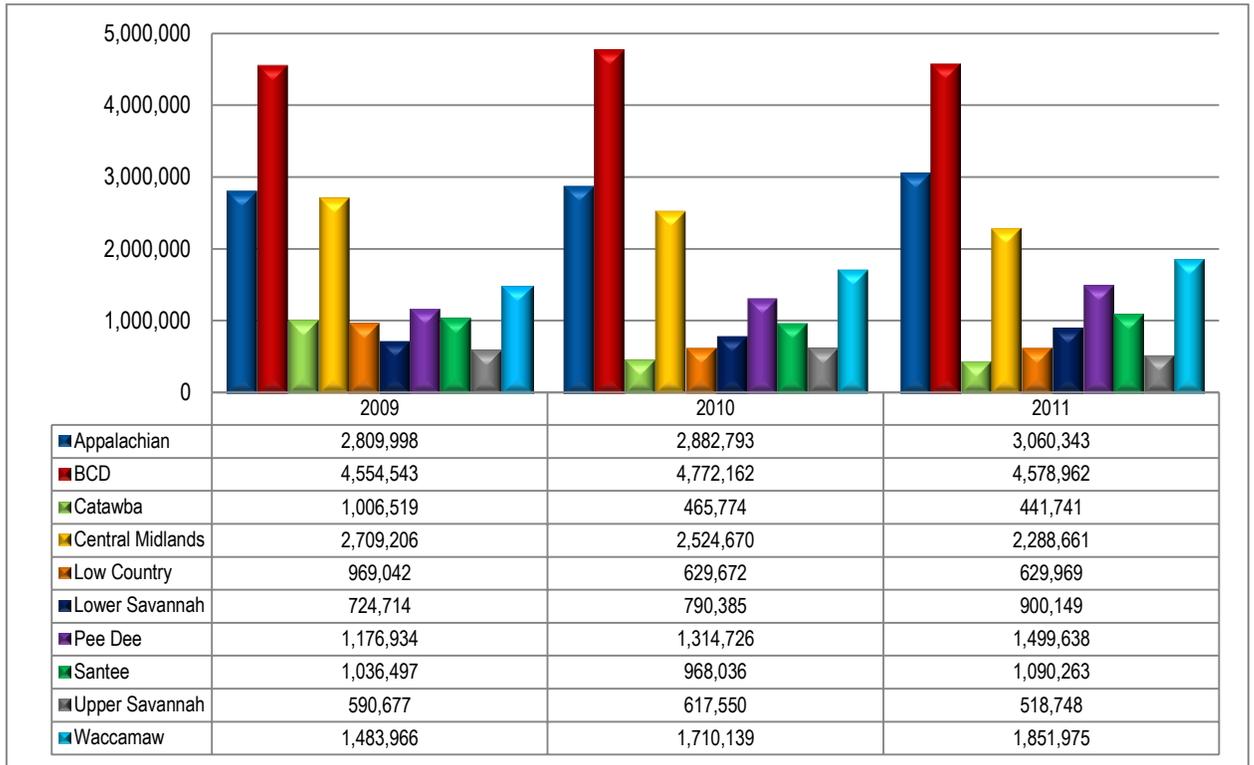


Figure 2-8: Annual Revenue Vehicle Miles Trends

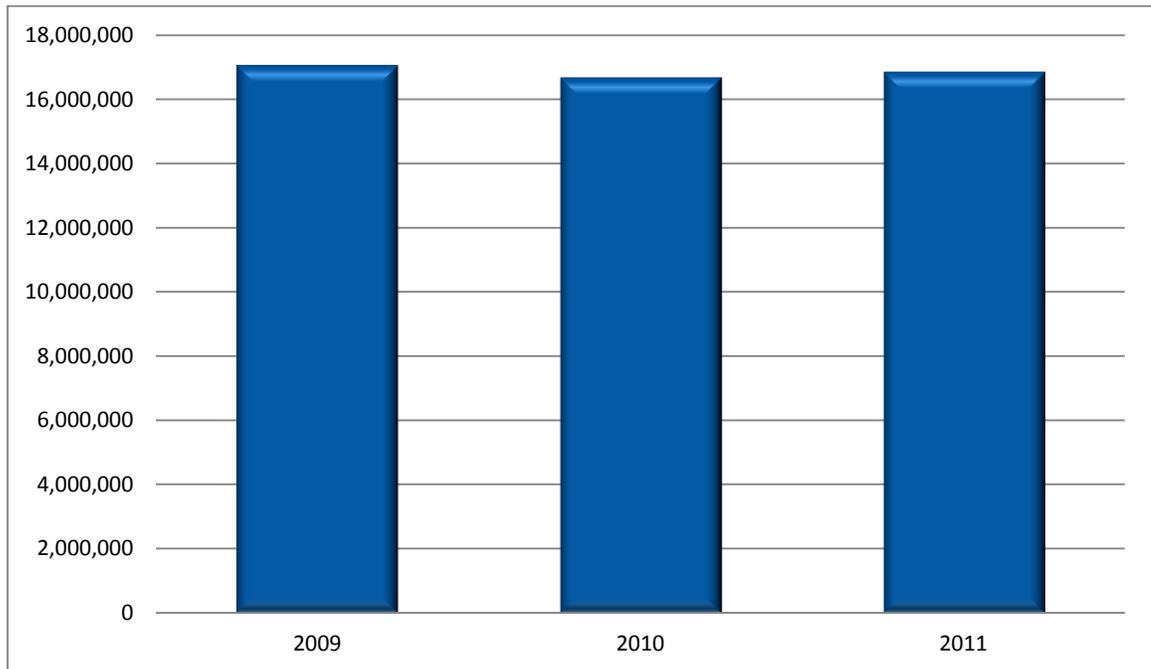




Table 2-5: Annual Revenue Vehicle Hours by Region, FY 2009 to FY 2011

Region	2009	2010	2011
Appalachian	193,927	198,785	207,611
BCD	316,614	318,100	298,360
Catawba	32,950	23,892	22,311
Central Midlands	169,165	167,535	162,123
Lowcountry	28,325	27,795	27,647
Lower Savannah	31,097	41,840	48,746
Pee Dee	50,318	60,979	68,622
Santee	50,364	50,162	53,747
Upper Savannah	25,051	28,912	17,265
Waccamaw	83,630	110,742	112,265
Statewide Total	981,441	1,028,742	1,018,698

Figure 2-9: Annual Vehicle Revenue Hours

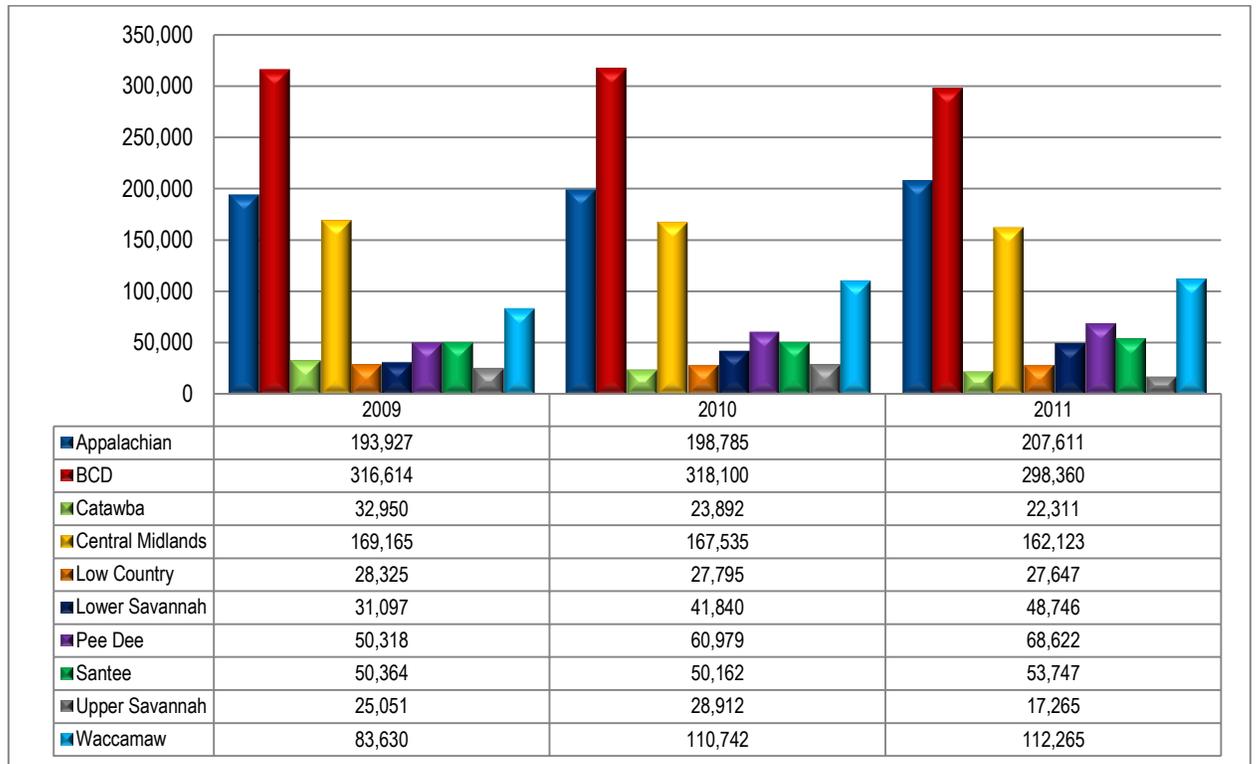
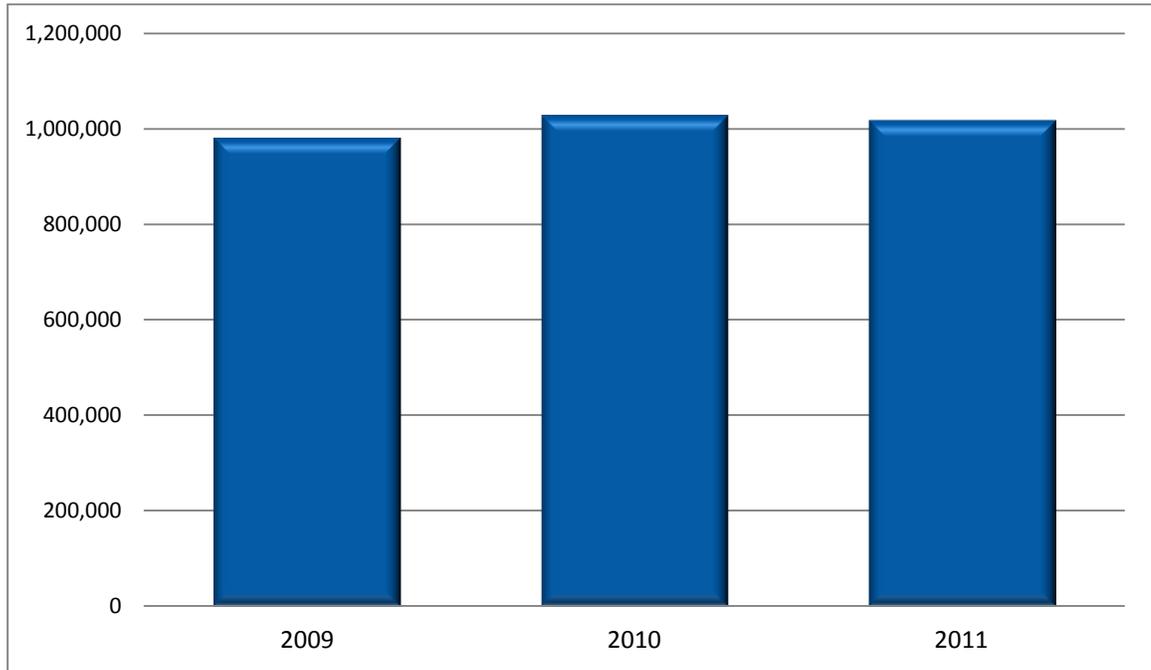




Figure 2-10: Annual Vehicle Revenue Hours Trends



2.3.3 Trends In Expenditures, Efficiency, and Effectiveness

Table 2-6, Figure 2-11 and Figure 2-12 present the operating/administration expenditures for each region and for the state for public transportation services. These figures within the chapter do not include Medicaid services. Both fixed route and demand response costs have increased over the past three years.

Table 2-6: Operating/Administrative Costs by Region, FY 2009 to FY 2011

Region	2009	2010	2011
Appalachian	\$8,626,011	\$9,280,565	\$9,497,296
BCD	\$15,172,352	\$12,387,530	\$15,295,991
Catawba	\$1,130,196	\$970,271	\$1,216,956
Central Midlands	\$7,932,536	\$11,542,005	\$12,184,263
Lowcountry	\$2,166,843	\$2,384,881	\$2,143,890
Lower Savannah	\$921,710	\$1,223,296	\$1,640,613
Pee Dee	\$2,608,172	\$2,064,397	\$2,210,517
Santee	\$3,111,265	\$2,597,659	\$3,035,170
Upper Savannah	\$442,149	\$564,088	\$511,759
Waccamaw	\$3,628,699	\$3,883,561	\$3,224,293
Statewide Total	\$45,739,933	\$46,898,253	\$50,960,748



Figure 2-11: Annual Operating/Admin Costs by Region

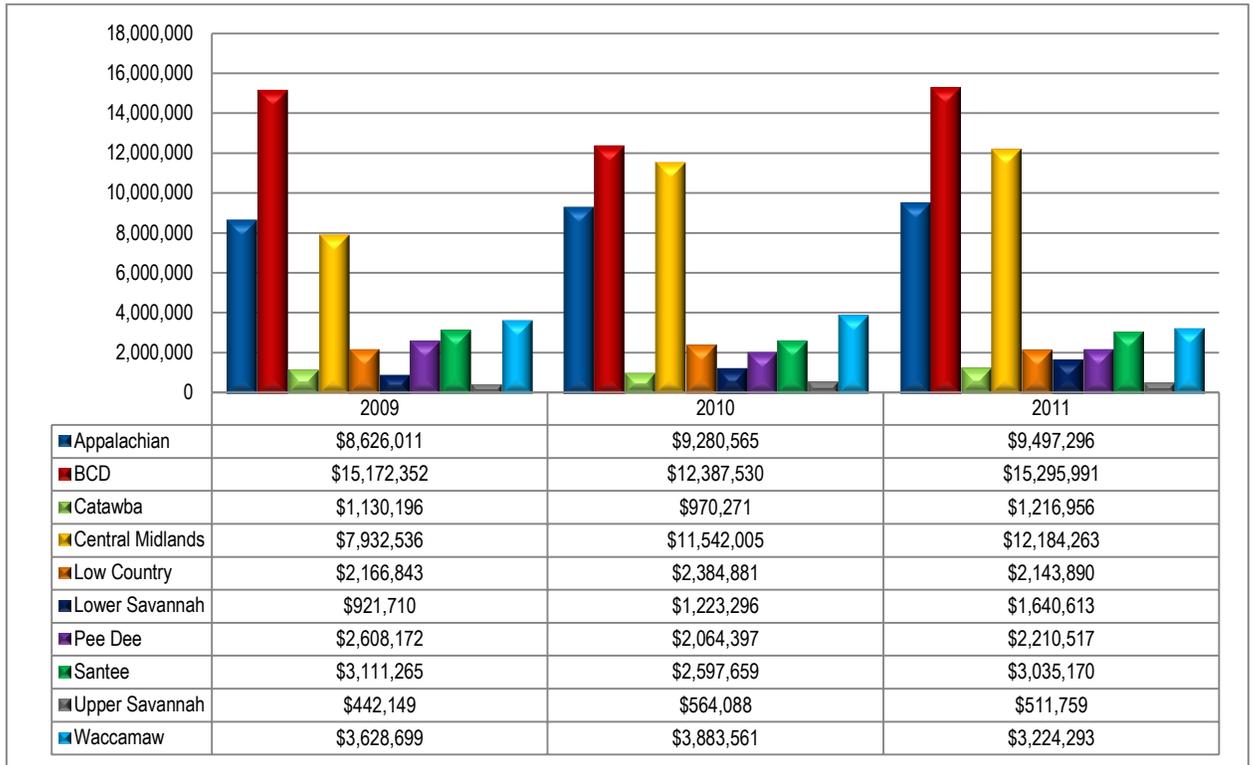
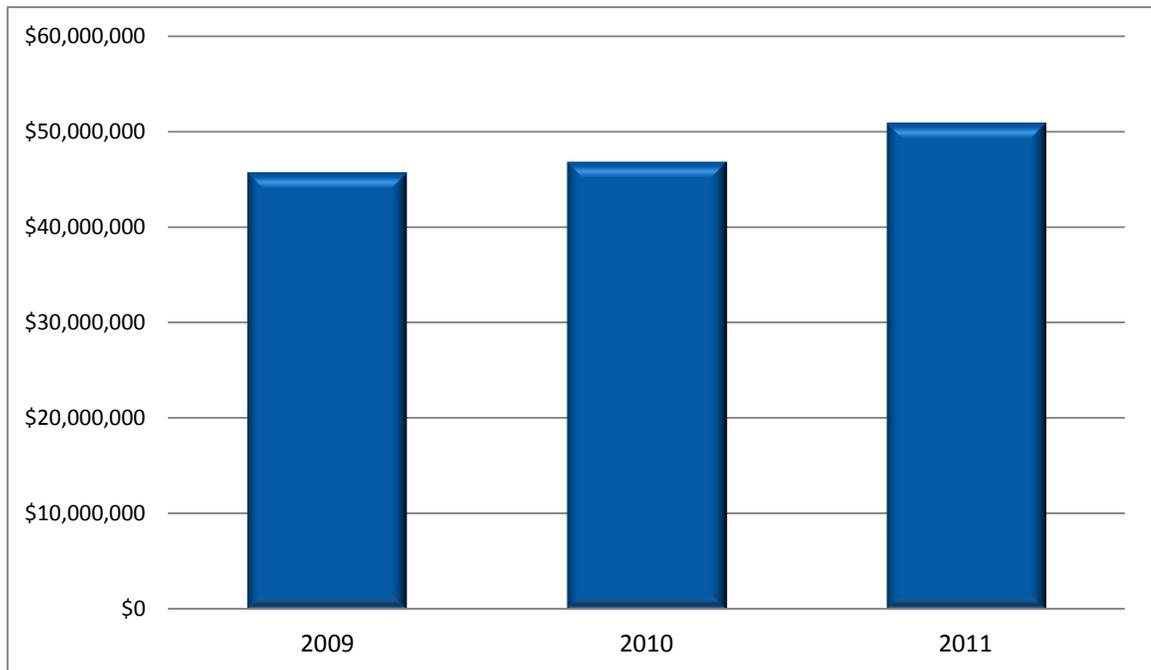


Figure 2-12: Annual Operating/Admin Expense Trends





As shown in **Table 2-7**, **Figure 2-13** and **Figure 2-14**, passengers per revenue vehicle mile have increased slightly over the past three years.

Table 2-7: Passengers per Revenue Vehicle Mile by Region, FY 2009 to FY 2011

Region	2009	2010	2011
Appalachian	1.53	1.43	1.54
BCD	0.62	0.63	0.67
Catawba	0.19	0.17	0.15
Central Midlands	0.36	0.35	0.41
Lowcountry	0.19	0.24	0.24
Lower Savannah	0.16	0.13	0.12
Pee Dee	0.16	0.14	0.17
Santee	0.27	0.24	0.23
Upper Savannah	0.06	0.05	0.06
Waccamaw	0.37	0.34	0.40
Statewide	0.39	0.37	0.40

Figure 2-13: Average Annual Passenger per Revenue Vehicle Mile by Region

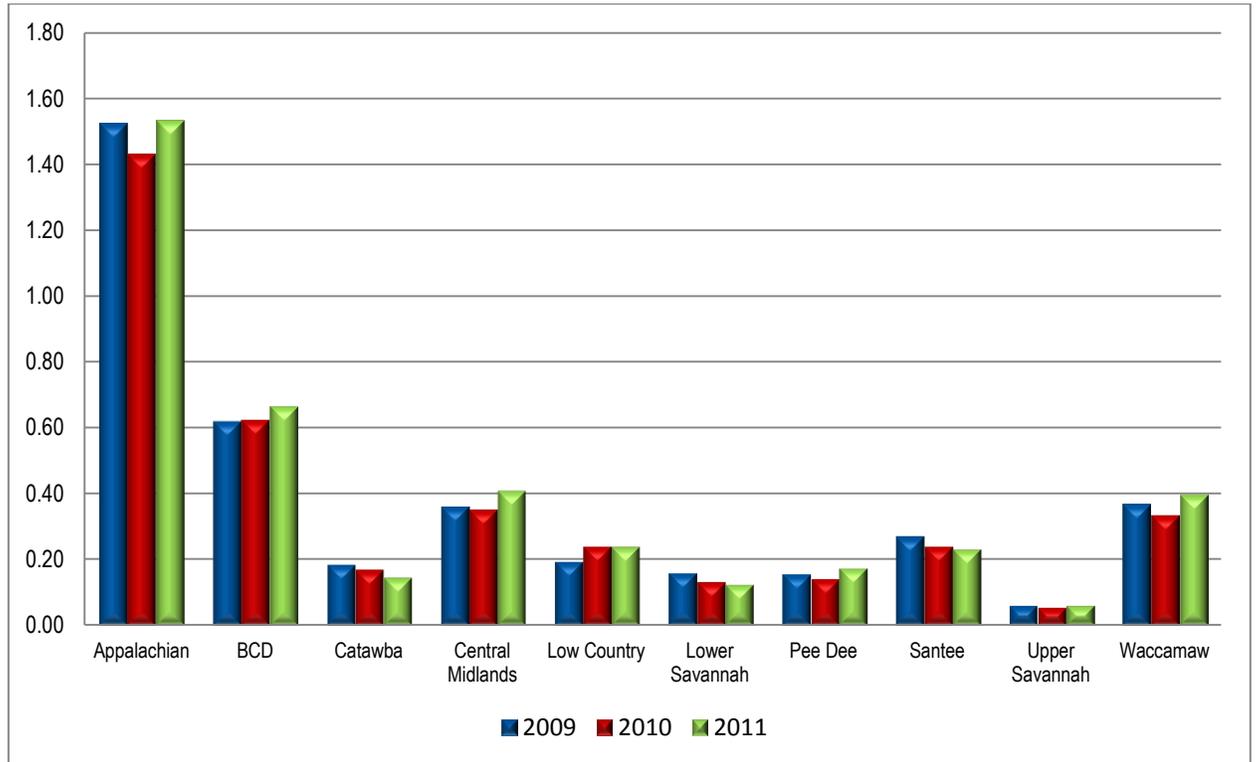




Figure 2-14: Average Annual Passenger per Revenue Vehicle Mile Trends

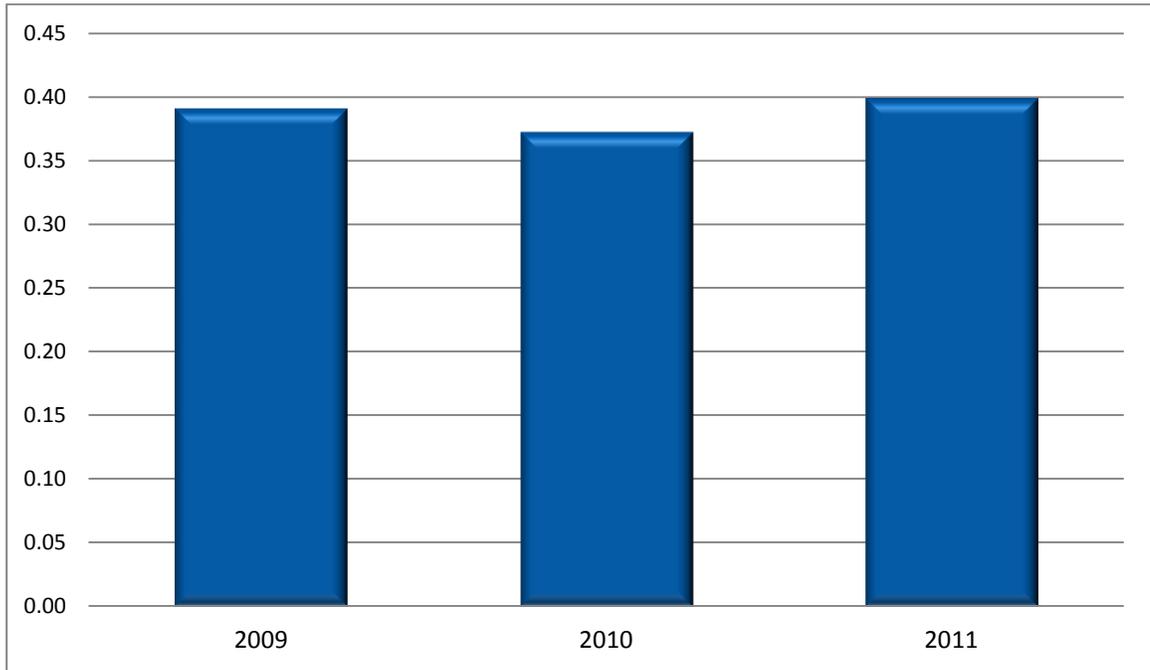


Table 2-8, Figure 2-15 and Figure 2-16 show passengers per revenue vehicle hour for 2009, 2010, and 2011, which have fallen slightly over the past three years. The regions have a range of approximately 20 passengers per hour in the Appalachian Region to approximately 2 passengers per hour in the Upper Savannah Region. This range of data points represents a typical pattern between urban and rural services.

Table 2-8: Passengers per Revenue Vehicle Hour by Region, FY 2009 to FY 2011

Region	2009	2010	2011
Appalachian	21.01	20.03	20.89
BCD	8.93	9.22	10.01
Catawba	4.23	3.45	3.02
Central Midlands	7.03	6.06	6.00
Lowcountry	6.65	5.44	5.46
Lower Savannah	3.71	2.40	2.30
Pee Dee	3.67	3.06	3.81
Santee	5.57	4.64	4.71
Upper Savannah	1.49	1.19	2.01
Waccamaw	6.82	5.31	6.58
Statewide	6.91	6.08	6.48



Figure 2-15: Annual Passengers per Revenue Vehicle Hour by Region

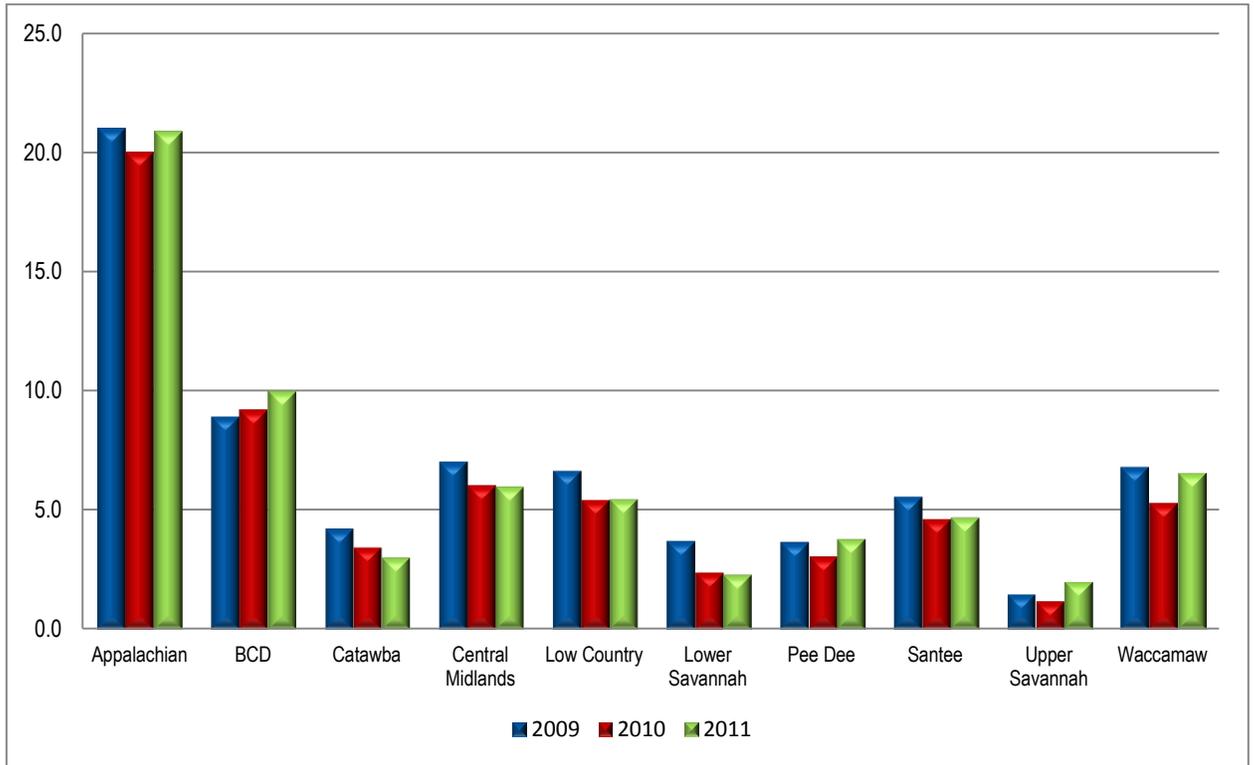


Figure 2-16: Average Annual Passengers per Revenue Hour Trends

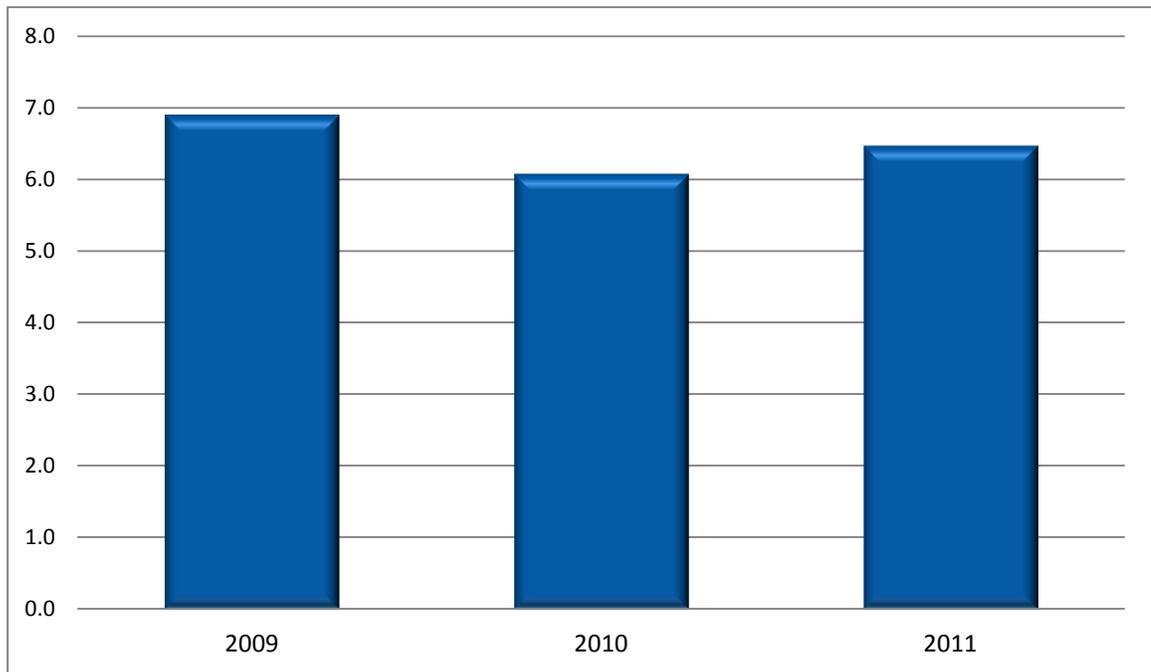




Table 2-9, Figure 2-17 and Figure 2-18 present the cost per passenger trip data for 2009, 2010, and 2011. The cost per passenger trip increased over the past three years, which is typically in response to escalating costs within the economy (such as fuel, employee benefits, etc.).

Table 2-9: Cost per Passenger Trip by Region, FY 2009 to FY 2011

Region	2009	2010	2011
Appalachian	\$4.39	\$4.44	\$4.18
BCD	\$15.40	\$15.93	\$16.81
Catawba	\$14.49	\$17.52	\$22.99
Central Midlands	\$22.47	\$21.03	\$19.73
Lowcountry	\$11.50	\$15.77	\$14.19
Lower Savannah	\$14.05	\$13.34	\$17.51
Pee Dee	\$14.12	\$11.06	\$8.47
Santee	\$11.09	\$11.16	\$12.00
Upper Savannah	\$13.40	\$20.44	\$20.45
Waccamaw	\$6.78	\$9.50	\$4.48
Statewide	\$12.77	\$14.02	\$14.08

Figure 2-17: Annual Cost per Passenger Trip by Region

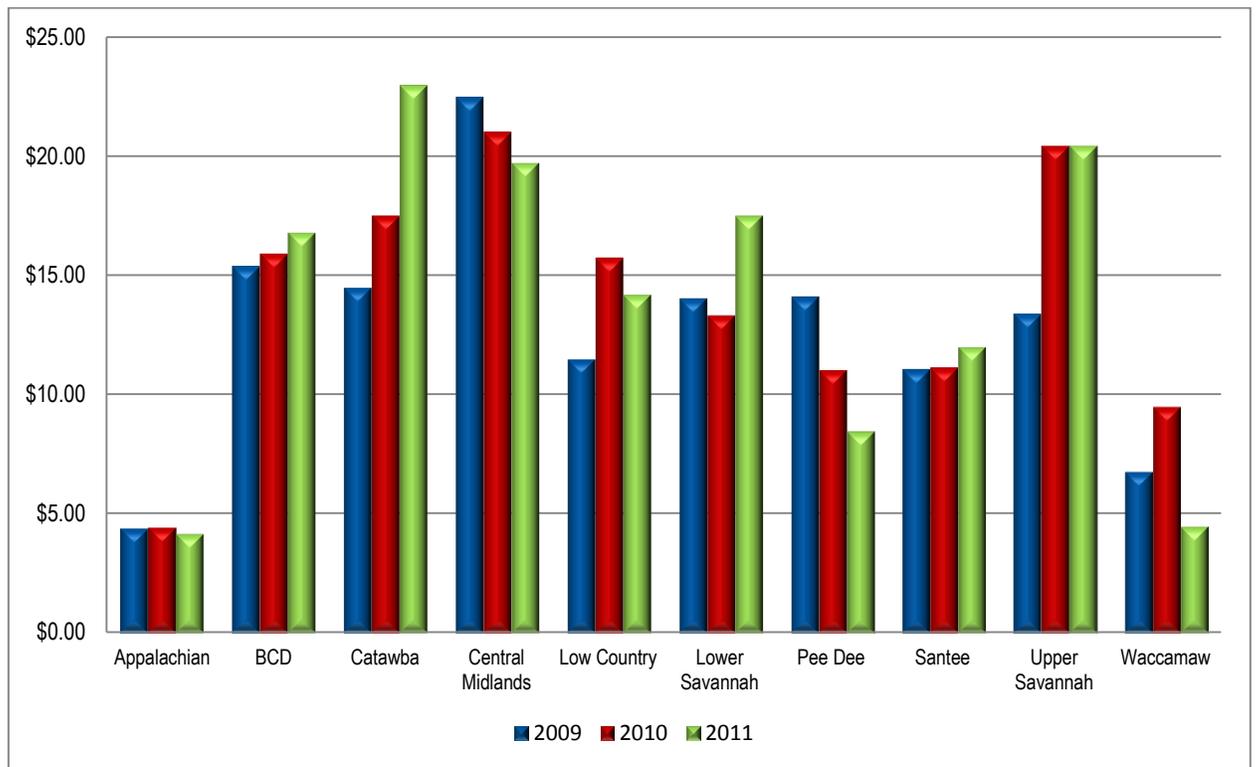
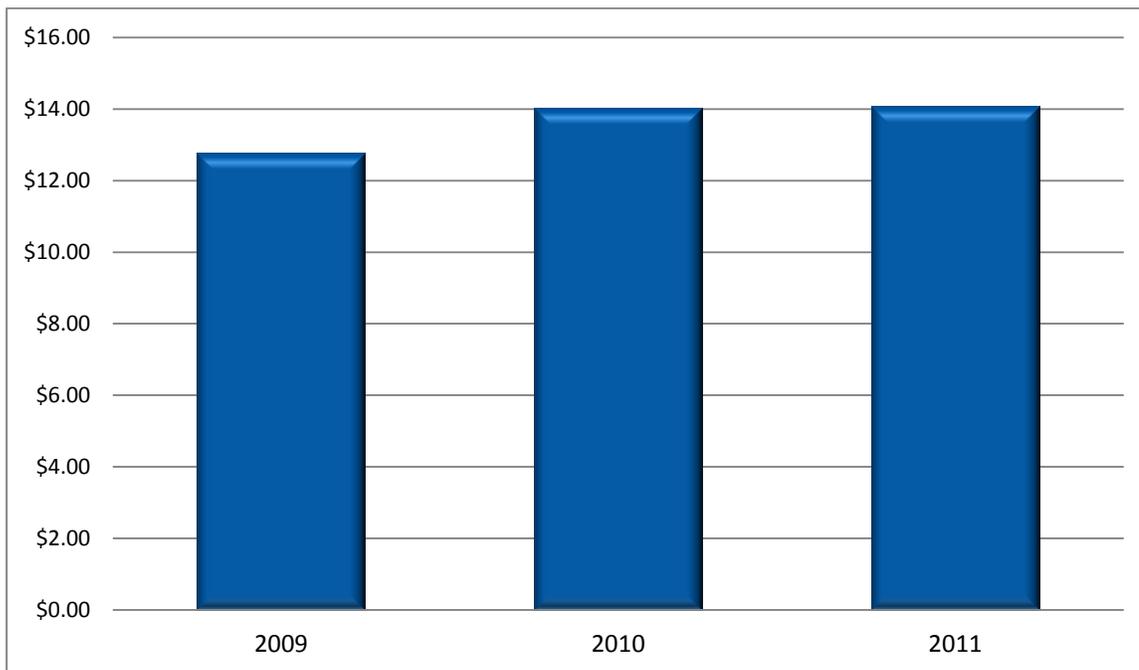




Figure 2-18: Annual Cost per Passenger Trip Trends



2.4 FY 2013 DISCUSSION

As discussed at the beginning of this chapter, the baseline data for this report is FY 2011. Although FY 2013 had ended when the work on this public transportation plan was underway, it was not available in time to include in this report. A review of the FY 2013 operations statistics indicates that most transit statistics are within approximately 10 percent of the FY 2011 statistics. SCDOT updates public transportation statistics annually. The data are available at SCDOT's website: <http://www.scdot.org>.

In FY 2013, general public transit agencies provided a total of 12,327,696 one-way passenger trips. This figure represents a 2.8% decrease in transit ridership from FY 2012, due in large part to a fiscally-focused effort to "right-size" transit operations statewide. The FY 2013 ridership figure represents a 3.82% increase over the passenger trip number from FY 2011. Transit ridership in the state's urbanized areas increased 3.0 percent, while transit ridership in the rural communities increased by 6.0 percent over the same period.

Statewide operating expenses decreased 6.8% from FY 2011 to FY 2013, and the statewide average cost per passenger trip decreased 10.4% in this same timeframe, reversing the negative trend from FY 2009 to FY 2011. The statewide number of passenger trips per revenue vehicle mile increased 23.1% since FY 2011.



Charting a Course to 2040

The majority of the 46 counties in South Carolina have some level of general public transit services available to their residents. As stated previously, the following counties are identified as not having public transit service supported by any of the funding programs administered by SCDOT:

- Abbeville County, Upper Savannah Region;
- Greenwood County, Upper Savannah Region;
- Laurens County, Upper Savannah Region;
- Saluda County, Upper Savannah Region;
- Cherokee County, Appalachian Region; and
- Union County, Catawba Region.

As a note, in FY2011, Lancaster County did not have general public transit service. However, in July 2012, a pilot program began.

2.5 INTERCITY SERVICES

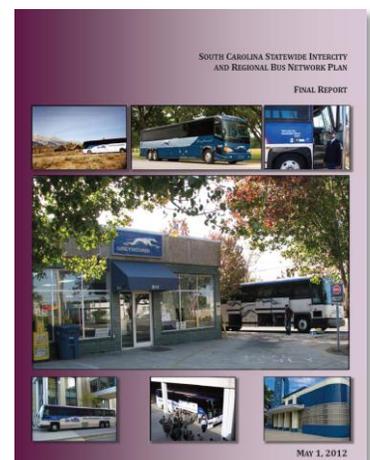
For residents and visitors who have limited travel options, intercity bus continues to provide an important mobility service. However, for intercity bus service to have an increased role in transportation in South Carolina, the service must be provided in a way to attract more people who could otherwise fly or drive. It is difficult for intercity bus to be time-competitive with air travel or driving directly, but budget-conscious travelers may be more receptive to bus service if it is provided at a deeply-discounted fare. The “no frills” business model being used by Megabus.com, which recently began service in/out Columbia,³ and other similar providers, is attempting to use low fares to attract customers who would otherwise fly or drive, but the long-term sustainability of this operation remains unproven.

Intercity rail transportation, particularly high speed rail service, has a greater potential than intercity bus to significantly impact how South Carolina residents and visitors travel between cities in the future, due to the reduced travel times, level of comfort, and direct service. As part of the 2040 MTP, a separate rail plan is being developed which addresses passenger rail options.

2.5.1 Statewide Intercity and Regional Bus Network Plan

In May 2012, the SCDOT completed a Statewide Intercity and Regional Bus Network Plan, which assessed intercity bus needs and developed a financially sustainable network of intercity and regional bus service for South Carolina.

The study substantiates that although South Carolina is reasonably well served by the intercity bus services, there are additional future needs that must be met. There are significant capital infrastructure needs that should be addressed to maintain an efficient and effective intercity bus network. Vehicles for the operation of both fixed route and feeder intercity bus services will continue to be needed. Vehicle-



³ <http://www.wltx.com/story/news/2014/02/17/1743984/>



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related equipment such as wheelchair lifts, security cameras, and Intelligent Transportation Systems (ITS) for coordinated information and scheduling are examples of equipment that could enhance the passenger's experience and perception of service reliability.

The study also recommends that SCDOT consider investing in an intercity bus station directional sign program. Such "trailblazer" programs have proven successful in other states across the country. The study also revealed that the condition of the state's intercity bus facilities is a concern of carriers and passengers. A feasibility study should be a prerequisite for major intercity facility projects. In some situations improvements to existing stations may be preferred to the construction of a new facility. The addition of passenger shelters, benches, or other amenities at selected sites should be supported.

The Intercity Bus study recommended that SCDOT utilize the following priority approach when considering intercity bus projects.

- Vehicles;
- Vehicle-related equipment;
- Facility construction/rehabilitation; and
- Operating assistance.

With capital assistance clearly the top funding priority, the plan provides several advantages in the provision of sustainable intercity bus service, particularly the reduction in operating maintenance costs resulting from the acquisition of new vehicles and the multi-year impact of capital having a useful life expectancy exceeding a decade. Consequently, in FY 2012, SCDOT announced available intercity bus funds for the purpose of vehicle capital investment and has awarded funds to Greyhound and Southeastern Stages (as a partner of Greyhound) bus lines.

The study identified operating assistance as the lowest priority for intercity bus financial assistance, primarily due to the difficulty in achieving intercity bus route sustainability, particularly those serving rural areas. Feeder/connector projects are considered a higher priority within the operating assistance category. Priority projects reported in the study are:

- Myrtle Beach – Florence Amtrak/bus station;
- Greenwood – Anderson/Greenville; and
- Greenwood – Columbia given priority consideration.

The report addresses "capital cost of contracting," which could assist local transit systems provide feeder services by enabling grantees to potentially charge some contract costs as capital, rather than an operating expense.



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The following findings from the study are summarized below.

- Greyhound operates 15 northbound (or eastbound) routes and 12 southbound (or westbound) routes and Southeastern Stages has seven northbound (or eastbound) routes, seven southbound (or westbound) routes, and three routes that are multi-directional.
- Intercity bus service that crosses state lines is subject to Federal Motor Carrier Safety Administration (FMCSA) regulations, primarily regarding safety and maintenance of insurance levels, and public transit providers operating intercity bus feeder service also must adhere to FMCSA regulations.
- Nearly 74 percent of stakeholder respondents indicated that intercity bus needs in their areas are not being met.
- There are significant intercity bus facility needs across the state, including intermodal facilities and improvements to existing facilities.
- Feeder service can play a significant role in providing connections to intercity bus stations. Passengers can make connections to mainline intercity carriers from areas that are void of intercity bus service.
- None of the state's 11 Amtrak stations are served by intercity bus, and there is no scheduled intercity bus service to the State's six commercial airports.
- The north central region, including the communities of Chester, Greenwood and Lancaster, is the major area of the state without intercity bus coverage.



The study recommendations include:

- SCDOT should delay submitting a Governor's Certification, either full or partial, signifying that intercity bus needs are being met in the State and should commit to the full utilization of its Section 5311(f) allocation to support the intercity bus network. The FTA requires that states spend a minimum of 15 percent of their annual Section 5311 apportionment to implement and fund intercity bus transportation. The Section 5311(f) Intercity Bus Program is designed to address the intercity travel needs of residents in non-urbanized areas of the state by funding services that provide them access to the intercity bus and transportation networks in the state. Both public and private transportation providers are eligible to compete for funding. Capital and operating assistance projects are eligible.
- Vehicles should be made available to intercity bus carriers for fixed schedule service and to local public transportation providers for feeder services, with SCDOT retaining financial interest in all funded vehicles.



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- Facility construction and improvements should only be made to publicly-owned facilities and in accordance with all FTA and NEPA requirements.
- SCDOT should adopt a policy that priority funding consideration will be given to intermodal transportation facilities that include public and private transportation providers serving the State's rural areas.
- SCDOT should utilize the network of regional public transportation systems across the State to provide feeder service to existing intercity bus routes and stations, while encouraging partnerships between private and public transportation providers to ensure improved network connections.
- In the event that SCDOT decides to support operating assistance, the projects should be initiated as demonstrations, allowing a minimum two-year operating period to determine the route's performance level utilizing the recommended performance measures.
- The announcement by SCDOT of the availability of Section 5311(f) assistance should be made separate from the remainder of the Section 5311 program, with all applications evaluated by a review committee utilizing weighted, point-based criteria.
- SCDOT should utilize the recommended structured reporting procedures to ensure that the use of Section 5311(f) funds complies with Federal and State requirements.
- SCDOT should annually conduct an outreach and consultation process with intercity bus industry representatives to ensure the State's intercity bus policies are reiterated and industry officials can advise state officials as to industry trends and updates.
- At least every four years SCDOT should conduct a detailed analysis of unmet intercity bus needs across the State, with a less involved needs assessment in the interim years.
- The SCDOT State Management Plan should be revised to include the recommended procedures regarding the management and distribution of Section 5311(f) funds and the on-going annual outreach and consultation process.

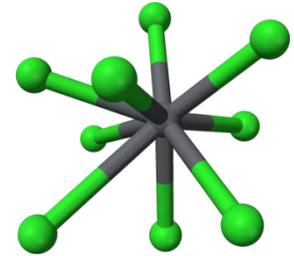


3. HUMAN SERVICES COORDINATION

In 2008, SCDOT completed 10 Human Services Transportation Coordination Plans for the 10 regions within the state. That planning effort included extensive public outreach within each of the 10 regions from local and regional stakeholders. The plans included:

- An inventory of services and needs for each region.
- Strategies and actions to meet the needs for each region.

This Chapter of the Statewide Public Transportation & Coordination Plan provides a summary update to the previous 2007/2008 planning effort by updating the state of coordination across the state, identifying needs and barriers, and identifying strategies to meet those needs. Additionally, the inclusion of social service transportation within this report alongside public transportation provides a useful opportunity to see various needs and available resources within the state in one document.



3.1 FEDERAL REQUIREMENTS

3.1.1 Background

In 2005, President Bush signed into law the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). The SAFETEA-LU legislation authorized the provision of \$286.4 billion in funding for federal surface transportation programs over six years through FY 2009, including \$52.6 billion for federal transit programs. SAFETEA-LU was extended multiple times in anticipation of a new surface transportation act. SAFETEA-LU was the most recent surface transportation act authorizing federal spending on highway, transit, and transportation-related projects, until the passage of Moving Ahead for the 21st Century (MAP-21) was signed into law on July 6, 2012.

Projects funded through three programs under SAFETEA-LU, including the Elderly Individuals and Individuals with Disabilities Program (Section 5310), Job Access and Reverse Commute Program [(JARC) Section 5316], and New Freedom Program (Section 5317), were required to be derived from a locally developed, coordinated public transit-human services transportation plan. The 2007 Human Services Transportation Plans for each region met all federal requirements by focusing on the transportation needs of disadvantaged persons.

3.1.2 Present

In July 2012, Congress enacted a new two-year federal surface transportation authorization, MAP-21, which retained many but not all of the coordinated planning provisions of SAFETEA-LU. Under MAP-21, JARC and New Freedom were eliminated as stand-alone programs. The former Section 5317 New Freedom program is now consolidated with the Section 5310 program, Formula Grants for the Enhanced Mobility of Seniors and Individuals with Disabilities, which provides for a mix of capital and



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operating funding for projects and is the only funding program with a coordinated planning requirements under MAP-21. JARC is now consolidated with the Section 5311 program, Formula Grants for Rural Areas and no longer requires that projects be derived through a coordinated planning process.

3.1.2.1 MAP-21 Planning Requirements: Enhanced Mobility of Seniors and Individuals with Disabilities Program (Section 5310)

This section describes the revised Mobility of Seniors and Individuals with Disabilities Program (Section 5310), the only funding program with coordinated planning requirements under MAP-21, beginning with FY 2013 and currently authorized through FY 2014.

The new consolidated Section 5310 Program provides three requirements for recipients. These requirements apply to the distribution of any Section 5310 funds and require:

1. That projects selected are “included in a locally developed, coordinated public transit-human services transportation plan”;
2. That the coordinated plan “was developed and approved through a process that included participation by seniors, individuals with disabilities, representatives of public, private, and nonprofit transportation and human service providers, and other members of the public”; and
3. That “to the maximum extent feasible, the services funded ... will be coordinated with transportation services assisted by other federal departments and agencies,” including recipients of grants from the Department of Health and Human Services.

Under MAP-21, only Section 5310 funds are subject to the coordinated-planning requirement. Sixty percent of funds for this program are allocated by a population-based formula to large urbanized areas with a population of 200,000 or more, with the remaining 40 percent going to state’s share of seniors and individuals with disabilities in small-urbanized areas (20 percent) and rural areas (20 percent).

Recipients are authorized to make grants to sub recipients including a state or local governmental authority, a private nonprofit organization, or an operator of public transportation for:

- Public transportation projects planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, inappropriate, or unavailable;
- Public transportation projects that exceed the requirements of the Americans with Disabilities Act;
- Public transportation projects that improve access to fixed route services and decrease reliance by individuals with disabilities on complementary paratransit; and
- Alternatives to public transportation that assist seniors and individuals with disabilities with transportation.

Making the
MOST
of MAP-21



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Private operators of “shared-ride” public transportation are also eligible subrecipients.

Section 5310 funds are utilized to reimburse subrecipients for up to 50 percent of operating costs, 90 percent for ADA-related equipment, 85 percent for ADA vehicle acquisition, and 80 percent for other non-ADA capital expenses. The remaining funds are required to be provided through local match sources. A minimum of 55 percent of funds apportioned to recipients are required to be used for “traditional” Section 5310 projects such as ADA accessible vehicle acquisition or capitalized purchase of service. The remaining 45 percent of Section 5310 funds may be utilized for support additional public transportation projects that support various ADA requirements or access. Pending final guidance from FTA on specific activities eligible for Section 5310 funding under MAP-21, potential applicants may consider the eligible activities described in the existing guidance for Section 5310 and New Freedom programs authorized under SAFETEA-LU as generally applicable to the new 5310 program under MAP-21.

This chapter summarizes the state of coordination and a range of strategies intended to promote and advance local coordination efforts to improve transportation for persons with disabilities, older adults, and persons with low incomes.

3.2 GOALS FOR COORDINATED TRANSPORTATION

The 2008 Human Services Transportation Coordination Plans for each of the regions did not include specific coordination goals within the reports. In order to evaluate the needs and strategies identified below, the following coordinated transportation goals are presented. These goals also support the overall South Carolina MTP goals, which are presented in Chapter 4.

The goals are:

- Provide an accessible public transportation network in each region that offers frequency and span of service to support spontaneous use for a wide range of needs; this may include direct commute service, as well as frequent local service focused within higher density areas.
- Maximize the farebox recovery rate and ensure that operation of the transit system is fiscally responsible.
- Offer accessible public and social service transportation services that are productive, coordinated, convenient, and appropriate for the markets being served. The services should be reliable and offer competitive travel times to major destinations and support economic development.
- Enhance the mobility choices of the transportation disadvantaged by improving coordination and developing alternative modes of transportation.





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3.3 COORDINATION PLAN UPDATE - OUTREACH PROCESS

Because of the extensive outreach conducted across the state during the original 2007-2008 Human Services Coordinated Plans and ongoing coordination meetings within the regions, SCDOT approached overall outreach, specific to the update of this Statewide Public Transportation & Coordination Plan, in a streamlined fashion, working primarily with the COGs, MPOs, and transit agencies who are knowledgeable of, and serve, the target populations in their communities. The outreach effort was based upon the following principles:

- Build on existing knowledge and outreach efforts, including outreach conducted for the 2008 Human Services Coordinated Plan for each of the 10 regions, locally adopted transit plans, the Long Range Planning efforts within the regions, and other relevant studies completed since 2007.
- Leverage existing technical committees/groups and relationships to bring in new perspectives and recent changes via their networks.

Some of the specific tools for outreach in each of the 10 regions included local and regional meeting presentations, in-person feedback, webpage for submitting comments, etc. The COGs contacted local agencies in their region to provide feedback and input into the existing state of coordination within each region, the gaps and needs in the regions, and strategies to meet future needs.

One recent example of moving coordination forward occurred in the BCD region. The COG sponsored a Coordination of Human Service Transportation Workshop on June 22, 2012 in Charleston, South Carolina. The purpose of the Workshop was to identify ways to plan and implement effective transportation strategies in order to offer transportation choices and services for improved access to employment, healthcare, and other activities of daily living for the citizens in the area.



3.4 STATE OF COORDINATION IN SOUTH CAROLINA

As part of this plan update process, local and regional plans completed since 2008 were reviewed. In the initial 2008 Human Services Transportation Coordination Plans, some regions had extensive coordination in place, which are still in place today, while other regions reported more informal coordination efforts in place. A summary of the state of coordination for each region is discussed below.

3.4.1 Appalachian Region

- Limited purchasing of services from other agencies.
- Some agencies sharing of drivers.
- Occasional joint training of personnel.
- Degree of informal coordination taking place.



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3.4.2 BCD Region

- Since the previous BCD Regional Human Service Coordination Plan, the region has had changes initiated by the COG, CARTA and BCD-RTMA (dba as TriCounty Link) to facilitate human service coordination. These include the implementation of a Mobility Management Program, a voucher program for those needing transportation for training or to seek job employment, and Google Transit for CARTA riders.

3.4.3 Catawba Region

Existing coordination efforts in the Catawba Region include:

- Sharing of vehicles—Department of Disabilities and Special Needs does this in Lancaster County.
- Sharing information (Catawba Coalition and Lancaster Coalition—transportation comes up at these group meetings).
- United Way’s Needs Assessment work.
- Some referral of services.
- Catawba Regional Council of Governments Board of Directors passed a resolution recognizing Catawba Regional Council of Governments as the Regional Transportation Management Association (RTMA) in the Catawba Region.
- Led an effort in Chester County resulting in publication of the Chester County Public Transportation Feasibility Study and subsequent provision of a county-wide demand response service in Chester County named the “Chester County Connector.”
- Worked with York County to establish a demand response service in the rural areas of York County. System name is “York County Access.”
- Helped facilitate the City of Rock Hill’s planning efforts to initiate a demand response service in the urbanized areas of York County. System is named “York County Access.”
- New startup of Lancaster Area Ride Share (LARS) through the Lancaster Council on Aging, which now includes general public service into the York County/Rock Hill/Charlotte area.
- Involved in various activities within the region to promote and inform the community about issues associated with public transportation.



3.4.4 Central Midlands Region

A number of agencies in the Central Midlands Region provide human service transportation, although most of the providers concentrate their services in the urban area. The evolution of human service



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transportation in the Central Midlands has resulted in a number of agencies providing services with in-house resources or contracting with private providers. Many of these agencies have not been compelled to coordinate services simply because they have a critical mass of trips within their own parameters, which affords them the economies of scale necessary to operate efficient service. Many agencies in the Central Midlands region continue to express willingness to explore and increase coordination opportunities. Commencing in FY2015, the Central Midlands RTA (dba The COMET) will begin to assume a greater role in the delivery of rural general public services within the region.

3.4.5 Lowcountry Region

Since the previous Lowcountry Regional Human Service Coordination Plan, there have been many changes initiated in the region. These include the implementation of a Mobility Manager and champion for coordination in the region. The Mobility Manager is tasked with involving all potential partner organizations, agencies, governments, businesses, and transportation providers. The Mobility Manager also explores all potential coordination options that would improve mobility in Beaufort, Colleton, Hampton, and Jasper counties. The Mobility Manager continuously works toward facilitating coordinated transportation agreements among the human service agencies, Palmetto Breeze, private transportation systems, transportation for veterans, and nonprofit organizations.

3.4.6 Lower Savannah Region

Since the development of the one-stop call center and the Lower Savannah Regional Human Service Coordination Plan was completed in 2008, there have been many changes initiated in the region.

LSCOG opened the Transportation and Mobility Management component of its Aging, Disability and Transportation Resource Center (ADTRC) in 2010. The COG was instrumental in leading the development of new rural public transit services in the region.

The ADTRC takes calls from the public in all six counties for transit services. It coordinates the use of transit technology across the region, leads and facilitates providers to coordinate transit services among themselves and advocates for unmet transit needs in the region. The Mobility Management staff in the ADTRC handles around 13,000 in-coming calls for transportation service in a year, and makes many more contacts in the process of seeking service to meet the passenger's need. Additionally they have served as project manager for the Orangeburg-Calhoun Counties' Cross County Connection service, since the project began in 2009 and the Aiken urban system, Best Friend Express and Dial-a-Ride. The ADTRC also provides human service information and assistance and benefits counseling in addition to helping to find transportation solutions.

3.4.7 Pee Dee Region

Since the previous Pee Dee Regional Human Service Coordination Plan, the primary change in the region is that PDRTA discontinued providing Medicaid trips in 2013. Within the region, coordination exists, especially within the same type of agencies. The DSN Boards and Community Action Agencies operate their respective system based upon the consolidation of





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their in-house services, essentially by grouping counties. In addition, the Head Start Programs coordinated purchase of fuel, vehicles, and insurance programs.

3.4.8 Santee-Lynches Region

In 2004, the Santee-Lynches Regional Council of Governments initiated a coordination coalition – Regional Transit Council. The theme of the Council is bridging the transportation gaps by “providing the freedom of mobility to the General Public that is safe, affordable, dependable, and accessible.” The Council meets on a regular monthly basis. Since inception, the Council members have been active, pursuing various coordinated accessible transportation alternatives for Clarendon, Kershaw, Lee, and Sumter Counties.

The efforts of the Council have generated national assistance within the region, as well as garnered national attention on how the Council has addressed and implemented coordination of transportation services for a predominately rural region. Nationally, the Council was highlighted in the Joint Federal Highway Administration and Federal Transit Administration Transportation Planning Capacity Building Program Peer Roundtable on “Effective Practices in Human Services Transportation Coordination.”

Additionally, the Council addressed the 33rd annual National Association of Area Agencies on Aging conference on how to establish “Coalition Building Initiatives.” Locally, the Council has been instrumental in jumpstarting a volunteer transportation program that has been adopted by the Lieutenant Governor’s Office on Aging, as well as helping find ways to bring public transportation into rural areas. The Council continuously strives to search for innovative ways to bridge transportation gaps through a cooperative method of regional and state partners.

3.4.9 Upper Savannah Region

Since the previous Upper Savannah Regional Human Service Coordination Plan was completed, there has been slow, but steady progress in the region. The following activities describe past and existing coordination efforts for the Upper Savannah Council of Governments.

- Through the Information Referral and Assistance Program (IR&A) of the Area Agency on Aging (AAA), Upper Savannah has an on-going effort to assist Senior Citizens in finding transit alternatives within and out of the region.
- Transportation is discussed regularly at meetings of the AAA at the Upper Savannah COG office. In the region, two public transit providers are presented to county Senior Citizens Centers.





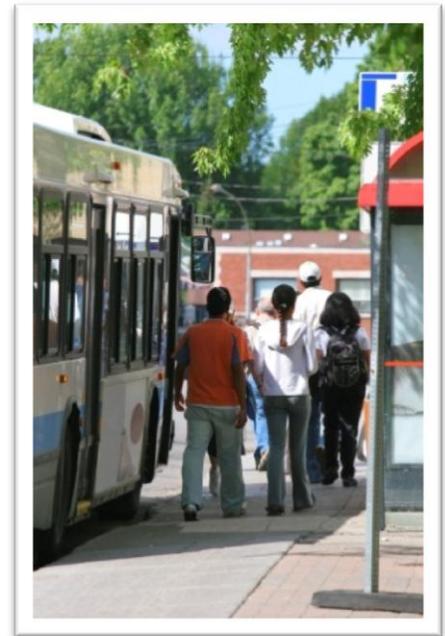
Charting a Course to 2040

- Public administrators and economic developers meet several times a year at Upper Savannah COG to discuss regional issues. Transit access is a topic of conversation at least annually. Public administrators in areas without public transit access do not currently see access to public transit as a high priority due to cost and limited ridership. Upper Savannah COG Board of Directors is regularly updated on activities related to transit and transportation planning around the region. Annually review grant applications for transit funds and submit a ranked priority funding recommendation to SCDOT Office of Public Transit. The Upper Savannah COG is a regular participant on the boards and committees of the United Way of Greenwood and Abbeville Counties, where they hear transit concerns and provide assistance where possible. The Upper Savannah COG participated in the latest version of a regional transit coordination feasibility study completed in April 2010. No coordination has occurred based on these recommendations to date.

3.4.10 Waccamaw Region

Since the Waccamaw Regional Human Service Coordination Plan was completed in 2007, there has been slow progress in the region. The following activities describe existing coordination efforts.

- Coast RTA and WCTA provide general public and ADA paratransit, as well as provide direct transportation services to human service agencies. This coordination effort utilizing the existing providers is seen as a win-win scenario.
- Contacted and updated list of human service contacts in the region for input into the completion of this Regional Transit & Coordination Plan



3.5 BARRIERS AND NEEDS IN SOUTH CAROLINA

An important step in completing this updated plan was to identify transportation service needs, barriers and gaps. The needs assessment provides the basis for recognizing where—and how—service for transit dependent persons can be improved. The plan provides an opportunity for a diverse range of stakeholders with a common interest in human service transportation to convene and collaborate on how best to provide transportation services for transit dependent populations. Through outreach described above throughout the regions, data were collected regarding transportation gaps and barriers faced in the 10 regions today. The results of the needs assessment are summarized in **Table 3-1**.

**Table 3-1: Needs Assessment Summary**

Rural areas – lack of coordinated/scheduled services and coverage presents challenge for residents.
Need for more options for Veterans.
Liability and cost of providing transportation.
Price people are willing to pay for transportation services limits expansion of services.
Loss of Medicaid contractual revenue due to DHHS' implementation of brokered system through private management firm
Limited scheduled public transit routes outside urban areas.
Access needed to wider range of transit options for persons seeking training at technical colleges/job training venues and employment services.
Increase in fuel costs have increased need for transit services and raised the costs of transit providers.
Increase in low income households that seek transit services due to down economy.
Overcoming the protectionist attitude of agencies that hinders working together and promoting coordination.
Human Service agencies having trouble maintaining existing services due to decline in funding from federal, state, and local funding sources.
Needs for services to serve 2nd and 3rd shift workers through public transportation.
Identifying new/supplemental funding opportunities as federal resources have declined.
Reductions in funding have led to reduction in staff and services with many providers.
Not enough funds to satisfy the transportation need.
Increase in aging population increases demand for service.
Increasing competition for grant funds as services expand to meet increasing demand.
Aging fleets and increased repair costs create barrier to adding vehicles to expand services.
Lack of coordinated transportation services across agencies and geographic areas.
Lack of understanding of the transportation needs in the region by elected officials.
Age of fleet.
Difficult to retain qualified drivers. The issue of pay differences came up with general public transit drivers and human service transit drivers, and the higher pay rate a CDL driver could earn as a truck driver.
Communications issues with non-English speaking persons.
Seasonal service demands.
Need regional fare structure.

3.6 COORDINATION STRATEGIES AND ACTIONS

In addition to considering which projects or actions could directly address the needs listed above, it is important to consider how best to coordinate services so that existing resources can be used as efficiently as possible. The following strategies outline a more comprehensive approach to service delivery with implications beyond the immediate funding of local projects. Examination of these coordination strategies is intended to result in consideration of policy revisions, infrastructure improvements, and coordinated advocacy and planning efforts that, in the long run, can have more profound results to address service deficiencies.



A range of potential coordination strategies was identified primarily through collaboration with the COGs, with direct outreach to key stakeholders in each region involved in providing service and planning of human service transportation. These stakeholders were asked to review and update the strategies identified in the previous Regional Human Services Transportation Plan and identify other successful coordination efforts that are needed today. A statewide summary of the updated strategies are shown in **Table 3-2**.

Table 3-2: Updated Strategies

Strategy
Establishing reliable, coordinated information resources (i.e. call center, website, information and resource referral service)
Developing coordinated mobility management strategies for each region.
Referring potential riders to public transit and or other providers of transportation services.
Promote the need for and benefits of public transit to residents and public officials to gain support for funding services.
Utilizing software applications to assist with trip scheduling and system planning.
GIS mapping (routes / customers / type of needs, etc.)
Seek additional funding sources from local officials and community organizations to supplement current funding.
Develop Volunteer Assisted Rides programs to assist persons who don't have access to or ability to pay for existing services.
Identify opportunities for pooling costs for fuel, insurance, and other common expenses.
Develop transportation voucher program that can be used across agencies to allow riders more flexibility in finding services.
Sharing of staff, facilities, and administrative services (i.e. vehicle repair, driver training, trip scheduling, vehicle storage etc.)
Sharing of rides for customers across human service/community organizations
Develop employment shuttles from fixed transit route services to outlying employment centers. Accommodate 2nd and 3rd shift workers needs for transit as part of this program.
Seek new funding sources for facility and equipment upgrades (i.e. local fees, sales tax, statewide fees).
Build relationships between human service agency services and Metropolitan Planning Organizations that have expanded their boundaries and now must work together.
Continue to work on policies that promote joint use of vehicles, staff, facilities, and equipment.
Deploy more fuel efficient vehicles.
More common performance standards across programs.



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The above coordination information summarizes the gaps, barriers, and proposed strategies for the state. As recognized throughout this planning effort, successful implementation will require the joint cooperation and participation of multiple stakeholders to maximize coordination among providers in the region and across the state.

The strategies identified above should be used to develop and prioritize specific transportation projects that focus on serving individuals with disabilities, older adults, and people with limited incomes. Proposals for these specific projects would be used to apply for funding through the newly defined MAP-21 federal programs. The outreach process identified the need for the coordination of transportation planning and services.

3.7 SOUTH CAROLINA INTERAGENCY TRANSPORTATION COORDINATION COUNCIL

In addition to the regional coordination discussed above, the state of South Carolina began statewide efforts over five years ago. The Governor established the South Carolina Interagency Transportation Coordination Council (SCITCC) to plan and develop mechanisms for increasing coordination of funding streams and resources at both the state and local levels and enhance coordination between resource agencies in order to maximize the efficient use of public transportation.

The Executive Order specifically identifies 19 representative agencies and appointments made by the Directors of the representative agencies. The Council held its first meeting in December 2009 and typically holds quarterly meetings to pursue increased coordination across the state. The Council is responsible for providing to the Governor, General Assembly of South Carolina, Senate Transportation Committee, House Education and Public Works Committee, and all member agencies:

- Quarterly progress reports (minutes)
- Five year plan detailing future goals and needs for the State as it relates to coordinated statewide transportation
- Annual report

A current study is underway with participation from the SCITCC – A State Human Services Infrastructure Review. The study focus is the review of the existing transportation infrastructure for human service agencies, with specific attention on the state’s Non-Emergency Medical Transportation (NEMT) infrastructure.



4. VISION AND OUTREACH

4.1 MTP VISION AND GOALS

The Statewide Public Transportation & Coordination Plan is intended to function as a stand-alone supplement to the South Carolina Statewide 2040 MTP. The development of the 2040 MTP began with a comprehensive vision process, inclusive of workshops and meetings with SCDOT executive leadership, which was the foundation for developing the 2040 MTP goals, objectives and performance measures. SCDOT coordinated the vision development with the Department of Commerce, the Federal Highway Administration and the South Carolina State Ports Authority. The following text reflects and references elements of the 2040 MTP, as well as the Statewide Interstate Plan, Statewide Strategic Corridor Plan, and the Statewide Rail Plan.

The vision statement of the 2040 MTP is as follows:

Safe, reliable surface transportation and infrastructure that effectively supports a healthy economy for South Carolina.

- In addition to this vision statement, a series of goals were identified to further develop the statewide 2040 MTP. For each of these goals, an additional series of itemized metrics were developed as performance measures to implement throughout the statewide plan.
- **Mobility and System Reliability Goal:** Provide surface transportation infrastructure and services that will advance the efficient and reliable movement of people and goods throughout the state.
- **Safety Goal:** Improve the safety and security of the transportation system by implementing transportation improvements that reduce fatalities and serious injuries as well as enabling effective emergency management operations.
- **Infrastructure Condition Goal:** Maintain surface transportation infrastructure assets in a state of good repair.
- **Economic and Community Vitality Goal:** Provide an efficient and effective interconnected transportation system that is coordinated with the state and local planning efforts to support thriving communities and South Carolina's economic competitiveness in global markets.
- **Environmental Goal:** Partner to sustain South Carolina's natural and cultural resources by minimizing and mitigating the impacts of state transportation improvements.





4.2 2040 MTP PERFORMANCE MEASURES

The above goals for all modes of transportation have suggested performance measures to be applied to the overall 2040 MTP. This Statewide Public Transportation & Coordination Plan includes performance measures, which are shown in the following tables. As indicated, the measures where public transportation has an impact for the state is indicated by an ‘X’ in the ‘T’ column under Plan Coordination.

4.2.1 Mobility and System Reliability Goal

Provide surface transportation infrastructure and services that will advance the efficient and reliable movement of people and goods throughout the state.

Background: Improved mobility and reliable travel times on South Carolina’s transportation system are vital to the state’s economic competitiveness and quality of life. National legislation, Moving Ahead for Progress in the 21st Century Act (MAP-21), makes highway system performance a national goal and requires states to report on their performance. SCDOT uses a combination of capital improvements and operations strategies to accommodate demand for travel. Data on congestion is rapidly becoming more sophisticated, but estimating needs based on this data and linking investment strategies to congestion outcomes remains a challenge.

	OP	I	SC	F	T	R	Performance Measures
Guiding Principle							
Encourage availability of both rail and truck modes to major freight hubs (for example ports, airports and intermodal facilities)	X	X	X	X		X	
Objectives							
Reduce the number of system miles at unacceptable congestion levels	X	X	X	X			Annual hours of delay on NHS and state Strategic Corridor system
Utilize the existing transportation system to facilitate enhanced modal options for a growing and diverse population and economy					X		% of transit needs met
Improve travel time reliability (on priority corridors or congested corridors)	X	X	X	X	X		Interstate travel time is based on freeway density, measured by the number of passenger cars per mile per lane. Strategic Corridor Network travel time is based on vehicle hours lost per mile.
Reduce the time it takes to clear incident traffic		X	X				Average time to clear traffic incidents in urban areas
Utilize the existing transportation system to facilitate enhanced modal options for a growing and diverse population and economy				X	X		% increase in transit ridership

***Legend:** OP – Overall Plan; I – Interstate; SC – Strategic Corridors; F – Freight; T – Transit; R – Rail



Specific public transportation measures as shown above include:

- Percent of transit needs met
 - Measured by operating and capital budgets against the needs identified
- Improve travel time reliability
 - Measured by on-time performance
- Percent increase in transit ridership
 - Measured by annual ridership

4.2.2 Safety Goal

Improve the safety and security of the transportation system by implementing transportation improvements that reduce fatalities and serious injuries as well as enabling effective emergency management operations.

Background: Safe travel conditions are vital to South Carolina’s health, quality of life and economic prosperity. SCDOT partners with other agencies with safety responsibilities on the state’s transportation system. SCDOT maintains extensive data on safety; however, even state-of-the-art planning practices often cannot connect investment scenarios with safety outcomes.

	OP	I	SC	F	T	R	Performance Measures
Guiding Principles							
Improve safety data collection, access, and analysis	X	X	X	X	X	X	
Improve substandard roadway.	X	X	X				
Better integrate safety and emergency management considerations into project selection and decision making.	X						
Better integrate safety improvements for bicycle, pedestrian, and other non-vehicular modes in preservation programs by identifying opportunities to accommodate vulnerable users when improvements are included in an adopted local or state plan.	X		X		X		
Reduce preventable transit crashes					X		
Work with partners to encourage safe driving behavior.	X				X		
Objectives							
Reduce highway fatalities and serious injuries.	X	X	X		X		Number or rate of fatalities and serious injuries (MAP-21 measure)
Reduce bicycle and pedestrian and other vulnerable roadway users’ fatalities and serious injuries.	X		X				Number or rate of bike/pedestrian fatalities and serious injuries
Reduce roadway departure related fatality and serious injury crashes.	X	X	X				Number of roadway departure crashes involving fatality or serious injury
Reduce fatal and serious injury crashes within work zones.	X	X	X				Number of work zone fatal and serious injury crashes
Reduce highway - rail grade crossing crashes involving fatality or serious injury.						X	% of crossings with active safety warning devices installed
Reduce fatal and serious injury crashes at intersections	X	X	X				# of crashes at intersections involving fatality or serious injury
Reduce fatal and serious injury crashes involving commercial motor vehicle	X	X	X	X			% of commercial motor vehicle crashes involving fatality or serious injury



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Specific public transportation guiding principles:

- Integrate safety improvements – guiding principle that all public transportation projects in the region should continue to include multimodal aspects that integrate safety measures. One example of safety measures from transit agencies in each region includes mandatory safety meetings and daily announcements to operators.
- Partnerships for safe driving behaviors - guiding principle that supports continued partnerships among public transportation agencies and human service agencies including coordinated passenger and driver training. Regional transit agencies track the number of accidents and do preventable accident driver training to decrease this number each year. Another example of proactive partnerships is agency participation at the statewide Rodeo held each year. Operators across the state are invited to attend for staff training and driver competitions.

4.2.3 Infrastructure Condition Goal

Maintain surface transportation infrastructure assets in a state of good repair.

Background: Preserving South Carolina’s transportation infrastructure is a primary element of SCDOT’s mission. This goal promotes public sector fiscal health by minimizing life-cycle infrastructure costs, while helping keep users’ direct transportation costs low. Maintaining highway assets in a state of good repair is one of the national MAP-21 goals and requires states and transit agencies to report on asset conditions. SCDOT maintains fairly extensive data and analytical capabilities associated with monitoring and predicting infrastructure conditions.

	OP	I	SC	F	T	R	Performance Measures
Guiding Principles							
Recognize the importance of infrastructure condition in attracting new jobs to South Carolina by considering economic development when determining improvement priorities.	X	X	X	X			
Encourage availability of both rail and truck modes to major freight hubs (for example ports, airports and intermodal facilities).	X	X	X	X		X	
Coordinate with the Palmetto Railways to consider road improvements needed to support the efficient movement of freight between the Inland Port and the Port of Charleston.			X	X		X	
Comply with Federal requirements for risk-based asset management planning while ensuring that State asset management priorities are also addressed.	X	X	X				



	OP	I	SC	F	T	R	Performance Measures
Objectives							
Maintain or improve the current state of good repair for the NHS.	X	X	X				Number of miles of interstate and NHS system rated at “good” or higher condition ³
Reduce the percentage of remaining state highway miles (non-interstate/strategic corridors) moving from a “fair” to a “very poor” rating while maintaining or increasing the % of miles rated as “good”.	X	X	X				% of miles moving from “fair” to “very poor” condition % of miles rated “good” condition
Improve the condition of the state highway system bridges	X	X	X	X			Percent of deficient bridge deck area (MAP-21 requirement)
Improve the state transit infrastructure in a state of good repair.					X		% of active duty transit vehicles past designated useful life

³ MAP-21 and the South Carolina Strategic Plan both include a pavement condition goal. For consistency with this plan and MAP-21 requirements the pavement condition for this plan is divided into two tiers --- one for the NHS and one for all other roads. In keeping with MAP-21 the objective for the NHS system reflects maintaining or improving current condition while the objective for the remainder of the system is consistent with the Strategic Plan approach of “managing deterioration”.

Specific public transportation measures:

- State of public transportation infrastructure
 - Percent of active duty vehicles past designated useful life

4.2.4 Economic and Community Vitality Goal

Provide an efficient and effective interconnected transportation system that is coordinated with state and local planning efforts to support thriving communities and South Carolina’s economic competitiveness in global markets.

Background: Transportation infrastructure is vital to the economic prosperity of South Carolina. Good road, rail, transit, and air connections across the state help businesses get goods and services to markets and workers get to jobs. Communities often cite desire for economic growth as a reason for seeking additional transportation improvements, and public officials frequently justify transportation spending on its economic merits. State-of-the-art planning practices, however, offer limited potential for connecting investment scenarios with travel choices outcomes.

	OP	I	SC	F	T	R	Performance Measures
Guiding Principles							
Improve access and interconnectivity of the state highway system to major freight hubs (road, rail, marine, and air).	X		X	X			
Determine economic impacts of potential projects and include quantitative results in the Act 114 project prioritization process.	X	X	X	X		X	
Work with economic development partners to identify transportation investments that will improve South Carolina’s economic competitiveness.	X	X	X	X	X	X	
Work with partners to create a project development and permitting process that will streamline implementation of SCDOT investments associated with state-identified economic development opportunities.	X						
Partner with state and local agencies to coordinate planning.	X						



	OP	I	SC	F	T	R	Performance Measures
Encourage local governments and/or MPOs to develop and adopt bicycle and pedestrian plans.	X						
Partner with public and private sectors to identify and implement transportation projects and services that facilitate bicycle and pedestrian movement consistent with adopted bike/pedestrian plans.	X						
Encourage coordination of transit service within and among local jurisdictions.					X		
Partner with public and private sectors to identify and implement transportation projects and services that facilitate freight movement.	X	X	X	X		X	
Encourage rail improvements that will improve connectivity and reliability of freight movement to global markets.				X		X	
Encourage availability of both rail and truck modes to major freight hubs (for example ports, airports, and intermodal facilities).	X	X	X	X		X	
Objective							
Utilize the existing transportation system to facilitate enhanced freight movement to support a growing economy.	X	X		X			Truck travel time index on the freight corridor network Annual hours of truck delay, Freight Reliability

Specific public transportation measures:

- Identify transportation investments supporting economic development
 - Measured by identifying transit routes within a ½-mile of re-development or new property development.
- Identify local and regional coordination efforts
 - Measured by number of coordination meetings held annually including all public transportation and human services agencies
 - Measured by annual or ongoing coordination projects among public transportation and human services agencies

4.2.5 Environmental Goal

Partner to sustain South Carolina’s natural and cultural resources by minimizing and mitigating the impacts of state transportation improvements.

Background: The goal is consistent with SCDOT’s current environmental policies and procedures. MAP-21 includes an Environmental Sustainability goal, which requires states “to enhance the performance of the transportation system while protecting and enhancing the environment.” Other than air quality, quantitative measures for impacts to the environment are difficult to calculate at the plan level. For the most part the environmental goal will be measured as projects are selected, designed, constructed and maintained over time.



	OP	I	SC	F	T	R	Performance Measures
Guiding Principles							
Plan, design, construct, and maintain projects to avoid, minimize, and mitigate impact on the state’s natural and cultural resources.		X	X	X	X	X	
Improve travel time delay on the Interstate and Strategic Corridor Network to reduce Greenhouse Gas emissions	X	X	X	X	X		
Work with state and public transit agencies to purchase clean or alternative fueled transit vehicles to reduce Greenhouse Gas emissions	X	X	X		X		
Partner with public and private sectors to identify and implement transportation projects and services that facilitate bicycle and pedestrian movement consistent with adopted bike/pedestrian plans.	X						
Partner to be more proactive and collaborative in avoiding vs. mitigating environmental impacts.	X	X	X	X			
Encourage modal partners to be proactive in considering and addressing environmental impacts of their transportation infrastructure investments.					X	X	
Work with environmental resource agency partners to explore the development of programmatic mitigation in South Carolina.	X	X	X	X			
Partner with permitting agencies to identify and implement improvements to environmental permitting as a part of the Department’s overall efforts to streamline project delivery.							

Specific public transportation guiding principles:

- Work with state and public transit agencies to purchase clean or alternative fueled transit vehicles to reduce Greenhouse Gas emissions

4.2.6 Equity Goal

Manage a transportation system that recognizes the diversity of the state and strives to accommodate the mobility needs of all of South Carolina’s citizens.

Background: Transportation is essential to support individual and community quality of life. As a public agency SCDOT has a public stewardship responsibility that requires it to evaluate needs and priorities in a way that recognizes the diversity of the state’s geographic regions and traveling public. There are no quantitative measures identified to evaluate the Equity goal.



	OP	I	SC	F	T	R	Performance Measures
Guiding Principles							
Ensure planning and project selection processes adequately consider rural accessibility and the unique mobility needs of specific groups.	X	X	X	X	X		
Partner with local and state agencies to encourage the provision of an appropriate level of public transit in all 46 South Carolina counties.					X		
Ensure broad-based public participation is incorporated into all planning and project development processes.	X	X	X	X	X	X	

Specific public transportation guiding principles:

- Ensure planning and project selection processes adequately consider rural accessibility and the unique mobility needs of specific groups.
- Partner with local and state agencies to encourage the provision of an appropriate level of public transit in all 46 South Carolina counties.

4.3 PUBLIC TRANSPORTATION VISION/GOALS

An extensive and comprehensive visioning and public involvement program was completed in the 2008 regional transit planning process. The purpose was to develop a vision, goals, and a framework for public transportation in South Carolina. Input was captured from a broad range of stakeholders through several outreach methods, including focus groups, community and telephone surveys, newsletters, public meetings, and presentations. As discussed earlier in this report, the 2040 MTP planning process builds from the momentum of the 2008 Statewide Public Transportation Plan and provides updated information, including public outreach and the vision for the future. The following text provides a summary of the 2008 efforts and updated information gathered since that time.

The vision for South Carolina’s public transportation⁴ was developed in 2008 with accompanying goals to support that vision. This vision continues to support the 2040 MTP and public transportation efforts within each region of the state. The vision statement and goals were developed for purposes of guiding future decisions for public transportation in the future.

⁴ SCDOT Regional Transit Plans, 2008.



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4.3.1 South Carolina Public Transportation Vision:

*Public Transit –
Connecting Our Communities*

Public transit will contribute to the state's continued economic growth through a dedicated and sound investment approach as a viable mobility option accessible to all South Carolina residents and visitors.

4.3.2 South Carolina Public Transportation Goals

The following statewide goals support the above vision and are relevant for all 10 regions across the state. As part of the 2008 statewide plan, the regional differences in goals and visions were acknowledged, but emphasis was placed on the visions common to all regions in South Carolina. In addition, "statewide" goals were identified that are not related to specific regions.

4.3.2.1 Economic Growth

- Recognize and promote public transit as a key component of economic development initiatives, such as linking workers to jobs, supporting tourism, and accommodating the growth of South Carolina as a retirement destination through public/private partnerships.
- Enhance the image of public transit through a comprehensive and continuing marketing/education program that illustrates the benefits of quality transit services.

4.3.2.2 Sound Investment Approach

- Ensure stewardship of public transit investments through a defined oversight program.
- Make public transit reasonable and affordable by encouraging more local investment and promoting coordinated land use / transportation planning at the local level.
- Utilize an incremental approach to new public transit investments that recognizes funding constraints and the need to maintain existing services.



4.3.2.3 Viability of Transit

- Provide quality, affordable public transit services using safe, clean, comfortable, reliable, and well-maintained vehicles.
- Increase statewide public transit ridership by 5 percent annually through 2030.



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- Utilize different modes of public transit including bus, rail, vanpool / carpool, ferry, and other appropriate technologies, corresponding to the level of demand.

4.3.2.4 Accessibility to All

- Provide an appropriate level of public transit in all 46 South Carolina counties by 2020 that supports intermodal connectivity.
- Develop and implement a coordinated interagency human services transportation delivery network.

4.4 PUBLIC OUTREACH

As discussed in Chapter 3, the public outreach for the 2008 statewide plan was extensive. The 2040 MTP planning process continued to build from the momentum of those previous efforts to improve the overall statewide transportation network. The following section summarizes public input received for the previous plan and for the recent 2040 MTP efforts that began in July 2012.

4.4.1 Stakeholder Input

4.4.1.1 July 2012 MTP Kickoff Meeting – Transit, Bicycle and Pedestrian Session

The 2040 MTP kickoff meeting was conducted on July 31, 2012; 138 stakeholders attended representing all transportation interests from around the state. Introductory remarks on the importance of the plan and this multi-agency cooperative effort were provided by executive leadership from SCDOT, Department of Commerce, South Carolina Ports Authority, and FHWA - South Carolina Division. After an overview presentation describing the Multimodal Transportation Plan process and primary products, the stakeholders participated in the following three modal break-out sessions to provide input on the transportation system needs and SCDOT priorities:

- Transit and Bicycle and Pedestrian
- Interstate and Strategic Corridors
- Freight and Rail

The discussions at each session provided valuable stakeholder expectations and perspectives on the goals that should be considered in the 2040 MTP. **Appendix B** provides a summary of discussion questions and responses from the transit, bicycle, and pedestrian session.

4.4.1.2 Strategic Partnerships among SCDOT, Local Agencies, and Council of Governments

A key component in the development of the 10 Regional Transit & Coordination Plan updates included partnerships among SCDOT and local staff. Within South Carolina, transportation planning at the urban and regional levels is conducted by 10 Metropolitan Planning Organizations (MPOs) and 10 Councils of Governments (COGs), as listed below. This strategic partnership creates a strong foundation to identify multimodal transportation needs and joint solutions to improve the movement of people and goods throughout the entire state.



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Metropolitan Planning Organizations

- ANATS – Anderson Area Transportation Study
- ARTS – Augusta/Aiken Area Transportation Study
- CHATS – Charleston Area Transportation Study
- COATS – Columbia Area Transportation Study
- FLATS – Florence Area Transportation Study
- GPATS – Greenville-Pickens Area Transportation Study
- GSATS – Myrtle Beach Area Transportation Study
- RFATS – Rock Hill Area Transportation Study
- SPATS – Spartanburg Area Transportation Study
- SUATS – Sumter Area Transportation Study

Councils of Government

- Appalachian Council of Governments (Anderson, Cherokee, Greenville, Oconee, Pickens, Spartanburg)
- Berkeley-Charleston-Dorchester Council of Governments (Berkeley, Charleston, Dorchester)
- Catawba Regional Planning Council (Chester, Lancaster, Union, York)
- Central Midlands Council of Governments (Fairfield, Lexington, Newberry, Richland)
- Lowcountry Council of Governments (Beaufort, Colleton, Hampton, Jasper)
- Lower Savannah Council of Governments (Aiken, Allendale, Bamberg, Barnwell, Calhoun, Orangeburg)
- Pee Dee Regional Council of Governments (Chesterfield, Darlington, Dillon, Florence, Marion, Marlboro)
- Santee-Lynches Regional Council of Governments (Clarendon, Kershaw, Lee, Sumter)
- Upper Savannah Council of Governments (Abbeville, Edgefield, Greenwood, Laurens, McCormick, Saluda)
- Waccamaw Regional Planning and Development Council (Georgetown, Horry, Williamsburg)

Existing transit service data, future needs, and strategies are presented in this plan. These data were collected from various collaboration opportunities between the study team and local agencies, including the transit agencies, COGs, and MPOs. Data, comments and input from the local agencies and the community-at-large were carefully considered in the development of the 10 Regional Transit & Coordination Plans, and are summarized in this statewide plan. The 2040 MTP planning process included scheduled public meetings in mid-2014. In addition, the project website provided up-to-date information and an opportunity for all residents and visitors to learn about the 2040 MTP and a forum to leave comments and suggestions for the project team.

4.4.1.3 Public Transportation Statewide Opinion Survey

A public transportation opinion survey was available from February 18, 2013 through March 13, 2013 to gain input on public transportation services in the state of South Carolina. The survey asked for responses on use of public transportation, availability of transit service, mode of transportation to/from work, rating the service in your community and across the state, should public transportation be a priority for SCDOT, what would encourage you to begin using public transportation, age, gender,



number of people in the household, etc. The survey was provided through Survey Monkey, with a link available on the project website. Emails were also sent by each of the COGs to local stakeholders, grass roots committees, transit agencies, human service agencies, etc. In addition, the SCDOT completed a press release with survey link information in Spanish and English. Over the course of the survey period, 2,459 surveys were completed.

Figure 4-1, Figure 4-2 and Figure 4-3 provide an overall summary from the statewide survey. Ninety-two percent of the survey respondents use a personal vehicle for travel. The question was posed regarding what would encourage the survey respondents to ride public transit. The top three responses were rail or Bus Rapid Transit (BRT) available for trips, transit stops located close to their homes, and more frequent transit buses.

Figure 4-1: Survey Summary, Need

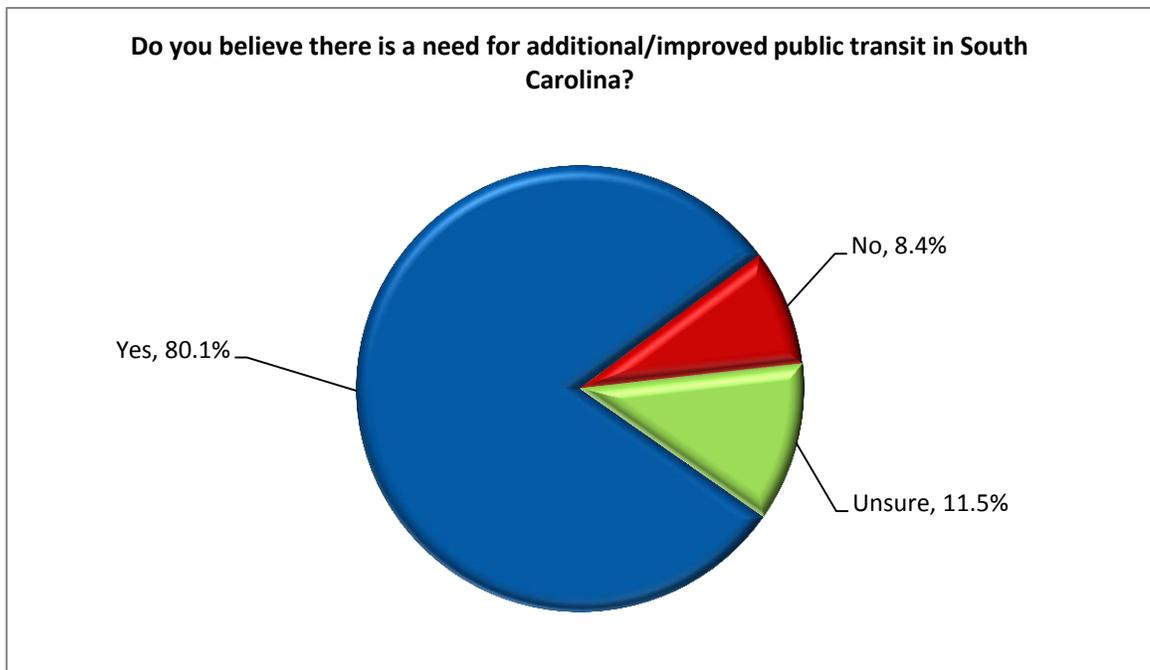




Figure 4-2: Survey Summary, Importance

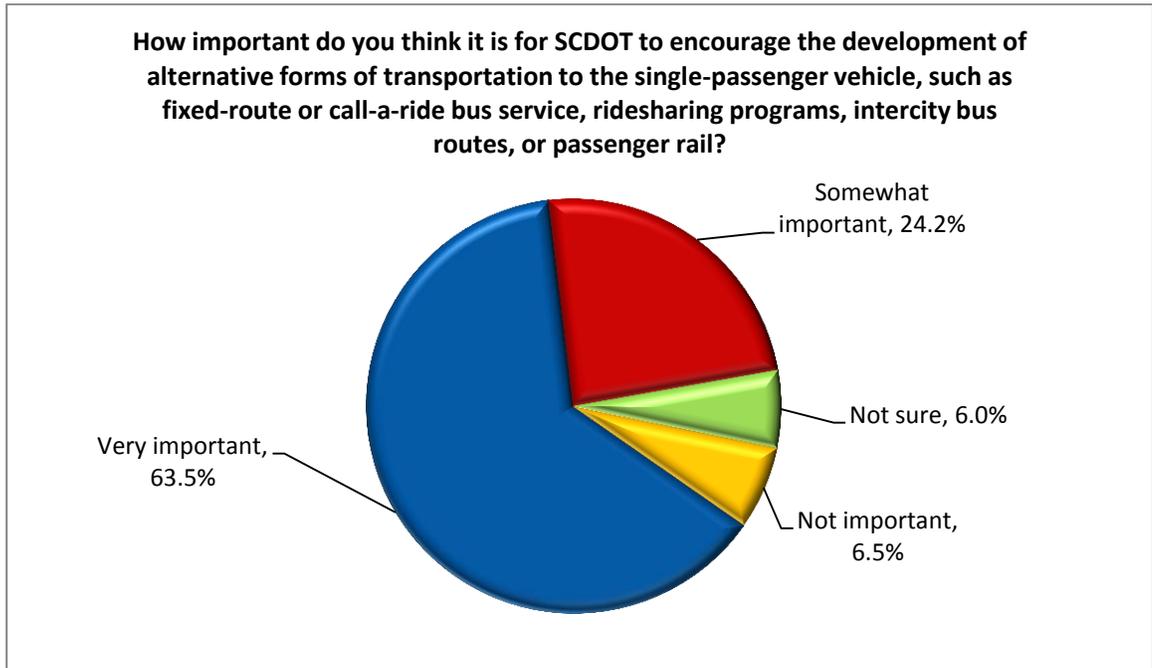
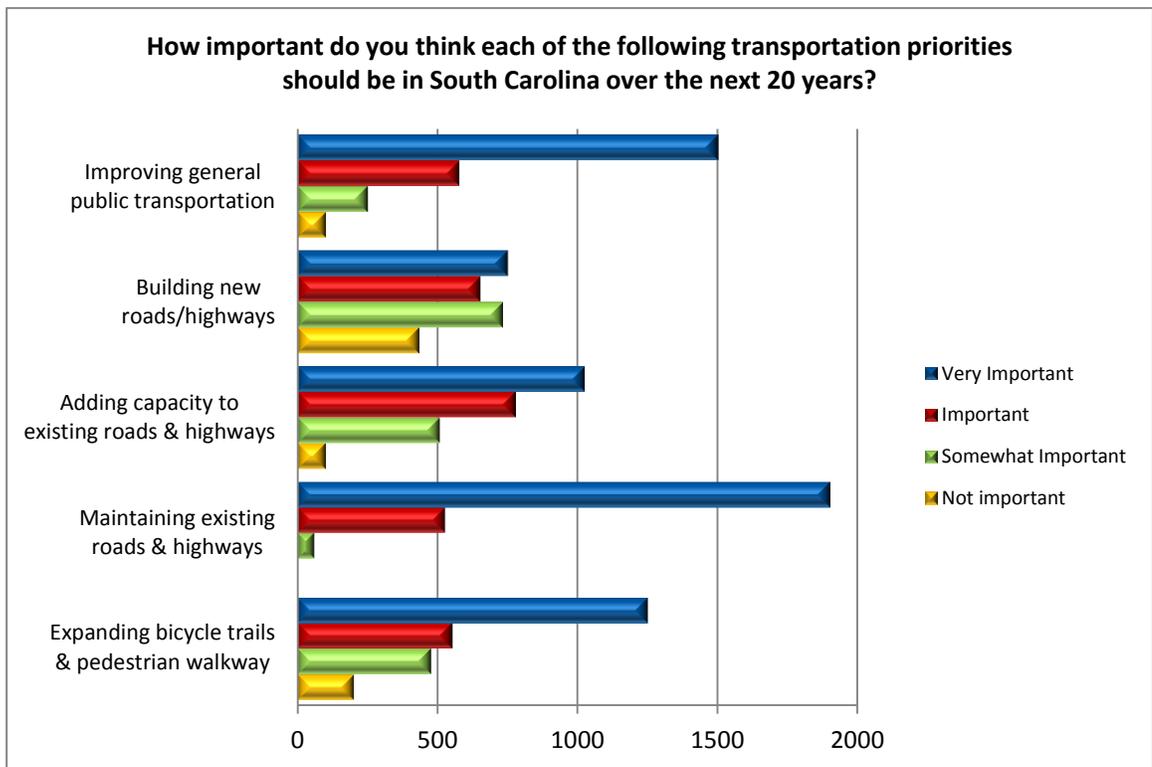


Figure 4-3: Survey Summary, Priorities





5. REGIONAL TRANSIT NEEDS

Chapter 5 provides the public transportation needs and deficiencies for the state of South Carolina. The analysis includes general public transit needs based on existing services and future needs identified by public input, feedback from individual transit agencies, needs identified in existing plans, and feedback from the local COG, transit agencies, and SCDOT staff.

5.1 FUTURE NEEDS

Future needs for public transportation for the state were prepared and aggregated by transit agency and summarized for each of the 10 COG regions. Information sources used to calculate the overall transit needs to maintain existing public transportation services and to enhance public transit services in the future are provided below.

5.1.1 Baseline Data

The primary source of documents used to establish the baseline and existing public transportation information was data reported to SCDOT annually from each individual transportation agency. These data were summarized in Chapter 2 of this plan. The following list includes the primary sources of data.

- SCDOT Transit Trends Report, FY 2007-2011
- SCDOT Operational Statistics
- SCDOT FTA Section 5310, 5311, 5316, 5317 TEAM grant applications
- SCDOT Statewide Intercity and Regional Bus Network Plan, Final Report, May 2012.
- South Carolina Interagency Transportation Coordination Council, Building the Fully Coordinated System, Self-Assessment Tool for States, June 2010.
- SCDOT Provider Needs Survey, December 2012.
- SCDOT Regional Transit Plans, 10 Regions, 2008.

The next steps in the development of the regional plans and this statewide plan included calculating the public transportation future needs. The needs were summarized separately for:

1. Maintaining existing services; and
2. Providing enhanced services.



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5.2 MAINTAIN EXISTING SERVICES

The long-range transit operating and capital costs to maintain existing services were prepared as follows:

- **Operating Costs:** To calculate the long-term needs for maintaining existing services, a 2011 constant dollar for operating expenses was applied to each of the transit agencies for the life of this plan, which extends to 2040. The costs were then aggregated by region and for the statewide total.
- **Capital Costs:** To calculate the capital costs for maintaining existing services, two separate categories were used:
 - Cost for replacing the existing vehicle fleet, and
 - Non-fleet capital cost.

Fleet data and non-fleet capital data are reported to SCDOT annually. The non-fleet capital costs may include facility maintenance, bus stop improvements, stations, administration buildings, fare equipment, computer hardware, etc. A four-year average from FY 2008-2011 data reported by each agency were used to calculate the fleet and non-fleet capital costs for maintaining existing services for the next 29 years. Other data used included the approximate value and year of each vehicle upon arrival to the transit agency. These values were used to estimate the average cost to replace the existing agency fleet.

Table 5-1 summarizes the operating, administration, and capital costs to maintain the existing services to 2040 for the state. Annual costs and total cost are also presented.

Table 5-1: Maintain Existing Services Cost Summary by Region

SC Statewide	Maintain Services Annual	Maintain 2040 Total (29 yrs)	Maintain Services Annual	Maintain 2040 Total (29 yrs)	Maintain 2040 Total (29 yrs)
	Oper/Admin	Oper/Admin	Capital	Capital	Oper/Admin/Cap
Appalachian	\$10,608,025	\$307,632,725	\$4,217,917	\$122,319,593	\$429,952,318
BCD	\$16,908,724	\$490,352,996	\$7,558,248	\$219,189,192	\$709,542,188
Catawba	\$1,578,484	\$45,776,036	\$298,134	\$8,645,886	\$54,421,922
Central Midlands	\$12,908,826	\$374,355,954	\$4,942,766	\$143,340,214	\$517,696,168
Lowcountry	\$2,143,890	\$62,172,810	\$191,556	\$5,555,124	\$67,727,934
Lower Savannah	\$2,487,061	\$72,124,769	\$433,041	\$12,558,189	\$84,682,958
Pee Dee	\$5,384,403	\$156,147,687	\$768,939	\$22,299,231	\$178,446,918
Santee	\$4,139,575	\$120,047,675	\$1,679,659	\$48,710,111	\$168,757,786
Upper Savannah	\$1,100,481	\$31,913,949	\$250,236	\$7,256,844	\$39,170,793
Waccamaw	\$4,586,365	\$133,004,585	\$1,242,992	\$36,046,768	\$169,051,353
Total Statewide	\$61,845,834	\$1,793,529,186	\$21,583,488	\$625,921,152	\$2,419,450,338



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5.3 ENHANCED SERVICES

The second scenario for estimating future public transportation needs is Enhanced Services, which simply implies a higher level of service or more service alternatives for residents in the state than exists today. The data sources for obtaining future transit needs were:

- SCDOT Transit Trends Report, FY 2011;
- SCDOT Operational Statistics;
- SCDOT FTA Section 5310, 5311, 5316, 5317 TEAM grant applications;
- SCDOT Statewide Intercity and Regional Bus Network Plan, Final Report, May 2012;
- SCDOT Provider Needs Survey, December 2012;
- SCDOT Regional Transit Plans, 10 Regions, 2008;
- MPO Long Range Transportation Plans;
- Transit Development Plans, where applicable; and
- 2040 MTP public comments from website, statewide public transportation survey, and other public outreach.

The aforementioned planning documents were the primary resources used to identify future transit needs for each of the 10 COG regions. For some areas, more detailed future cost and project information were available. In other areas, projects were identified and shown as needed, but the plans did not include cost estimates for the service or project. In these cases, the average transit performance measures were used to determine a cost for the project or recent estimates for similar projects completed by the consultant team. Many needs for expanded rural and urban services were identified from recent public outreach efforts, within the above adopted plans, and also in the 2008 Human Services Coordination Plans. The needs included more frequent service, evening, weekend, employment services, and rural transit connections to major activity locations.

Table 5-2 shows a summary of the operating, administration, and capital costs for enhanced transit services through 2040.

Table 5-2: Enhanced Services Cost Summary by Region

SC Statewide	Enhance Services		Enhance 2040 Total (29 yrs)
	Oper/Admin	Capital	Oper/Admin/Cap
Appalachian	\$164,701,357	\$75,617,500	\$240,318,857
BCD	\$135,904,357	\$42,961,429	\$178,865,786
Catawba	\$55,302,766	\$3,290,982	\$58,593,748
Central Midlands	\$180,096,214	\$144,529,268	\$324,625,482
Lowcountry	\$6,732,143	\$14,789,482	\$21,521,625
Lower Savannah	\$40,281,725	\$15,858,546	\$56,140,271
Pee Dee	\$17,974,821	\$15,665,179	\$33,640,000
Santee	\$24,049,120	\$1,268,750	\$25,317,870
Upper Savannah	\$15,507,336	\$3,666,429	\$19,173,764
Waccamaw	\$140,629,923	\$94,740,929	\$235,370,851
Total Statewide	\$781,179,762	\$412,388,493	\$1,193,568,255



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5.4 NEEDS SUMMARY

To summarize, the total public transportation needs to maintain existing transit services and for enhanced transit services for each of the 10 COG Regions and for the state total **\$3.6 billion**, as shown in

Table 5-3. The public transit needs for this plan were identified from:

- SCDOT Provider Needs Survey, December 2012;
- SCDOT Regional Transit Plans, 10 Regions, 2008;
- MPO Long Range Transportation Plans;
- Transit Development Plans, where applicable; and
- 2040 MTP public comments from website, statewide public transportation survey, and other public outreach.

In the previous 2008 Statewide Multimodal Transportation Plan, public transit needs were reported at \$3.9 billion, which included cost projections of urban, rural and new system services.⁵ That plan developed costs based upon future transit demand estimates from the Arkansas Public Transportation Needs Assessment and the Mobility Gap demand methodologies, which are described in Section 5.5.

This Statewide Public Transportation & Coordination Plan includes projects and future service projections from the local and regional agencies. The primary reason why the public transit needs number decreased since the last plan is due to the previous plan assumptions and projections of vehicle, facility, and operational costs, based upon the transit demand, verses using local and regional adopted plans.

5.5 TRANSIT DEMAND VS. NEED

In the previous sections (Section 5.2 and 5.3) this plan identified the service needs (maintaining and expanding services and the consequent capital and operating costs) for each of the 10 COG regions and for the state. Feedback from the transit agencies, the general public and the local project teams identified many needs including the expansion of daily hours of service, extending the geographic reach of service, broadening coordination activities within the family of service providers, and finding better ways of addressing commuter needs. The major urban areas, through their detailed service planning efforts, also continue to identify additional fixed-route and paratransit service expansion needs including more frequent service, greater overall capacity, expanding beyond the current borders of the service areas, and better handling of commuter needs.

Gauging the need for transit is different from estimating demand for transit services (number of potential passengers). As discussed earlier, this study is an update to the 2008 plan that included an analysis of transit demand and used that estimate of transit demand to calculate the cost of future transit needs (capital and operating costs). Demand will always exist whether or not public transit is available. The 2008 planning effort included quantifying the transit demand by using two different methodologies:

⁵ Statewide Transit Plan, 2008.



Table 5-3: Public Transportation Needs Summary by Region

SC Statewide	Maintain Services Annual	Maintain 2040 Total (29 yrs)	Maintain Services Annual	Maintain 2040 Total (29 yrs)	Maintain 2040 Total (29 yrs)	Enhance Services		Enhance 2040 Total (29 yrs)	2040 TOTAL (29 yrs) Maintain + Enhance Service
	Oper/Admin	Oper/Admin	Capital	Capital	Oper/Admin/Cap	Oper/Admin	Capital	Oper/Admin/Cap	Oper/Admin/Cap
Appalachian	\$10,608,025	\$307,632,725	\$4,217,917	\$122,319,593	\$429,952,318	\$164,701,357	\$75,617,500	\$240,318,857	\$670,271,175
BCD	\$16,908,724	\$490,352,996	\$7,558,248	\$219,189,192	\$709,542,188	\$135,904,357	\$42,961,429	\$178,865,786	\$888,407,974
Catawba	\$1,578,484	\$45,776,036	\$298,134	\$8,645,886	\$54,421,922	\$55,302,766	\$3,290,982	\$58,593,748	\$113,015,670
Central Midlands	\$12,908,826	\$374,355,954	\$4,942,766	\$143,340,214	\$517,696,168	\$180,096,214	\$144,529,268	\$324,625,482	\$842,321,650
Lowcountry	\$2,143,890	\$62,172,810	\$191,556	\$5,555,124	\$67,727,934	\$6,732,143	\$14,789,482	\$21,521,625	\$89,249,559
Lower Savannah	\$2,487,061	\$72,124,769	\$433,041	\$12,558,189	\$84,682,958	\$40,281,725	\$15,858,546	\$56,140,271	\$140,823,229
Pee Dee	\$5,384,403	\$156,147,687	\$768,939	\$22,299,231	\$178,446,918	\$17,974,821	\$15,665,179	\$33,640,000	\$212,086,918
Santee	\$4,139,575	\$120,047,675	\$1,679,659	\$48,710,111	\$168,757,786	\$24,049,120	\$1,268,750	\$25,317,870	\$194,075,656
Upper Savannah	\$1,100,481	\$31,913,949	\$250,236	\$7,256,844	\$39,170,793	\$15,507,336	\$3,666,429	\$19,173,764	\$58,344,557
Waccamaw	\$4,586,365	\$133,004,585	\$1,242,992	\$36,046,768	\$169,051,353	\$140,629,923	\$94,740,929	\$235,370,851	\$404,422,204
Statewide Total	\$61,845,834	\$1,793,529,186	\$21,583,488	\$625,921,152	\$2,419,450,338	\$781,179,762	\$412,388,493	\$1,193,568,255	\$3,613,018,593



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- **Arkansas Public Transportation Needs Assessment (APTNA) Method:** The APTNA method represents the proportional demand for transit service by applying trip rates to three population groups: the elderly, the disabled, and individuals living in poverty. The trip rates from the method are applied to population levels in a given community.
- **Mobility Gap Method:** The Mobility Gap method measures the mobility difference between households with a vehicle(s) and households without a vehicle. The concept assumes that the difference in travel between the two groups is the demand for transit among households without a vehicle.

The remainder of Section 5.5 compares these methodologies and updates their calculations using data from the 2010 U.S. Census.

5.5.1 Arkansas Public Transportation Needs Assessment (APTNA) Method

The APTNA method⁶ represents the proportional transit demand of an area by applying trip rates to three key markets: individuals greater than 65 years old, individuals with disabilities above the poverty level under age 65, and individuals living in poverty under age 65.

In the APTNA method, trip generation rates represent the resulting ridership if a high quality of service is provided in the service area. The trip rates for the APTNA method were calculated using the 2001 National Household Travel Survey (NHTS). The trip rates came from the South Region (Alabama, Arkansas, Delaware, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Virginia and West Virginia excluding Florida, Kentucky, Maryland and Texas). The NHTS reported the following trip rates:⁷

- 5.8 (rural) and 6.2 (urban) for the population above 65 years of age
- 12.3 (rural) and 12.2 (urban) for people from 5 to 65 with disabilities above the poverty level, and
- 13.8 (rural) and 11.8 (urban) for people below the poverty level.

To derive transit demand, the following equations are used:

$$D_{\text{(Rural)}} = 5.8(P_{65+}) + 12.3(P_{\text{DIS}<65}) + 13.8(P_{\text{POV}})$$

$$D_{\text{(Urban)}} = 6.2(P_{65+}) + 12.2(P_{\text{DIS}<65}) + 11.8(P_{\text{POV}})$$

Where, D is demand for one-way passenger trips per year,

P_{65+} = population of individuals 65 years old and older,

$P_{\text{DIS}<65}$ = population of individuals with disabilities under age 65, and

⁶ Arkansas Public Transportation Needs Assessment and Action Plan, prepared for the Arkansas State Highway and Transportation Department by SG Associates, 1992. 10 COG Regional Transit Plans, 2008.

⁷ 10 COG Regional Transit Plans, 2008, NHTS.



P_{POV} = population of individuals under age 65 living in poverty.

Table 5-4 shows the daily and annual ridership projections for each of the 10 COG regions and for the state. The daily transit trips across the state are 41,250 for the year 2010 and 53,072 for 2040. The annual transit trips for the state are projected to be approximately 19 million for 2040.

Table 5-4: Ridership Projections using APTNA Method

Region	Annual Transit Demand				Daily Trip Demand			
	2010	2020	2030	2040	2010	2020	2030	2040
Appalachian	3,781,778	4,060,075	4,414,856	4,870,696	10,361	11,123	12,095	13,344
BCD	1,884,018	2,078,180	2,271,727	2,512,760	5,162	5,694	6,224	6,884
Catawba	1,132,049	1,285,438	1,443,906	1,578,681	3,102	3,522	3,956	4,325
Central Midlands	1,935,842	2,122,249	2,321,216	2,561,596	5,304	5,814	6,359	7,018
Lowcountry	775,284	857,813	932,625	1,027,772	2,124	2,350	2,555	2,816
Lower Savannah	1,022,032	1,041,588	1,064,527	1,175,654	3,378	3,472	3,575	3,987
Pee Dee	1,410,386	1,443,337	1,484,991	1,637,806	3,864	3,954	4,068	4,487
Santee	855,133	883,403	914,595	999,572	2,343	2,420	2,506	2,739
Upper Savannah	679,703	726,540	772,399	838,155	1,862	1,991	2,116	2,296
Waccamaw	1,368,978	1,545,613	1,733,655	1,889,017	3,751	4,235	4,750	5,175
Statewide Total	14,845,203	16,044,236	17,354,497	19,091,709	41,250	44,575	48,205	53,072

5.5.2 Mobility Gap Methodology⁸

The Mobility Gap method measures the difference in the household trip rate between households with vehicles available and households without vehicles available. Because households with vehicles travel more than households without vehicles, the difference in trip rates is the mobility gap. This method shows total demand for zero-vehicle household trips by a variety of modes including transit.

This method uses data that is easily obtainable, yet is stratified to address different groups of users: the elderly, the young, and those with and without vehicles. The data can be analyzed at the county level and based upon the stratified user-groups; the method produces results applicable to the state and at a realistic level of detail.

The primary strength of this method is that it is based upon data that is easily available: household data and trip rate data for households with and without vehicles, obtained from the 2010 U.S. Census. Rural and urban trip rate data were derived from the 2001 National Household Travel Survey (NHTS) at the South Region level, to be consistent in the way the APTNA trip rates were derived and discussed in the previous section.

For the Mobility Gap methodology, the trip rates for households with vehicles serves as the target for those households without vehicles, and the “gap” (the difference in trip rates) is the amount of transit service needed to allow equal mobility between households with zero vehicles and households with

⁸ 10 Regional Transit Plans, 2008.



one or more vehicles. The assumption of this method is that people without vehicles will travel as much as people who have vehicles, which is the transit demand.

The equation used in the Mobility Gap method is:

$$\text{Mobility Gap} = \text{Trip Rate}_{\text{HH w/Vehicle}} - \text{Trip Rate}_{\text{HH w/out Vehicle}}$$

Where, "HH w/ Vehicle" = households with one or more vehicles, and

"HH w/out Vehicle" = households without a vehicle.

Table 5-5 shows that for elderly households with people age 65 and older, a rural mobility gap of 5.88 (7.64-1.76) trips per day and an urban mobility gap of 7.40 (9.97-2.57) person-trips per day per household exist between households with and without an automobile. For younger households with individuals between the age of 15 and 64, a rural mobility gap of 6.00 (10.09-4.09) trips per day and an urban mobility gap of 0.74 (8.36-7.62) person-trips per day per household exist between households with and without an automobile.⁹

Table 5-5: Mobility Gap Rates

	Person-Trip Rates				Mobility Gap	
	Rural		Urban		Rural	Urban
	0-Vehicle	1+vehicles	0-Vehicle	1+vehicles		
Age 15-64	4.09	10.09	7.62	8.36	6.00	0.74
Age 65+	1.76	7.64	2.57	9.97	5.88	7.40

As illustrated in the calculation below, the Mobility Gap was calculated by multiplying the trip rate difference for households without vehicles available compared to households with one or more vehicles by the number of households without vehicles in each county:

$$\text{Trip Rate Difference (between 0-vehicle and 1+ vehicle households)} \times \text{Number of households with 0-vehicles available} \times \text{Number of days (365)} = \text{Mobility Gap (number of annual trips)}$$

Using the updated U.S. Census 2010 household data and the appropriate Mobility Gap trip rate, the estimated demand was calculated for each of the 10 COG Regions and for the state. **Table 5-6** presents the annual and daily demand for 2010, 2020, 2030, and 2040.

The Mobility Gap approach yields high estimates of travel need for all regions across the state. While this method may provide a measure of the relative mobility limitations experienced by households that lack access to a personal vehicle, it is important to acknowledge that these estimates far exceed actual trips provided by local transit systems.

⁹ 2001 NHTS.



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The state's 2010 daily demand is approximately 593,000 person-trips per day. The Mobility Gap method estimates the state transit demand (based upon 365 days of service) at approximately 216 million person-trips per year for 2010, and approximately 264 million per year for 2040.



Table 5-6: Travel Demand using Mobility Gap Method by Region

Region	Annual Trip Demand - Mobility Gap				Daily Trip Demand			
	2010	2020	2030	2040	2010	2020	2030	2040
Appalachian	47,922,357	51,523,339	51,523,339	51,523,339	131,294	141,160	141,160	141,160
BCD	29,803,586	32,667,273	35,574,833	37,779,430	81,654	89,499	97,465	103,505
Catawba	14,785,238	16,653,693	18,588,131	20,243,177	40,508	45,627	50,926	55,461
Central Midlands	28,542,595	31,235,857	33,977,744	37,535,422	78,199	85,578	93,090	102,837
Lowcountry	11,482,338	12,573,510	13,569,130	14,924,733	31,458	34,448	37,176	40,890
Lower Savannah	17,578,834	18,036,560	18,543,925	20,535,003	48,161	49,415	50,805	56,260
Pee Dee	24,511,695	25,080,282	25,791,884	28,428,192	67,155	68,713	70,663	77,885
Santee	12,577,068	12,967,029	13,399,026	14,586,206	34,458	35,526	36,710	39,962
Upper Savannah	11,531,794	12,601,595	13,587,519	14,758,289	31,594	34,525	37,255	40,479
Waccamaw	17,826,961	19,825,913	21,999,570	23,900,000	48,841	54,318	60,273	65,479
Total Statewide	216,562,467	233,165,051	246,555,101	264,213,791	593,322	638,808	675,522	723,919



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5.5.3 Comparison Between Demand Methodologies

The transit demand results estimated by the two methods show a substantial difference in the range of transit service for each of the 10 COG Regions. The APTNA method estimates annual transit demand for the state at 14.8 million person-trips per year for 2010, while the Mobility Gap method estimates annual transit demand at 216.6 million person-trips per year. **Table 5-7** compares results for the two methods by region and for the state.

Both methods indicate that the current level of reported transit service provided in the state (11.8 million annual trips) falls short of the estimated transit demand.

Key differences exist between the two model's assumptions, which are why the transit needs derived from each method are extremely different. The APTNA Method is derived specifically for the estimation of transit demand, assuming that a high-quality level of service is provided. Transit demand, as estimated by the APTNA method, is based upon three population groups: the elderly, the disabled and those living in poverty. Commuters and students within the region using transit are not factored into this methodology.

On the contrary, the Mobility Gap method estimates the additional trips that might be taken by households without a vehicle if an additional mode of transportation were provided, such as transit. The Mobility Gap method estimates transportation demand that could be served by transit. However, these trips might also be served by other modes. Therefore, the Mobility Gap method estimates an "ultimate" demand.

The APTNA method's estimate for urban transit need is not realistic, and the Mobility Gap method for estimating urban transit need is too overstated. In each of the 10 COG previous 2008 plans, the methodology calculations were modified by the local study teams to produce a more realistic estimate. This updated plan continues to use the 2008 Plan estimates for 2010, 2020, and 2030. For 2040, an updated demand was calculated using an average of the percent of increase for the modified projections. **Table 5-8** shows the results of the adjustments made to each of the 10 Region's transit needs. A comparison with the current level of transit service for the state (11.8 million trips per year) suggests the adjusted transit demand method is realistic, while the estimate provided by the APTNA method is a low-end goal and the Mobility Gap method is a "high-end" goal for each region.

Based on the adjusted transit demand forecast, the total transit demand in 2010 was estimated at 26.8 million one-way trips. In FY 2011, 11.77 million trips were provided. The percent of demand met is 44 percent. To meet the current transit need, approximately 15 million additional trips are needed among the existing transit systems. The demand forecast shows that by 2040, the estimated transit demand will exceed 34.8 million trips (

Figure 5-1).

**Table 5-7: Transit Demand Comparison for Two Methods by Region**

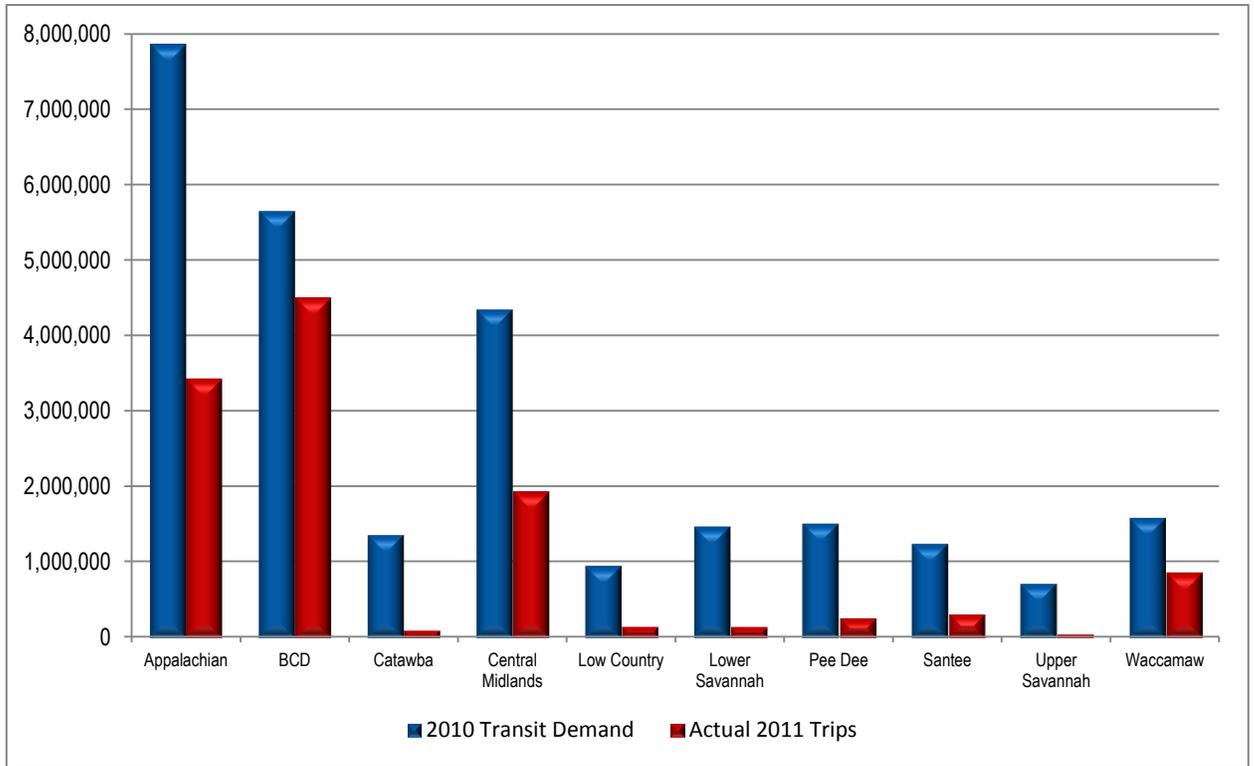
Demand	2010	2020	2030	2040
Appalachian				
APTNA	3,781,778	4,060,075	4,414,856	4,870,696
Mobility Gap	47,922,357	51,523,339	51,523,339	51,523,339
Actual Trips 2011	3,434,157			
BCD				
APTNA	1,884,018	2,078,180	2,271,727	2,512,760
Mobility Gap	29,803,586	32,667,273	35,574,833	37,779,430
Actual Trips 2011	4,506,242			
Catawba				
APTNA	1,132,049	1,285,438	1,443,906	1,578,681
Mobility Gap	14,785,238	16,653,693	18,588,131	20,243,177
Actual Trips 2011	100,957			
Central Midlands				
APTNA	1,935,842	2,122,249	2,321,216	2,561,596
Mobility Gap	28,542,595	31,235,857	33,977,744	37,535,422
Actual Trips 2011	1,938,771			
Low Country				
APTNA	775,284	857,813	932,625	1,027,772
Mobility Gap	11,482,338	12,573,510	13,569,130	14,924,733
Actual Trips 2011	151,056			
Lower Savannah				
APTNA	1,022,032	1,041,588	1,064,527	1,175,654
Mobility Gap	17,578,834	18,036,560	18,543,925	20,535,003
Actual Trips 2011	143,080			
Pee Dee				
APTNA	1,410,386	1,443,337	1,484,991	1,637,806
Mobility Gap	24,511,695	25,080,282	25,791,884	28,428,192
Actual Trips 2011	261,136			
Santee				
APTNA	855,133	883,403	914,595	999,572
Mobility Gap	12,577,068	12,967,029	13,399,026	14,586,206
Actual Trips 2011	318,112			
Upper Savannah				
APTNA	679,703	726,540	772,399	838,155
Mobility Gap	11,531,794	12,601,595	13,587,519	14,758,289
Actual Trips 2011	50,776			
Waccamaw				
APTNA	1,368,978	1,545,613	1,733,655	1,889,017
Mobility Gap	17,826,961	19,825,913	21,999,570	23,900,000
Actual Trips 2011	867,861			
Total Statewide				
APTNA	14,845,203	16,044,236	17,354,497	19,091,709
Mobility Gap	216,562,467	233,165,051	246,555,101	264,213,791
Actual Trips 2011	11,772,148			



Table 5-8: Adjusted Transit Demand by Region

Region	2010 Transit Demand	2020	2030	2040	Actual 2011 Trips	FY 2011 Needs Met
Appalachian	7,864,159	8,708,182	9,542,810	10,421,703	3,434,157	44%
BCD	5,654,008	6,041,304	6,460,806	6,905,956	4,506,242	80%
Catawba	1,368,635	1,535,790	1,706,398	1,905,364	100,957	7%
Central Midlands	4,354,936	4,770,192	5,188,296	5,663,025	1,938,771	45%
Lowcountry	955,379	1,104,288	1,254,700	1,437,886	151,056	16%
Lower Savannah	1,478,044	1,612,291	1,739,061	1,886,359	143,080	10%
Pee Dee	1,522,607	1,587,970	1,650,960	1,719,128	261,136	17%
Santee	1,245,596	1,341,299	1,435,853	1,541,618	318,112	26%
Upper Savannah	717,987	785,464	847,435	920,686	50,776	7%
Waccamaw	1,591,218	1,848,275	2,101,570	2,415,324	867,861	55%
Total Statewide	26,752,569	29,335,055	31,927,889	34,817,049	11,772,148	44%

Figure 5-1: FY 2010 Estimated Transit Demand by Region vs. Actual FY 2011 Trips





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In the previous 2008 Statewide Transit Plan, the overall percentage of demand met was estimated to be approximately 37 percent (9.4 million actual trips/25.5 million demand)¹⁰ for the state. In FY 2011, 44 percent of the 2010 transit demand was met based on the newly adjusted transit demand projections (11.8 million actual trips/26.8 million demand), which represents an improvement for the state and the transit agencies across the state providing service.

5.6 PREMIUM TRANSIT AND PASSENGER RAIL NEEDS

Premium transit includes transportation alternatives such as commuter rail, light rail, and bus rapid transit (BRT). The 2040 premium transit and passenger rail needs, based on local and multi-state feasibility studies, total \$1.65 billion and are broken down as follows:

- \$516 million for Rock Hill – York County – Charlotte Bus Rapid Transit (BRT).
- \$50 million for Greenville Bus Rapid Transit.
- \$46 million for Charleston Commuter Corridor.
- \$1.038 billion for the South Carolina segment of the Atlanta to Charlotte High Speed Rail.

The 2040 MTP estimate of \$1.038 billion for the South Carolina segment of a high speed rail corridor from Charlotte, North Carolina to Atlanta, Georgia was provided by the 2008 Volpe study for USDOT. The ongoing Passenger Rail Corridor Investment Plan (PRCIP) study, led by the Georgia Department of Transportation in partnership with SCDOT and the North Carolina Department of Transportation, is expected to identify a preferred alignment and an updated planning-level cost estimate when completed in 2015.

5.7 BENEFITS OF EXPANSION IN PUBLIC TRANSPORTATION

The impacts of public transit go beyond transportation-related measures of mobility and accessibility, and in recent years there has been increasing recognition of transit's social, economic, environmental quality, and land use and development impacts. Research indicates the benefits of a transit investment are intimately linked with the efficiency and usefulness of the service as a convenient, well-utilized transportation asset.

- **Social/Demographic:** Public transportation has significant positive impacts on personal mobility and workforce transportation, in particular for seniors, disabled persons, and low-income households (where the cost of transportation can be a major burden on household finances).
- **Economic:** Public transportation provides a cost savings to individual users in both urban and rural areas. For urban areas, transit can support a high number of workforce trips and thus major centers of employment in urban areas, and major professional corporations currently see proximity to public transit as an important consideration when choosing office locations. Additionally, viable public transportation can provide costs savings to the state through reduced health and social services expenditures.

¹⁰ 2008 Statewide Transit Plan.



Charting a Course to 2040

- **Environmental Quality:** Under current conditions, an incremental trip using public transportation has less environmental impact and energy usage than one traveling in an automobile; and greater usage of transit will positively impact factors such as air pollution in the state. As the average fuel economy for all registered vehicles increases due to natural retirement of older inefficient vehicles and more strict emissions standards for new vehicles, the overall impact to the environment decreases. Nevertheless, public transportation is expected to continue to be a more environmentally friendly form of travel.



6. POTENTIAL FUNDING SOURCES

The issue of funding continues to be a crucial factor in the provision of public transit service and has proven to be the single greatest determinant of success or failure. Funding will ultimately control growth potential for the agency. Dedicated transit funding offers the most sustainable funding source for transit agencies. Experience at agencies across the country underscores the critical importance of developing secure sources of local funding – particularly for ongoing operating subsidies – if the long-term viability of transit service is to be assured. Transit agencies dependent on annual appropriations and informal agreements may have the following consequences:

- Passengers are not sure from one year to the next if service will be provided. As a result, potential passengers may opt to purchase a first or second car, rather than rely on the continued availability of transit service.
- The lack of a dependable funding source inhibits investment for both vehicles and facilities. Public agencies are less likely to enter into cooperative agreements if the long-term survival of the transit organization is in doubt.



To provide high-quality transit service and to become a well-established part of the community, a dependable source of funding is essential. Factors that must be carefully considered in evaluating financial alternatives include the following:

- It must be equitable – the costs of transit service to various segments of the population must correspond with the benefits they accrue;
- Collection of tax funds must be efficient;
- It must be sustainable – the ability to confidently forecast future revenues is vital in making correct decisions regarding capital investments such as vehicles and facilities; and
- It must be acceptable to the public.

A wide number of potential transit funding sources are available. The following discussion provides an overview of these programs, focusing on Federal, state, and local sources.



Given the continued growth in population and employment projected for South Carolina and for some of the COG Regions, public transportation will become increasingly important as a viable transportation option. However, for transit agencies to provide continuous, reliable and expanding transit services, a stable funding mechanism will be imperative.

Transit funding revenues for each of the 10 COG Regions are shown in **The state** as a whole has a farebox return ratio of approximately 12 percent based on data reported by public transit providers. This ratio differs from the figure presented in SCDOT’s annual Transit Trends Report, which also included contract revenue in the calculation.

Figure 6-1 and **Table 6-1**. Approximately 26 percent of total funding for transit operations in the state is from local funds. Approximately 35 percent of the operating revenues are from Federal programs. These include FTA programs for 5307, 5310, 5311, 5316, 5317, and Federal ARRA funding dollars, as reported in SFY2011 operating statistics data. Federal dollars funded approximately 92 percent of the capital expenditures across the state. State funding represents approximately 8 percent for operations and 1 percent of capital projects across the state. The state as a whole has a farebox return ratio of approximately 12 percent based on data reported by public transit providers. This ratio differs from the figure presented in SCDOT’s annual Transit Trends Report, which also included contract revenue in the calculation.

Figure 6-1: SFY2011 Statewide Operating Revenues

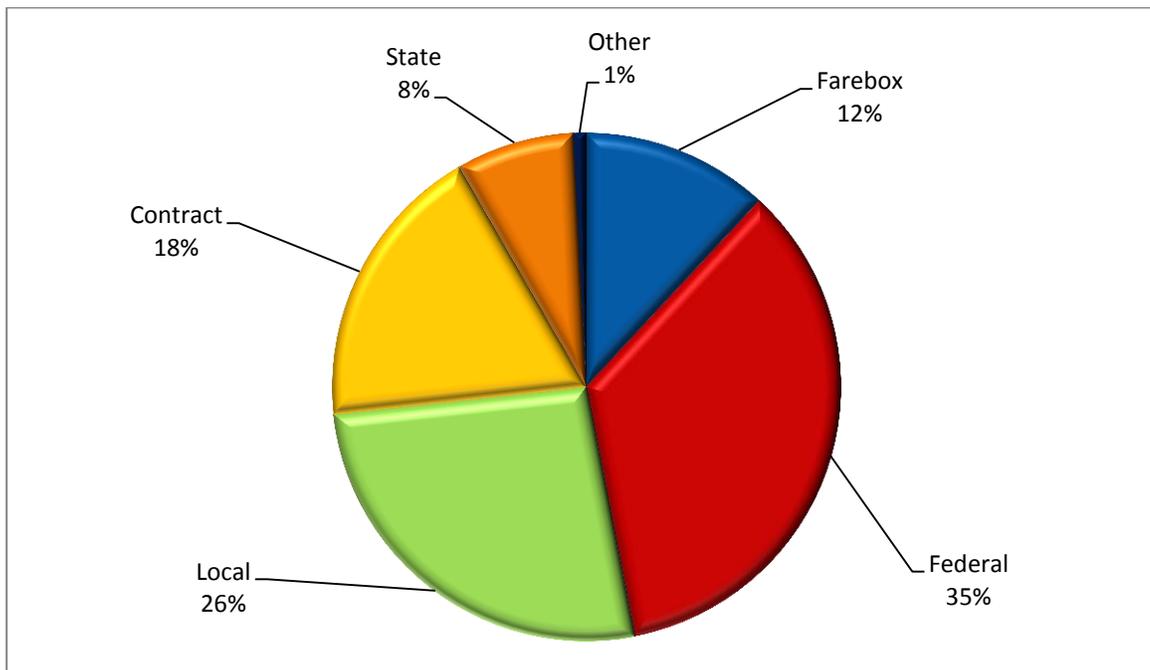




Table 6-1: SFY 2011 Transit Funding Revenues by Region

Statewide	Farebox	Operating Revenues						Capital					Total Revenue Oper/Cap
		Total Fed Operating	Local	Contract	State	Other	Total Op Revenues	Total Federal Capital Assistance	Local Cap Assist	State Cap Assist	Other	Total Cap	
Appalachian	\$870,875	\$3,450,679	\$1,624,098	\$3,504,561	\$1,241,993	\$275,010	\$10,967,215	\$4,419,412	\$23,241	\$39,187	\$102,058	\$4,583,898	\$15,551,113
BCD	\$3,091,106	\$6,721,457	\$8,623,820	\$2,112,040	\$897,017	\$159,206	\$21,604,645	\$12,791,578	\$209,958	\$11,250	\$0	\$13,012,786	\$34,617,431
Catawba	\$206,567	\$1,292,637	\$138,439	\$418,774	\$234,767	\$0	\$2,291,183	\$199,100	\$17,151	\$2,241	\$0	\$218,492	\$2,509,675
Central Midlands	\$1,776,153	\$4,559,412	\$5,654,623	\$639,725	\$704,434	\$524	\$13,334,870	\$1,230,908	\$33,837	\$15,141	\$463,831	\$1,743,717	\$15,078,587
Lowcountry	\$261,647	\$1,109,153	\$559,597	\$222,968	\$233,102	\$0	\$2,386,468	\$256,141	\$0	\$52,463	\$0	\$308,604	\$2,695,072
Lower Savannah	\$161,211	\$670,720	\$345,444	\$755,183	\$283,535	\$5,716	\$2,221,809	\$345,783	\$5,374	\$23,091	\$0	\$374,248	\$2,596,057
Pee Dee	\$431,794	\$1,524,512	\$80,865	\$2,194,419	\$531,109	\$0	\$4,762,699	\$1,327,889	\$0	\$44,685	\$77,827	\$1,450,401	\$6,213,100
Santee	\$198,656	\$1,598,452	\$53,963	\$1,414,502	\$546,356	\$0	\$3,811,929	\$385,061	\$0	\$33,105	\$151,084	\$569,250	\$4,381,179
Upper Savannah	\$19,462	\$365,187	\$6,983	\$638,012	\$48,314	\$36,607	\$1,114,565	\$50,601	\$116,630	\$0	\$0	\$167,231	\$1,281,796
Waccamaw	\$1,134,288	\$2,748,705	\$963,631	\$716,819	\$447,878	\$65,499	\$6,076,820	\$1,559,063	\$386,901	\$120,268	\$0	\$2,066,233	\$8,143,053
Total Statewide	\$8,151,758	\$24,040,913	\$18,051,462	\$12,617,003	\$5,168,505	\$542,562	\$68,572,203	\$22,565,536	\$793,092	\$341,431	\$794,800	\$24,494,859	\$93,067,062
	12%	35%	26%	18%	8%	1%		92%	3%	1%	3%		



Charting a Course to 2040

6.1 STATEWIDE TRANSIT FUNDING

To fully address transit needs in the state, new revenue sources will need to be tapped. Potential new funding sources could come from a variety of sources, including Federal, state, and local governments, transit users, and private industry contributors. Based on the level of transit need in the state, a combination of sources will be needed to make significant enhancements in the level of service that is available. In many communities, transit has been regarded as a service funded largely from Federal grants, state contributions, and passenger fares. However, with the strains on the Federal budget and restrictions on use of funds, coupled with a lack of growth in state funding, communities are recognizing that a significant local funding commitment is needed not only to provide the required match to draw down the available Federal monies, but also to support operating costs that are not eligible to be funded through other sources.

Historically, funding from local or county government in South Carolina has been allocated on a year-to-year basis, subject to the government's overall fiscal health and the priorities of the elected officials at the time. Local funding appropriated to a transit system can vary significantly from year to year, making it difficult for systems to plan for the future and initiate new services. To reduce this volatility, systems have been pushing for local dedicated funding sources that produce consistent revenues from year to year. For example, Charleston County dedicated a half-cent transportation sales tax, a portion of which is allocated to the Charleston Area Regional Transportation Authority (ARTA) and the Berkeley-Charleston-Dorchester Rural Transportation Management Association (BCDRTMA). Richland County also recently passed a one percent Transportation Tax, in addition to the Local Option Tax already imposed. The proceeds of the tax program support the Central Midlands Regional Transit Authority (CMRTA) system. **Appendix C** presents a summary chart of the South Carolina Sales and Use Taxes from www.sctax.org.



For both local leaders and residents, there appears to be a growing realization that transit funding should come from all levels of government, in addition to transit users and other sources.

6.2 FEDERAL FUNDING SOURCES

The Federal government has continued to sustain and slightly increase funding levels for public transportation in urban and rural areas. In addition, changes in program requirements have provided increased flexibility in the use of Federal funds. In October 2012, Moving Ahead for Progress in the 21st Century Act (MAP-21) passed and was signed into law. Prior to MAP-21, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) was in place. MAP-21 has several new provisions for public transit agencies and builds upon previous surface transportation laws. **Table 6-2** provides a snapshot of the MAP-21 programs and the funding levels for two years.



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Table 6-2: MAP-21 Programs and Funding Levels

PROGRAM	MAP-21 AUTHORIZATIONS		
	FY 2013 (Millions of Dollars)	FY 2014 (Millions of Dollars)	Two-Year Total (Millions of Dollars)
Total All Programs	10,578.00	10,695.00	21,273.00
Formula Grant Programs Total(Funded from the Mass Transit Account)	8,478.00	8,595.00	17,073.00
§ 5305 Planning	126.90	128.80	255.70
§ 5307/5336 Urbanized Area Formula	4,397.95	4,458.65	8,856.60
§ 5310 Seniors and Individuals with Disabilities	254.80	258.30	513.10
§ 5311 Rural Area Basic Formula	537.51	545.64	1,083.15
§ 5311(b)(3) Rural Transportation Assistance Program	11.99	12.16	24.15
§ 5311(c)(1) Public Transp. on Indian Reservations	30.00	30.00	60.00
§ 5311(c)(2) Appalachian Development Public Transp.	20.00	20.00	40.00
§ 5318 Bus Testing Facility	3.00	3.00	6.00
§ 5322(d) National Transit Institute	5.00	5.00	10.00
§ 5335 National Transit Database	3.85	3.85	7.70
§ 5337 State of Good Repair	2,136.30	2,165.90	4,302.20
§ 5339 Bus and Bus Facilities Formula	422.00	427.80	849.80
§ 5340 Growing States and High Density States	518.70	515.90	1,044.60
§ 20005(b) of MAP-21 Pilot Program for TOD Planning	10.00	10.00	20.00
Other Programs Total (Funded from General Revenue)	2,100.00	2,100.00	4,200.00
§ 5309 Fixed-Guideway Capital Investment	1,907.00	1,907.00	3,814.00
§ 5312 Research, Development, Demo., Deployment	70.00	70.00	140.00
§ 5313 TCRP	7.00	7.00	14.00
§ 5314 Technical Assistance and Standards Development	7.00	7.00	14.00
§ Human Resources and Training	5.00	5.00	10.00
§ Emergency Relief	(a)	(a)	(a)
§ 5326 Transit Asset Management	1.00	1.00	2.00
§ 5327 Project Management Oversight	(b)	(b)	(b)
§ 5329 Public Transportation Safety	5.00	5.00	10.00
§ 5334 FTA Administration	98.00	98.00	196.00

(a) Such sums as are necessary.

(b) Project Management Oversight funds are a variable percentage takedown from capital grant programs.

Source: APTA 2013.



7. FINANCIAL PLAN

The transit needs and projects identified in this Statewide Public Transportation & Coordination Plan were outlined based primarily upon improved transit coverage, higher service levels, and stakeholder and public comments in locally adopted plans. The following financial plan considers fiscal constraints and other trade-offs in the planning process. The identified transit needs require funding above and beyond what is spent today. The existing transit agencies across the state provide approximately 11 million trips in 2011, which meets 44 percent of the overall transit needs for the state. The unmet needs, given the prospect of continued population and employment growth, will include more connectivity, opportunities for improved efficiencies, greater emphasis on commuter transportation and a substantial need for increases in the overall funding for transit.

The state of South Carolina has a cross-section of the rural networks, human service transportation programs and urban service. The public perception of transit is good within the state, but it is deemed a public service rather than a viable commute option in many areas. However, traffic issues, mobility problems, and/or the need to continue stimulating growth and economic development will continue to heighten the benefits that can be realized through the implementation of transit.



Table 7-1 presents the projected financial plan for the state using the “maintain existing services” scenario. The table includes projections for the short-term and for the long-term until 2040, which are cost constrained. The information was calculated using a constant FY 2011 dollar. Service levels provided today at the transit agencies would remain the same into the future. As discussed in Chapter 5 of this plan, should this scenario continue the unmet demand for public transit for the state would increase.

7.1 INCREASE TO 50 PERCENT OF DEMAND MET

The existing transit demand for 2010 has been estimated at 26.8 million trips, with approximately 44 percent (11.7 million trips) of that demand being met with existing services. The 2020 projected demand increases to 29.3 million trips. One goal for the state of South Carolina may be to increase the demand met to 50 percent by 2020, which equates to providing 14.7 million trips or an increase of 2.9 million one-way trips. With an existing statewide average of 11.6 passengers per hour, transit agencies across the state would need to increase revenue service hours by 250,550 annually (2,895,380/11.6). The average cost per hour for the state is \$50.03. To meet approximately 50 percent of the demand in 2020, operating and administrative budgets would need to increase by approximately \$12.5M (250,550 x \$50.03) annually.



Table 7-1: Maintain Existing Services Plan by Region

Region	Financial Plan Operating/Admin Expenses	Operating Costs (to 2020)	Operating Costs 2040 Total (29 yrs)
	Annual		
Appalachian	\$10,608,025	\$95,472,225	\$307,632,725
BCD	\$16,908,724	\$152,178,516	\$490,352,996
Catawba	\$1,578,484	\$14,206,356	\$45,776,036
Central Midlands	\$12,908,826	\$116,179,434	\$374,355,954
Lowcountry	\$2,143,890	\$19,295,010	\$62,172,810
Lower Savannah	\$2,487,061	\$22,383,549	\$72,124,769
Pee Dee	\$5,384,403	\$48,459,627	\$156,147,687
Santee	\$4,139,575	\$37,256,175	\$120,047,675
Upper Savannah	\$1,100,481	\$9,904,329	\$31,913,949
Waccamaw	\$4,586,365	\$41,277,285	\$133,004,585
Total Statewide	\$61,845,834	\$556,612,506	\$1,793,529,186

The above scenario with the goal of meeting 50 percent of the public transportation demand across the state is one example of increasing public transportation services for residents and visitors to the state. Citizens of the state must work with local officials to determine priorities for their community. The actions listed below support increasing the levels of public transportation.¹¹

1. Transit’s role in economic development and supporting tourism is on the rise and transit providers and the state transit association have taken a more visible approach to engaging chambers and economic development agencies in the planning process. Critical to the expansion of transit, as well as the introduction of premium service transit, like bus rapid transit and rail service, will be how well the transit community engages the tourism and development communities into the design of service and ultimately the funding of new service.
2. With an array of technology-oriented industries and major regional activity centers, transit providers should focus their efforts on approaching the business community and tourism industry for their support of transit.



¹¹ 10 COG Regional Transit Plans, 2008.



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3. South Carolina has one of the fastest growing elderly populations in the U.S. because of the State's allure as a retirement destination. Many of these individuals have higher incomes (although many may still be fixed incomes) and come from areas of the country where transit plays a greater role as a transportation option. Transit systems cannot be slow to react to new developments with elderly populations and should look for opportunities to partner with these developments to help fund transit programs. Transit service demand among the elderly population is expected to continue to grow.
4. Rural transportation is a core function of transit in South Carolina and service in these areas should be expanded. New and expanded services connecting to rural commerce centers should be evaluated.
5. In South Carolina, the State is responsible for transportation and local governments are responsible for land use and zoning. Frequently there are inadequate incentives for municipalities to cooperate with one another and the State on transportation and land use issues. There is a need to take voluntary but cumulative steps toward improving transportation and land use planning in the State.
6. Access management techniques can help increase public safety, extend the life of major facilities, reduce congestion, support alternative transportation modes, and improve the appearance and quality of the built environment while ensuring appropriate access to adjacent businesses and other land uses. Managing access to transportation facilities and services is one way to preserve the operational integrity of the transportation system while ensuring its compatibility with adjacent land uses.



7.2 CONCLUSION

This 2040 Statewide Public Transportation & Coordination Plan Update provides information relative to transit services throughout the state. The plan identifies existing transit services, public outreach with cooperative partners - SCDOT, the MPOs, COGs, and regional stakeholders to move toward effective multimodal transportation options for the state. The need for collaborative efforts at all levels is pertinent as identified earlier in this plan. Though many challenges lie ahead, this plan is realistic and provides updated information regarding future regional planning. A balance can be struck between anticipated transit demand and realistic levels of service in the 10 COG Regions across the state. State and regional partners may build on the analyses within this plan to help articulate the purpose and need for enhanced transit services and pursue the most acceptable mechanisms to fill gaps in funding.



APPENDIX A: EXISTING TRANSIT SERVICES



Charting a Course to 2040

Table A-1: Statewide Peak Vehicles –Urban vs. Rural - FY 2009 to FY 2011

Region	Area	2009		2010		2011	
		Peak	Total	Peak	Total	Peak	Total
Appalachian Region	Urban	47	66	51	80	53	75
	Rural	41	44	40	50	41	47
	Total	88	110	91	130	94	122
	Other - Medicaid	10	20	10	14	11	14
	Other - Van Pool	0	0	0	0	0	0
BCD Region	Urban	83	102	83	102	83	102
	Rural	21	24	32	32	28	30
	Total	104	126	115	134	111	132
	Other - Medicaid	20	26	28	28	28	30
	Other - Van Pool	0	0	0	0	0	0
Catawba Region	Urban	6	9	6	9	14	14
	Rural	18	20	13	14	19	20
	Total	24	29	19	23	33	34
	Other - Medicaid	5	6	7	8	6	7
	Other - Van Pool	0	0	0	0	0	0
Central Midlands Region	Urban	46	65	46	65	42	66
	Rural	19	19	16	19	14	16
	Total	65	84	62	84	56	82
	Other - Medicaid	13	13	13	13	13	13
	Other - Van Pool	0	0	0	0	0	0
Lowcountry Region	Urban	0	0	0	0	0	0
	Rural	21	24	21	23	20	27
	Total	21	24	21	23	20	27
	Other - Medicaid	0	0	0	0	0	0
	Other - Van Pool	0	0	0	0	0	0
Lower Savannah Region	Urban	3	3	6	6	9	17
	Rural	15	25	26	31	35	48
	Total	18	28	32	37	44	65
	Other - Medicaid	1	3	2	3	14	21
	Other - Van Pool	0	0	0	0	0	0
Pee Dee Region	Urban	20	28	22	28	22	28
	Rural	32	38	16	31	22	31
	Total	52	66	38	59	44	59
	Other - Medicaid	35	43	35	55	41	47
	Other - Van Pool	0	0	0	0	0	0
Santee Region	Urban	10	13	11	15	10	16
	Rural	24	34	25	30	23	37
	Total	34	47	36	45	33	53
	Other - Medicaid	21	29	21	25	12	22
	Other - Van Pool	0	0	1	1	1	2
Upper Savannah Region	Urban	0	0	0	0	0	0
	Rural	15	17	16	19	11	13
	Total	15	17	16	19	11	13
	Other - Medicaid	14	14	14	13	11	11
	Other - Van Pool	0	0	0	0	0	0
Waccamaw Region	Urban	20	27	26	31	15	23
	Rural	45	55	52	60	39	51
	Total	65	82	78	91	54	74
	Other - Medicaid	43	47	47	47	14	34
	Other - Van Pool	0	0	0	0	0	0
TOTAL STATEWIDE	Urban	235	313	251	336	248	341
	Rural	251	300	257	309	252	320
	Total	486	613	508	645	500	661
	Other - Medicaid	162	201	177	206	150	199
	Other - Van Pool	0	0	1	1	1	2

**Table A-1: Statewide Ridership by Urban vs. Rural - FY 2009 to FY 2011**

Region	Area	2009	2010	2011
Appalachian Region	Urban	1,615,510	1,631,703	1,657,098
	Rural	1,675,049	1,673,081	1,698,360
	Total	3,290,559	3,304,784	3,355,458
	Other - Medicaid	78,879	86,248	78,699
	Other - Van Pool	0	0	0
BCD Region	Urban	4,072,461	4,270,478	4,321,293
	Rural	124,872	126,208	132,495
	Total	4,197,333	4,396,686	4,453,788
	Other - Medicaid	41,242	46,245	52,454
	Other - Van Pool	0	0	0
Catawba Region	Urban	60,771	51,969	57,966
	Rural	63,499	35,914	21,841
	Total	124,270	87,883	79,807
	Other - Medicaid	16,864	18,062	21,150
	Other - Van Pool	0	0	0
Central Midlands Region	Urban	2,147,054	1,981,561	1,862,403
	Rural	52,210	42,259	43,506
	Total	2,199,264	2,023,820	1,905,909
	Other - Medicaid	31,673	32,792	32,862
	Other - Van Pool	0	0	0
Lowcountry Region	Urban	0	0	0
	Rural	188,449	151,264	151,056
	Total	188,449	151,264	151,056
	Other - Medicaid	0	0	0
	Other - Van Pool	0	0	0
Lower Savannah Region	Urban	48,320	26,431	24,588
	Rural	65,545	74,565	90,236
	Total	113,865	100,996	114,824
	Other - Medicaid	6,083	7,577	28,256
	Other - Van Pool	0	0	0
Pee Dee Region	Urban	64,748	90,052	135,048
	Rural	119,986	96,584	126,088
	Total	184,734	186,636	261,136
	Other - Medicaid	139,037	120,280	102,346
	Other - Van Pool	0	14	0
Santee Region	Urban	125,821	123,113	143,296
	Rural	154,826	109,629	109,658
	Total	280,647	232,742	252,954
	Other - Medicaid	86,136	72,648	57,742
	Other - Van Pool	0	6,971	7,416
Upper Savannah Region	Urban	0	0	0
	Rural	33,133	34,398	28,848
	Total	33,133	34,398	28,848
	Other - Medicaid	25,637	26,001	21,928
	Other - Van Pool	0	0	0
Waccamaw Region	Urban	266,442	349,530	452,029
	Rural	304,914	302,773	395,143
	Total	571,356	652,303	847,172
	Other - Medicaid	44,213	39,800	20,689
	Other - Van Pool	0	0	0
TOTAL STATEWIDE	Urban	8,401,127	8,524,837	8,653,721
	Rural	2,782,483	2,646,675	2,797,231
	Total	11,183,610	11,171,512	11,450,952
	Other - Medicaid	469,764	449,653	416,126
	Other - Van Pool	0	6,985	7,416

**Table A-2: Statewide Annual Vehicle Revenue Miles - Urban vs Rural - FY 2009 to FY 2011**

Region	Area	2009	2010	2011
Appalachian Region	Urban	1,652,020	1,718,076	1,870,522
	Rural	1,157,978	1,164,717	1,189,821
	Total	2,809,998	2,882,793	3,060,343
	Other - Medicaid	571,020	628,498	820,800
	Other - Van Pool	0	0	0
BCD Region	Urban	3,729,054	3,820,900	3,600,465
	Rural	825,489	951,262	978,497
	Total	4,554,543	4,772,162	4,578,962
	Other - Medicaid	702,181	824,233	990,841
	Other - Van Pool	0	0	0
Catawba Region	Urban	144,002	167,074	217,557
	Rural	862,517	298,700	224,184
	Total	1,006,519	465,774	441,741
	Other - Medicaid	227,012	229,758	275,968
	Other - Van Pool	0	0	0
Central Midlands Region	Urban	2,262,873	2,139,185	1,910,122
	Rural	446,333	385,485	378,539
	Total	2,709,206	2,524,670	2,288,661
	Other - Medicaid	509,802	508,351	503,252
	Other - Van Pool	0	0	0
Lowcountry Region	Urban	0	0	0
	Rural	969,042	629,672	629,969
	Total	969,042	629,672	629,969
	Other - Medicaid	0	0	0
	Other - Van Pool	0	0	0
Lower Savannah Region	Urban	199,585	135,632	130,014
	Rural	525,129	654,753	770,135
	Total	724,714	790,385	900,149
	Other - Medicaid	65,937	117,459	450,288
	Other - Van Pool	0	0	0
Pee Dee Region	Urban	259,128	362,036	435,479
	Rural	917,806	952,690	1,064,159
	Total	1,176,934	1,314,726	1,499,638
	Other - Medicaid	1,466,413	1,071,448	1,216,504
	Other - Van Pool	0	751	0
Santee Region	Urban	317,439	313,475	324,861
	Rural	719,058	654,561	765,402
	Total	1,036,497	968,036	1,090,263
	Other - Medicaid	596,431	552,477	461,737
	Other - Van Pool	0	26,754	41,929
Upper Savannah Region	Urban	0	0	0
	Rural	590,677	617,550	518,748
	Total	590,677	617,550	518,748
	Other - Medicaid	527,552	583,024	453,860
	Other - Van Pool	0	0	0
Waccamaw Region	Urban	624,929	714,251	698,272
	Rural	859,037	995,888	1,153,703
	Total	1,483,966	1,710,139	1,851,975
	Other - Medicaid	921,241	723,872	559,304
	Other - Van Pool	0	0	0
TOTAL STATEWIDE	Urban	9,189,030	9,370,629	9,187,292
	Rural	7,873,066	7,305,278	7,673,157
	Total	17,062,096	16,675,907	16,860,449
	Other - Medicaid	5,587,589	5,239,120	5,732,554
	Other - Van Pool	0	27,505	41,929



**Table A-3: Statewide Annual Revenue Vehicle Hours by Urban vs. Rural
FY 2009 to FY 2011**

Region	Area	2009	2010	2011
Appalachian Region	Urban	112,464	115,319	128,071
	Rural	81,463	83,466	79,540
	Total	193,927	198,785	207,611
	Other - Medicaid	30,835	33,918	44,350
	Other - Van Pool	0	0	0
BCD Region	Urban	276,990	270,855	250,756
	Rural	39,624	47,245	47,604
	Total	316,614	318,100	298,360
	Other - Medicaid	72,713	67,097	54,023
	Other - Van Pool	0	0	0
Catawba Region	Urban	6,688	7,596	9,651
	Rural	26,262	16,296	12,660
	Total	32,950	23,892	22,311
	Other - Medicaid	9,812	11,302	13,537
	Other - Van Pool	0	0	0
Central Midlands Region	Urban	148,979	148,549	143,584
	Rural	20,186	18,986	18,539
	Total	169,165	167,535	162,123
	Other - Medicaid	23,373	23,720	23,204
	Other - Van Pool	0	0	0
Lowcountry Region	Urban	0	0	0
	Rural	28,325	27,795	27,647
	Total	28,325	27,795	27,647
	Other - Medicaid	0	0	0
	Other - Van Pool	0	0	0
Lower Savannah Region	Urban	7,091	7,239	6,757
	Rural	24,006	34,601	41,989
	Total	31,097	41,840	48,746
	Other - Medicaid	2,818	5,220	22,124
	Other - Van Pool	0	0	0
Pee Dee Region	Urban	11,132	16,632	17,736
	Rural	39,186	44,347	50,886
	Total	50,318	60,979	68,622
	Other - Medicaid	62,124	51,697	56,955
	Other - Van Pool	0	2	0
Santee Region	Urban	19,248	20,058	20,382
	Rural	31,116	30,104	33,365
	Total	50,364	50,162	53,747
	Other - Medicaid	25,533	24,641	20,171
	Other - Van Pool	0	1,084	1,580
Upper Savannah Region	Urban	0	0	0
	Rural	25,051	28,912	17,265
	Total	25,051	28,912	17,265
	Other - Medicaid	26,923	29,230	15,716
	Other - Van Pool	0	0	0
Waccamaw Region	Urban	28,398	42,394	47,106
	Rural	55,232	68,348	65,159
	Total	83,630	110,742	112,265
	Other - Medicaid	45,455	38,106	29,069
	Other - Van Pool	0	0	0
TOTAL STATEWIDE	Urban	610,990	628,642	624,043
	Rural	370,451	400,101	394,655
	Total	981,441	1,028,742	1,018,698
	Other - Medicaid	299,586	284,931	279,149
	Other - Van Pool	0	1,086	1,580



Charting a Course to 2040

**Table A-4: Statewide Operating/Administrative Costs Urban vs Rural
FY 2009 to FY 2011**

Region	Area	2009	2010	2011
Appalachian Region	Urban	\$5,421,833	\$5,371,832	\$5,624,601
	Rural	\$3,204,178	\$3,908,733	\$3,872,695
	Total	\$8,626,011	\$9,280,565	\$9,497,296
	Other - Medicaid	\$958,951	\$1,383,717	\$1,110,729
	Other - Van Pool	\$0	\$0	\$0
BCD Region	Urban	\$12,812,213	\$9,884,294	\$12,393,501
	Rural	\$2,360,139	\$2,503,236	\$2,902,490
	Total	\$15,172,352	\$12,387,530	\$15,295,991
	Other - Medicaid	\$1,140,113	\$1,366,572	\$1,612,732
	Other - Van Pool	\$0	\$0	\$0
Catawba Region	Urban	\$371,105	\$346,723	\$592,933
	Rural	\$759,091	\$623,548	\$624,023
	Total	\$1,130,196	\$970,271	\$1,216,956
	Other - Medicaid	\$245,631	\$249,370	\$361,528
	Other - Van Pool	\$0	\$0	\$0
Central Midlands Region	Urban	\$6,997,721	\$10,688,570	\$11,311,310
	Rural	\$934,815	\$853,435	\$872,953
	Total	\$7,932,536	\$11,542,005	\$12,184,263
	Other - Medicaid	\$610,838	\$617,854	\$724,563
	Other - Van Pool	\$0	\$0	\$0
Lowcountry Region	Urban	\$0	\$0	\$0
	Rural	\$2,166,843	\$2,384,881	\$2,143,890
	Total	\$2,166,843	\$2,384,881	\$2,143,890
	Other - Medicaid	\$0	\$0	\$0
	Other - Van Pool	\$0	\$0	\$0
Lower Savannah Region	Urban	\$341,154	\$308,722	\$328,333
	Rural	\$580,556	\$914,574	\$1,312,280
	Total	\$921,710	\$1,223,296	\$1,640,613
	Other - Medicaid	\$220,220	\$231,260	\$846,448
	Other - Van Pool	\$0	\$0	\$0
Pee Dee Region	Urban	\$577,004	\$755,767	\$891,962
	Rural	\$2,031,168	\$1,308,630	\$1,318,555
	Total	\$2,608,172	\$2,064,397	\$2,210,517
	Other - Medicaid	\$3,220,142	\$4,190,706	\$3,173,886
	Other - Van Pool	\$0	\$719	\$0
Santee Region	Urban	\$854,456	\$988,850	\$1,048,347
	Rural	\$2,256,809	\$1,608,809	\$1,986,823
	Total	\$3,111,265	\$2,597,659	\$3,035,170
	Other - Medicaid	\$1,492,317	\$1,212,037	\$841,823
	Other - Van Pool	\$0	\$209,267	\$262,583
Upper Savannah Region	Urban	\$0	\$0	\$0
	Rural	\$442,149	\$564,088	\$511,759
	Total	\$442,149	\$564,088	\$511,759
	Other - Medicaid	\$473,621	\$606,886	\$588,722
	Other - Van Pool	\$0	\$0	\$0
Waccamaw Region	Urban	\$1,462,882	\$1,497,534	\$1,492,174
	Rural	\$2,165,817	\$2,386,027	\$1,732,119
	Total	\$3,628,699	\$3,883,561	\$3,224,293
	Other - Medicaid	\$1,520,984	\$1,234,017	\$1,362,072
	Other - Van Pool	\$0	\$0	\$0
TOTAL STATEWIDE	Urban	\$28,838,368	\$29,842,292	\$33,683,161
	Rural	\$16,901,565	\$17,055,961	\$17,277,587
	Total	\$45,739,933	\$46,898,253	\$50,960,748
	Other - Medicaid	\$9,882,817	\$11,092,419	\$10,622,503
	Other - Van Pool	\$0	\$209,986	\$262,583



APPENDIX B: KICKOFF MEETING - TRANSIT, BICYCLE, PEDESTRIAN SESSION – SUMMARY DISCUSSION

What are the most important issues for the State of South Carolina for all modes?

- *Lack of transportation in rural areas*
- *Safety & reliability*
- *Funding*
- *Flexibility in funding for local communities*
- *Providing links to passenger rail*
- *Coordination of land use and viable transportation options*
- *Management of transit systems*
- *Lack of public awareness for public transit services. Similar for bicycle and pedestrian facilities*
- *Lack of coordination among all levels of governments – local, county, regional, MPO, state, and Federal. Also lack of coordination across the modes – roadway, transit, etc.*
- *Lack of accommodation for pedestrians/bike on existing facilities. New designs should have all modes considered*
- *Cultural issue that roadways are for cars*
- *There is existing SC DOT Complete Streets policy. The concept/policy needs to be implemented and supported at all levels*

We just identified many important needs and issues for the State. In addition to those needs, what are needs/challenges for the underserved populations, such as the elderly, minority, and low income residents?

- *Access to transportation, including public transit, vehicles, etc.*
- *A need for reliable, scheduled service vs. demand response. People will know when the next transit bus is coming*
- *Provide connections for among transit agencies, when moving between communities.*
- *Transit agencies need to update transit networks to reflect changes within the community. The routes need to travel where people want to go*
- *Connections to jobs*
- *Increase rideshare programs, such as carpool, vanpool*
- *Car culture*
- *Transit options are limited with service only during certain hours. After hours and weekends often have limited services and service areas*
- *Statewide dedicated funding*
- *Lack of end user advocates (organized) – Need to develop grass roots local organizations to support public transit at the local levels. These efforts need to be carried forward to regional and statewide agencies*
- *Need for dedicated maintenance of transit facilities, including bus stations, access to bus stops, sidewalks, curb cuts, transit vehicles, etc.*
- *Expand transit agencies to the general public – not restricted to seniors or human services clients*



Charting a Course to 2040

- Are there specific projects/services in your community or in South Carolina that are successful examples of public transit, bicycle, or pedestrian coordination?
 - *Lexington-Irmo trail system*
 - *long continuous system*
 - *good connection*
 - *1% sales tax – Beaufort – great projects*
 - *East Coast greenway*
 - *Palmetto Trail*
 - *Ecotourism*
 - *Swamp Rabbit - Greenville*
 - *TR*
 - *high use*
 - *economic development*
 - *public-private partnership*
 - *restrooms/parking*
 - *economic benefits*
 - *Charleston*
 - *Cruise ship impact mitigation*
 - *300K riders on trolley*
 - *IM*
 - *CVB, Ports/Chas/CARTA*
 - *Multiuse paths in Hilton Head*
 - *spend tourist on infrastructure*
 - *NCDOT document economic benefits of bikes*
 - *Local ordinance allowing bikes on sidewalk*
 - *CAT connections to other cities*

- Do you believe there is community/public and political support for public transit, bicycles, and pedestrian projects?
 - *No; not enough.*

- How do we build community and political support for public transit, bicycles, and pedestrian projects?**
- *Local grass roots organizations to support projects*
 - *Advocacy*
 - *Success stories – promote successful projects across the state to show where coordination has worked and is a great example for all levels of government*
 - *DOT sponsored PDAs*
 - *Use communication methods*
 - *Internet*
 - *Realize new ways of thinking – outside the box*
 - *Communication*
 - *young people*
 - *“Communities for cycling” brings together various – BMP*
 - *Find other ways of communicating (see above). e.g. TV kiosks at DMV – line scroll at bottom of screen available for announcements, waiting area clients, captive market*



Charting a Course to 2040

What things could SCDOT do (change/enhance) to help people ride public transit, use bicycle and pedestrian facilities?

- *Support denser land development policies. Needs to be implemented from local to state and Federal levels*
- *Promote 'Ride Free on Transit' opportunities*
- *On all projects, implement complete streets policy, including all DOT-funded roadway and bridge projects. Ensuring accessibility to transit stops (sidewalks, curb cuts, etc.)*
- *Support connectivity for future development projects – ensure pedestrian and transit facilities are reviewed for all projects, including park and ride locations, bike facilities, etc.*
- *Review all modal alternatives for projects*
- *Make bike/pedestrian facilities safer*
- *Design usable trails for commuters, not just recreational trails, to provide a viable alternative to the single occupant vehicles as commuter routes*
- *Support and implement technology (ex: Qr codes) for trails and transit facilities, which reaches new markets of users. This example is a new means of communicating routes. We need to use technology to the maximum and to ensure it is maintained*
- *Support a multimodal user-friendly map for residents and tourists - transit/bike/pedestrian map*
- *Engage and embrace Google services. SC could be a leader and partner for future use*
- *Prepare transportation options for the influx of retirement age population over the next decades. Some active retirees, others need fundamental transportation services. Our transit agencies must adjust to meet the needs*
- *Engage private partners to change transit image and to help in funding future projects*
- *Promote alternative fuels (Seneca, e.g.)*
- *Coordinate across county lines*
- *Implement Transit Oriented Development with private partners*
- *Educate political leaders at all levels to support public transit, bicycle and pedestrian needs and projects*
- *Support an increase in the percentage of gas tax used to support transit agencies with state funding*
- *Ensure the LRTP includes the needs for all modes to ensure grant applications have the needs documented*

Other Notes

- *Success – Council on Aging providing general public service. Using FTA Section 5310 and 5311 funding for their transportation program*

Wrap-up & Summary

- *Focus on connections to jobs*
- *Coordination needed at all levels of government, from the local level to the state level*
- *Coordination needed among all modes too; use the SCDOT Complete Streets policy as a start to multimodal projects across the state*
- *More funding needed to meet the needs*



APPENDIX C: SOUTH CAROLINA LOCAL SALES AND USE TAXES

Local Tax Chart and Transactions Exempt from Local Sales and Use Taxes

Please note that from time to time the Department issues information letters to update the chart and other information found in this exhibit. These information letters can be found on the Department's website (www.sctax.org).

Please check the website regularly in order to maintain an up-to-date list of the local sales and use taxes that are being imposed in South Carolina. The most current version of this information, as of the date on this publication, is South Carolina Information Letter #13-3. This Information Letter provides the following changes that take effect after the date of this publication:

- Effective April 1, 2013, Orangeburg county will “re-impose” its 1% Capital Projects Tax;⁸
- Effective May 1, 2013, Bamberg county will impose a 1% Capital Projects Tax in addition to the Local Option Tax already imposed;⁹
- Effective May 1, 2013, Hampton county will impose a 1% Capital Projects Tax in addition to the Local Option Tax already imposed;¹⁰
- Effective May 1, 2013, Lee county will impose a 1% Capital Projects Tax in addition to the Local Option Tax already imposed;¹¹
- Effective May 1, 2013, Marion county will impose a 1% Capital Projects Tax in addition to the Local Option Tax already imposed;¹² and
- Effective May 1, 2013, Richland county will impose a 1% Transportation Tax in addition to the Local Option Tax already imposed.

⁸ The 1% Capital Projects Tax imposed in Orangeburg county expires on March 31, 2013 and the new Capital Projects Tax becomes effective the next day on April 1, 2013. In addition, the new 1% Capital Projects Tax exempts sales of unprepared food effective April 1, 2013.

⁹ While the 1% Local Option Tax already imposed in Bamberg county does not exempt the sale of unprepared food, the sale of unprepared food will be exempt from the new 1% Capital Projects Tax.

¹⁰ While the 1% Local Option Tax already imposed in Hampton county does not exempt the sale of unprepared food, the sale of unprepared food will be exempt from the new 1% Capital Projects Tax.

¹¹ While the 1% Local Option Tax already imposed in Lee county does not exempt the sale of unprepared food, the sale of unprepared food will be exempt from the new 1% Capital Projects Tax.

¹² While the 1% Local Option Tax already imposed in Marion county does not exempt the sale of unprepared food, the sale of unprepared food will be exempt from the new 1% Capital Projects Tax.



**Local Tax Chart and Transactions Exempt from
Local Sales and Use Taxes**
**** See Previous Page for Effective Dates ****

CHART 1: COUNTY SALES AND USE TAXES¹³

COUNTY	SALES AND PURCHASES EXEMPT FROM LOCAL SALES AND USE TAXES							NOTE
	TYPE OF LOCAL SALES AND USE TAX AND EFFECTIVE DATE	12-36-2120 12-36-2130 STATE EXEMPTIONS	12-36-2110 EXEMPTION FOR MAXIMUM TAX ITEMS	12-36-1710 EXEMPTION FOR CASUAL EXCISE ITEMS	EXEMPTION FOR FOOD STAMP PURCHASES	EXEMPTION FOR CERTAIN FOOD SALES	“GRANDFATHER CLAUSE” EXEMPTION FOR CERTAIN PURCHASES BY CONTRACTORS	
<i>Abbeville</i>	Local Option 5/1/92	Yes	Yes	Yes	Yes	No	Yes	
<i>Aiken</i>	Capital Projects 1/1/2013	Yes	Yes	No	Yes	Yes	Yes	1, 12 & 27
<i>Allendale</i>	Local Option 5/1/92	Yes	Yes	Yes	Yes	No	Yes	5
	Capital Projects 5/1/09	Yes	Yes	No	Yes	No	Yes	1 & 5
<i>Anderson</i>	No Local Sales and Use Tax is Imposed in this County							26
<i>Bamberg</i>	Local Option 5/1/92	Yes	Yes	Yes	Yes	No	Yes	30
	Capital Project 5/1/13	Yes	Yes	No	Yes	Yes	Yes	1 & 30
<i>Barnwell</i>	Local Option 5/1/99	Yes	Yes	Yes	Yes	No	Yes	
<i>Beaufort</i>	No Local Sales and Use Tax is Imposed in this County							1 & 6
<i>Berkeley</i>	Local Option 5/1/97	Yes	Yes	Yes	Yes	No	Yes	18
	Transportation 5/1/09	Yes	Yes	No	Yes	No	Yes	1 & 18
<i>Calhoun</i>	Local Option 5/1/05	Yes	Yes	Yes	Yes	No	Yes	
<i>Charleston</i>	Local Option 7/1/91	Yes	Yes	Yes	Yes	No	Yes	8
	Transportation 5/1/05	Yes	Yes	No	Yes	No	Yes	1 & 8
	Ed. Capital Imp. 3/1/11	Yes	Yes	No	Yes	Yes	Yes	1 & 8

¹³ County Sales and Use Taxes” listed in this chart (Chart 1) are imposed county-wide, whether imposed by the county or one or more school districts.



COUNTY	SALES AND PURCHASES EXEMPT FROM LOCAL SALES AND USE TAXES							NOTE
	TYPE OF LOCAL SALES AND USE TAX AND EFFECTIVE DATE	12-36-2120 12-36-2130 STATE EXEMPTIONS	12-36-2110 EXEMPTION FOR MAXIMUM TAX ITEMS	12-36-1710 EXEMPTION FOR CASUAL EXCISE ITEMS	EXEMPTION FOR FOOD STAMP PURCHASES	EXEMPTION FOR CERTAIN FOOD SALES	"GRANDFATHER CLAUSE" EXEMPTION FOR CERTAIN PURCHASES BY CONTRACTORS	
Cherokee	Cherokee School 7/1/96	Yes	Yes	No	Yes	Yes	Yes	1 & 19
	Local Option 5/1/09	Yes	Yes	Yes	Yes	No	Yes	19
Chester	Local Option 5/1/94	Yes	Yes	Yes	Yes	No	Yes	3
	Capital Projects 5/1/09	Yes	Yes	No	Yes	No	Yes	1 & 3
Chesterfield	Local Option 5/1/97	Yes	Yes	Yes	Yes	No	Yes	4
	Chesterfield School 9-1-00	Yes	Yes	No	Yes	Yes	Yes	1 & 4
Clarendon	Local Option 5/1/97	Yes	Yes	Yes	Yes	No	Yes	11
	Clarendon Schools 6/1/04	Yes	Yes	No	Yes	Yes - until 6/30/05 No - effective 7/1/05	Yes	1 & 11
Colleton	Local Option 7/1/91	Yes	Yes	Yes	Yes	No	Yes	
Darlington	Local Option 5/1/97	Yes	Yes	Yes	Yes	No	Yes	10
	Darlington School 2/1/04	Yes	Yes	No	Yes	Yes	Yes	1 & 10
Dillon	Local Option 5/1/96	Yes	Yes	Yes	Yes	No	Yes	7
	School District 10/1/08	Yes	Yes	No	Yes	Yes	Yes	1 & 7
Dorchester	Transportation 5/1/05	Yes	Yes	No	Yes	No	Yes	1
Edgefield	Local Option 5/1/92	Yes	Yes	Yes	Yes	No	Yes	
Fairfield	Local Option 5/1/06	Yes	Yes	Yes	Yes	No	Yes	
Florence	Local Option 5/1/94	Yes	Yes	Yes	Yes	No	Yes	16
	Capital Projects 5/1/07	Yes	Yes	No	Yes	No	Yes	1 & 16
Georgetown	No Local Sales and Use Tax is Imposed in this County							26
Greenville	No Local Sales and Use Tax is Imposed in this County							26



COUNTY	SALES AND PURCHASES EXEMPT FROM LOCAL SALES AND USE TAXES							NOTE
	TYPE OF LOCAL SALES AND USE TAX AND EFFECTIVE DATE	12-36-2120 12-36-2130 STATE EXEMPTIONS	12-36-2110 EXEMPTION FOR MAXIMUM TAX ITEMS	12-36-1710 EXEMPTION FOR CASUAL EXCISE ITEMS	EXEMPTION FOR FOOD STAMP PURCHASES	EXEMPTION FOR CERTAIN FOOD SALES	"GRANDFATHER CLAUSE" EXEMPTION FOR CERTAIN PURCHASES BY CONTRACTORS	
<i>Greenwood</i>	No Local Sales and Use Tax is Imposed in this County							24
<i>Hampton</i>	Local Option 7/1/91	Yes	Yes	Yes	Yes	No	Yes	9
	Capital projects 5/1/13	Yes	Yes	No	Yes	Yes	Yes	1 & 9
<i>Horry</i>	Capital Projects 5/1/07	Yes	Yes	No	Yes	No	Yes	17
	Ed. Capital Imp. 3/1/09	Yes	Yes	No	Yes	Yes	Yes	1 & 17
<i>Jasper</i>	Local Option 7/1/91	Yes	Yes	Yes	Yes	No	Yes	2
	Jasper School 12/1/02	Yes	Yes	No	Yes	Yes	Yes	1 & 2
<i>Kershaw</i>	Local Option 5/1/97	Yes	Yes	Yes	Yes	No	Yes	
<i>Lancaster</i>	Local Option 5/1/92	Yes	Yes	Yes	Yes	No	Yes	20
	Capital Projects 5/1/09	Yes	Yes	No	Yes	No	Yes	1 & 20
<i>Laurens</i>	Local Option 5/1/99	Yes	Yes	Yes	Yes	No	Yes	
<i>Lee</i>	Local Option 5/1/96	Yes	Yes	Yes	Yes	No	Yes	15
	Capital Projects 5/1/13	Yes	Yes	No	Yes	Yes	Yes	1 & 15
<i>Lexington</i>	Lexington Schools 3/1/12	Yes	Yes	No	Yes	Yes	Yes	1 & 25
<i>Marion</i>	Local Option 7/1/91	Yes	Yes	Yes	Yes	No	Yes	29
	Capital Projects 5/1/13	Yes	Yes	No	Yes	Yes	Yes	1 & 29
<i>Marlboro</i>	Local Option 5/1/92	Yes	Yes	Yes	Yes	No	Yes	28
	Marlboro Schools 2/1/13	Yes	Yes	No	Yes	Yes	Yes	1 & 28
<i>McCormick</i>	Local Option 7/1/91	Yes	Yes	Yes	Yes	No	Yes	
<i>Newberry</i>	Capital Projects 4/1/12	Yes	Yes	No	Yes	No	Yes	1, 12 & 23

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COUNTY	SALES AND PURCHASES EXEMPT FROM LOCAL SALES AND USE TAXES							NOTE
	TYPE OF LOCAL SALES AND USE TAX AND EFFECTIVE DATE	12-36-2120 12-36-2130 STATE EXEMPTIONS	12-36-2110 EXEMPTION FOR MAXIMUM TAX ITEMS	12-36-1710 EXEMPTION FOR CASUAL EXCISE ITEMS	EXEMPTION FOR FOOD STAMP PURCHASES	EXEMPTION FOR CERTAIN FOOD SALES	"GRANDFATHER CLAUSE" EXEMPTION FOR CERTAIN PURCHASES BY CONTRACTORS	
<i>Oconee</i>	No Local Sales and Use Tax is Imposed in this County							26
<i>Orangeburg</i>	Capital Projects 4/1/13	Yes	Yes	No	Yes	Yes	Yes	1, 12 & 32
<i>Pickens</i>	Local Option 5/1/95	Yes	Yes	Yes	Yes	No	Yes	
<i>Richland</i>	Local Option 5/1/05	Yes	Yes	Yes	Yes	No	Yes	31
	Transportation 5/1/13	Yes	Yes	No	Yes	No	Yes	1 & 31
<i>Saluda</i>	Local Option 5/1/92	Yes	Yes	Yes	Yes	No	Yes	
<i>Spartanburg</i>	No Local Sales and Use Tax is Imposed in this County							26
<i>Sumter</i>	Local Option 5/1/96	Yes	Yes	Yes	Yes	No	Yes	21
	Capital Projects 5/1/09	Yes	Yes	No	Yes	No	Yes	1 & 21
<i>Union</i>	No Local Sales and Use Tax is Imposed in this County							26
<i>Williamsburg</i>	Local Option 5/1/97	Yes	Yes	Yes	Yes	No	Yes	
<i>York</i>	Capital Projects 1/1/12	Yes	Yes	No	Yes	Yes	Yes	1, 12 & 22



CHART 2: CATAWBA INDIAN RESERVATION TRIBAL TAX¹⁴

SALES AND PURCHASES EXEMPT FROM LOCAL SALES AND USE TAXES								
RESERVATION LOCATED IN YORK AND LANCASTER COUNTIES	TYPE OF LOCAL SALES AND USE TAX AND EFFECTIVE DATE	12-36-2120 12-36-2130 STATE EXEMPTIONS	12-36-2110 EXEMPTION FOR MAXIMUM TAX ITEMS	12-36-1710 EXEMPTION FOR CASUAL EXCISE ITEMS	EXEMPTION FOR FOOD STAMP PURCHASES	EXEMPTION FOR CERTAIN FOOD SALES	“GRANDFATHER CLAUSE” EXEMPTION FOR CERTAIN PURCHASES BY CONTRACTORS	NOTE
<i>Catawba Indian Reservation</i>	Tribal Tax (See Notes #13 and #14)	Yes	See Note #14	See Note #14	Yes	See Note #13	See Note #14	13 & 14

CHART 3: MUNICIPAL SALES AND USE TAXES¹⁵

SALES AND PURCHASES EXEMPT FROM LOCAL SALES AND USE TAXES								
Municipality	TYPE OF LOCAL SALES AND USE TAX AND EFFECTIVE DATE	12-36-2120 12-36-2130 STATE EXEMPTIONS	12-36-2110 EXEMPTION FOR MAXIMUM TAX ITEMS	12-36-1710 EXEMPTION FOR CASUAL EXCISE ITEMS	EXEMPTION FOR FOOD STAMP PURCHASES	EXEMPTION FOR CERTAIN FOOD SALES	“GRANDFATHER CLAUSE” EXEMPTION FOR CERTAIN PURCHASES BY CONTRACTORS	NOTE
Myrtle Beach	Tourism Development 8/1/09	Yes	Yes	No	Yes	Yes	Yes	1

¹⁴ Chart 2 concerns the Catawba Tribal Sales and Use Tax; however, see Notes #13 and #14 for information on the tax rates and the application of either the State sales and use tax or the Catawba Tribal sales and use tax for sales (deliveries) made on the Catawba Indian Reservation.

¹⁵ Chart 3 concerns the Local Tourism Development Sales and Use Tax that may only be imposed by municipalities located in a county where revenue from state accommodations tax is at least fourteen million dollars in a fiscal year. As of the date of this information letter, only Horry County meets this criterion; therefore, only municipalities in Horry County may impose the Local Tourism Development Sales and Use Tax at this time.

EXHIBIT G

Commutes Across America

Where Are The Longest Trips To Work?



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Introduction

Do you think your commute is the worst commute ever? Read this eBook to find out. We used location data created by smartphones to break down the median length of commutes for states, metropolitan areas, and ZIP codes in the continental US to create this report. An interactive map of our findings is also available online [here](#).

There are four key reasons that we decided to create this report:

- 1 The average American spends 52 minutes commuting each day according to the US Census.** That's time not spent with family, being economically productive, or binge-watching the latest Netflix series. Unsurprisingly, this means commutes can have a huge impact on happiness and quality of life. According to a study¹ in the American Journal of Preventative Medicine, commutes longer than ten miles have negative impacts on cardiovascular health. In a separate study, Danish researcher Dan Buettner found that, "if you can cut an hourlong commute each way out of your life, it's the [happiness] equivalent of making up an extra \$40,000 a year if you're at the \$50- to \$60,000 level."²
- 2 Inequitable access to jobs is contributing to and exacerbating economic inequality in the US.** If the only way to earn a living wage is to travel 20 miles in certain ZIP codes, that fact needs to be acknowledged and measured so that businesses and governments can pay attention and start fixing that accessibility gap.

Introduction (cont.)

- 3** As a transportation analytics company, part of our mission is to reduce vehicle-miles traveled in single occupancy petroleum-powered vehicles. Work-related driving is responsible for nearly 30% of VMT and over 90% of trips to work happen in cars per the most [recent national household travel survey in the US³](#), which was conducted in 2009. We need similarly comprehensive data about the length of commutes today that is broken down by region and updated regularly if we hope to reduce the amount of VMT contributions of these types of trips.
- 4** We thought that people (including ourselves!) would be interested in understanding their commutes in context. If you live in one of our “longest commute” regions or ZIP codes, you can now feel completely justified in complaining about your commute – if you didn’t already. If you live in the of our blissfully short commute regions, you can bask in the glory of your excellent life choices.

As a transportation analytics provider, we know that measuring the granular difference between commutes from ZIP code to ZIP code can help our civic leaders. **When it comes to shortening the commutes of American workers, one size does not fit all.** The length of the commute, the demographics of workers involved, and even factors like weather determine what the best policy and infrastructure solutions are to reduce the environmental impact – and the life impact – of those commutes.

Methodology

We created this report by algorithmically processing location data from mobile devices - as a company, that's what we do. In a nutshell, StreetLight Data is a technology company that transforms Big Data from mobile devices into actionable analytics for transportation infrastructure and policy planning. We work with government agencies and engineering firms across the US and Canada. They use our StreetLight InSight® platform to get on-demand access to real-world transportation data.

For this study, we looked at devices that created location data during the month of September 2017. Only devices that created location records regularly enough for us to determine a single likely home and work location were included. We used the “as the crow flies” distance between the likely home and work locations to determine the commute distance in miles.

To determine probable home and work locations, we evaluated the locations of devices during working hours and at nighttime. Locations were determined at the census blockgroup level. Only devices that consistently spent nighttime hours in the same small set of residential zones and working hours in a different location more than 150 meters away from that nighttime location were included. This means that people who work from home and people who work in a different place everyday (i.e.: plumbers) were excluded. Note that students who travel to the same place every day for school would be included in this analysis.

To protect consumer privacy, these analytics are always aggregated and contextualized so that they describe groups - never individuals. The data we receive contains no personal identifiers, and our algorithmic processing techniques anonymize the data further.

For more information about how we process location data, please visit our website:

<http://www.streetlightdata.com/population-mobility-technology>.



The Results - State By State

Our first step was to look at the one-way length of commutes for every state. While we see less extreme variation at the state level than we do at more granular geographies, significant differences still emerge. **The median commute of top state, Maine, is 9.8 miles, which is 72% longer than the 5.7 mile median commute in Wyoming.**

Length of One-Way Commutes by State (in miles)

State Name	Median 1-way Commute (mi)	State Name	Median 1-way Commute (mi)	State Name	Median 1-way Commute (mi)
Maine	9.8	Tennessee	7.4	California	6.6
New Hampshire	9.6	New Mexico	7.3	Connecticut	6.5
Vermont	9.5	Oklahoma	7.3	Illinois	6.5
Minnesota	8.7	South Dakota	7.3	Montana	6.5
Mississippi	8.5	Texas	7.3	Kansas	6.4
Wisconsin	8.1	Louisiana	7.2	Massachusetts	6.4
Delaware	8	Arkansas	7	Oregon	6.3
Michigan	8	Iowa	7	Idaho	6.2
Maryland	7.9	Kentucky	7	Nebraska	6.2
Missouri	7.9	New Jersey	7	Florida	6
Alabama	7.8	Washington	7	New York	6
West Virginia	7.8	Colorado	6.9	Nevada	5.9
Arizona	7.6	Indiana	6.9	Rhode Island	5.9
South Carolina	7.6	North Dakota	6.8	Wyoming	5.7
North Carolina	7.5	Ohio	6.7		
Virginia	7.5	Pennsylvania	6.7		
Georgia	7.4	Utah	6.7		

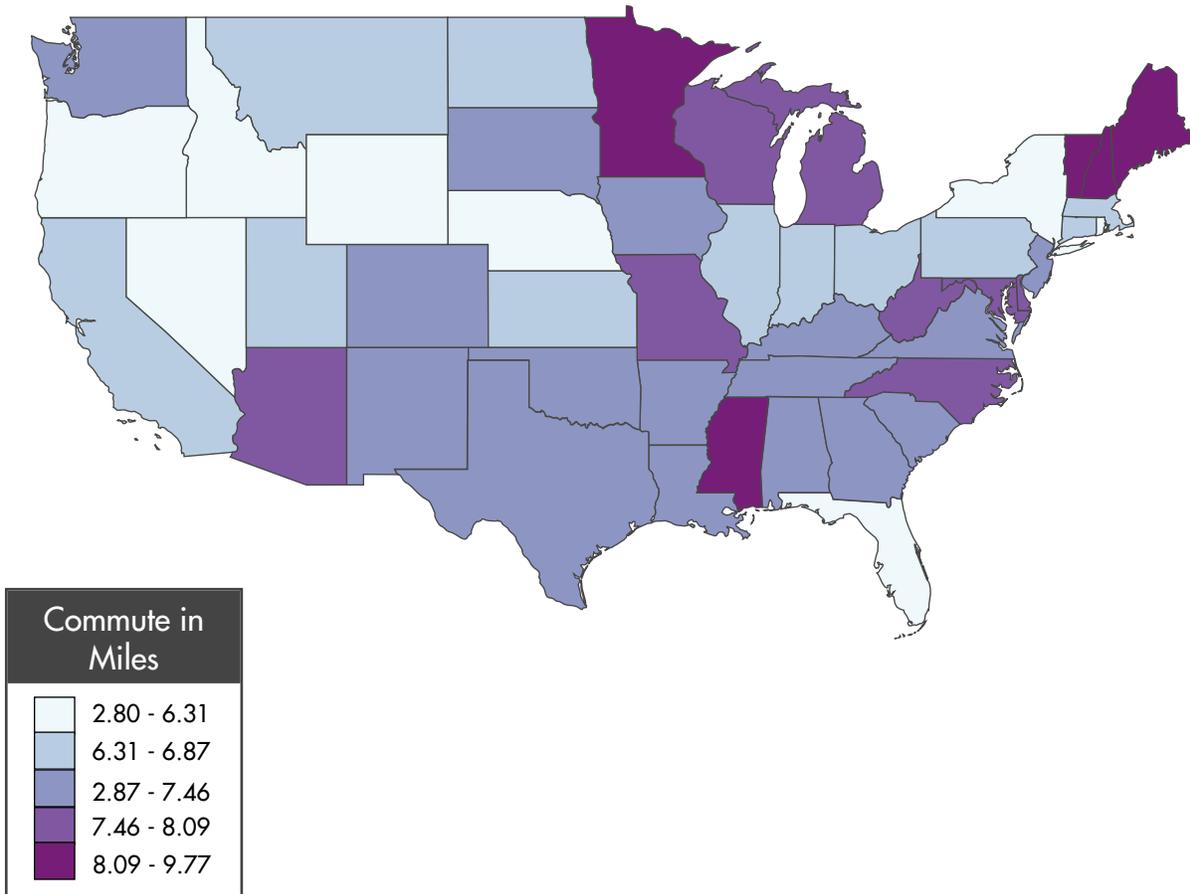
Next, we drilled down on the longest and shortest median 1-way commutes for each ZIP code in each state.

Longest and Shortest Median Commutes in Each State by ZIP Code (in miles)

State	State's Median Commute (mi)	Worst ZIP	Worst ZIP's Median Commute (mi)	Best ZIP	Best ZIP's Median Commute (mi)
Alabama	7.8	36564	41.5	36688	0.6
Arizona	7.6	86502	106.1	86011	0.5
Arkansas	7	72661	64.7	72035	0.6
California	6.6	92309	115.4	90089	0.4
Colorado	6.9	81146	74.7	80310	0.8
Connecticut	6.5	06785	39.2	06269	0.4
Delaware	8	19944	81.6	19717	0.4
District of Columbia	2.8	20307	6.3	20064	0.5
Florida	6	34739	80.4	33620	0.8
Georgia	7.4	31712	50.7	30609	0.4
Idaho	6.2	83287	70.2	83844	0.3
Illinois	6.5	61001	46	61820	0.8
Indiana	6.9	47175	39.8	47809	0.3
Iowa	7	50026	61.4	50011	0.5
Kansas	6.4	67047	49.6	66506	0.4
Kentucky	7	41360	54.1	40508	0.9
Louisiana	7.2	70091	51.5	70803	0.5
Maine	9.8	04739	65.7	04469	0.8
Maryland	7.9	21842	95.8	21252	0.4
Massachusetts	6.4	02663	61.8	01003	0.5
Michigan	8	48633	85.9	49104	0.7
Minnesota	8.7	55785	81.6	55414	1.6
Mississippi	8.5	39144	46.2	38677	0.4

State	State's Median Commute (mi)	Worst ZIP	Worst ZIP's Median Commute (mi)	Best ZIP	Best ZIP's Median Commute (mi)
Missouri	8.5	65079	46.2	38677	0.4
Montana	6.5	59866	39.8	59301	0.3
Nebraska	6.2	69146	82.5	68178	0.7
Nevada	5.9	89003	65.2	89109	1.6
New Hampshire	9.6	03293	102.6	03824	0.8
New Jersey	7	08247	72.4	08240	0.4
New Mexico	7.3	87499	65.6	88330	1.2
New York	6	12436	80.6	11549	0.3
North Carolina	7.5	28575	85.8	27109	0.2
North Dakota	6.8	58381	55.3	58105	0.5
Ohio	6.7	45348	48	74078	0.3
Oklahoma	7.3	74939	48	74078	0.3
Oregon	6.3	97149	60.1	97850	1.6
Pennsylvania	6.7	16720	91.1	17027	0.5
Rhode Island	5.9	02807	24.2	02912	0.3
South Carolina	7.6	29074	56.4	29613	0.4
South Dakota	7.3	38569	41.7	38505	0.3
Tennessee	7.4	38569	41.7	38505	0.3
Texas	7.3	78075	92.1	76129	0.3
Utah	6.7	84735	97.4	84112	1.6
Vermont	9.5	23879	61.8	24142	0.6
Virginia	7.5	23879	61.8	24142	0.4
Washington	7	98571	70.9	99163	1
West Virginia	7.8	25862	67.2	25703	1.3
Wisconsin	8.1	54463	66.1	53706	0.5
Wyoming	5.7	82213	61.6	82072	1.4

The map below visualizes how the states compare:



The Results - City by City

We know that some states have wide variations within them in terms of urban/rural divide, economics, and more. To drill down further, we broke things down by core-based statistical area (CBSA). In laymen's terms, this is a metropolitan area. Technically, this is a US census designation defined as: "the county or counties or equivalent entities associated with at least one core (urbanized area or urban cluster) of at least 10,000 population, plus adjacent counties having a high degree of social and economic integration with the core as measured through commuting ties with the counties associated with the core."⁴ We analyzed 933 CBSAs overall.

Which Metropolitan Areas Have The Longest Commutes?

Bishop, California tops the list with strong lead of 70.2 miles for a one way commute. However, as shown in the chart, this low-population CBSA may be over-influenced by a few extreme commuters. Residents of Ocean Pines, Maryland should not feel too good about coming in second.

Longest Commutes in the US by CBSA

CBSA	Population	Median Commute Distance (mi)
Bishop, CA	4,787	70.2
Ocean Pines, MD	50,375	29.2
Ocean City, NJ	96,685	26.6
Berlin, NH-VT	33,160	19.8
Show Low, AZ	82,527	18.2
Brainerd, MN	92,839	17.4
Espanola, NM	37,571	15.7
Walterboro, SC	40,560	15
Hudson, NY	56,120	14.9
Pecos, TX	10,362	14.4

Longest Commutes in the US by CBSA (cont.)

CBSA	Population	Median Commute Distance (mi)
Fergus Falls, MN	51,785	14.1
Morehead City, NC	69,250	14.1
Aberdeen, WA	57,780	14.1
Gallup, NM	57,295	14
East Stroudsburg, PA	172,936	14
Alexander City, AL	54,558	13.9
Seaford, DE	184,358	13.8
Huntingdon, PA	4,100	13.8
Bonham, TX	30,181	13.8
Grants, NM	31,395	13.2
Lebanon, NH-VT	157,943	12.9
Fernley, NV	49,482	12.9
Centralia, WA	74,298	12.6
Shelton, WA	67,032	12.5
Merrill, WI	31,614	12.5



Which Metropolitan Areas Have The Shortest Commutes?

The CBSAs with the shortest commutes tell a different story. They hover more in the South West. We note that some of these rural CBSAs may be influenced by people who work on farms located very close to their homes.

Some of them, like Oxford, Mississippi contain universities. Students who go to university will have university counted as the “work.” They may impact results because students often live closer to their universities than traditional commuters.

Shortest Commutes in the US by CBSA

CBSA	Population	Median Commute Distance (mi)
Carson City, NV	58,258	3.7
Casper, WY	73,406	3.6
Bookings, SD	31,427	3.6
Laredo, TX	247,704	3.6
Ithaca, NY	94,378	3.5
Yankton, SD	20,128	3.4
Pampa, TX	21,871	3.3
Huron, SD	15,627	3.2
Altus, OK	25,451	3.2
Oxford, MS	43,250	3.2
Scottsbluff, NE	31,053	3.1
Clovis, NM	47,472	3.1
Havre, MT	15,979	3.1
Lewiston, ID-WA	58,188	3.1
Dodge City, KS	33,053	3

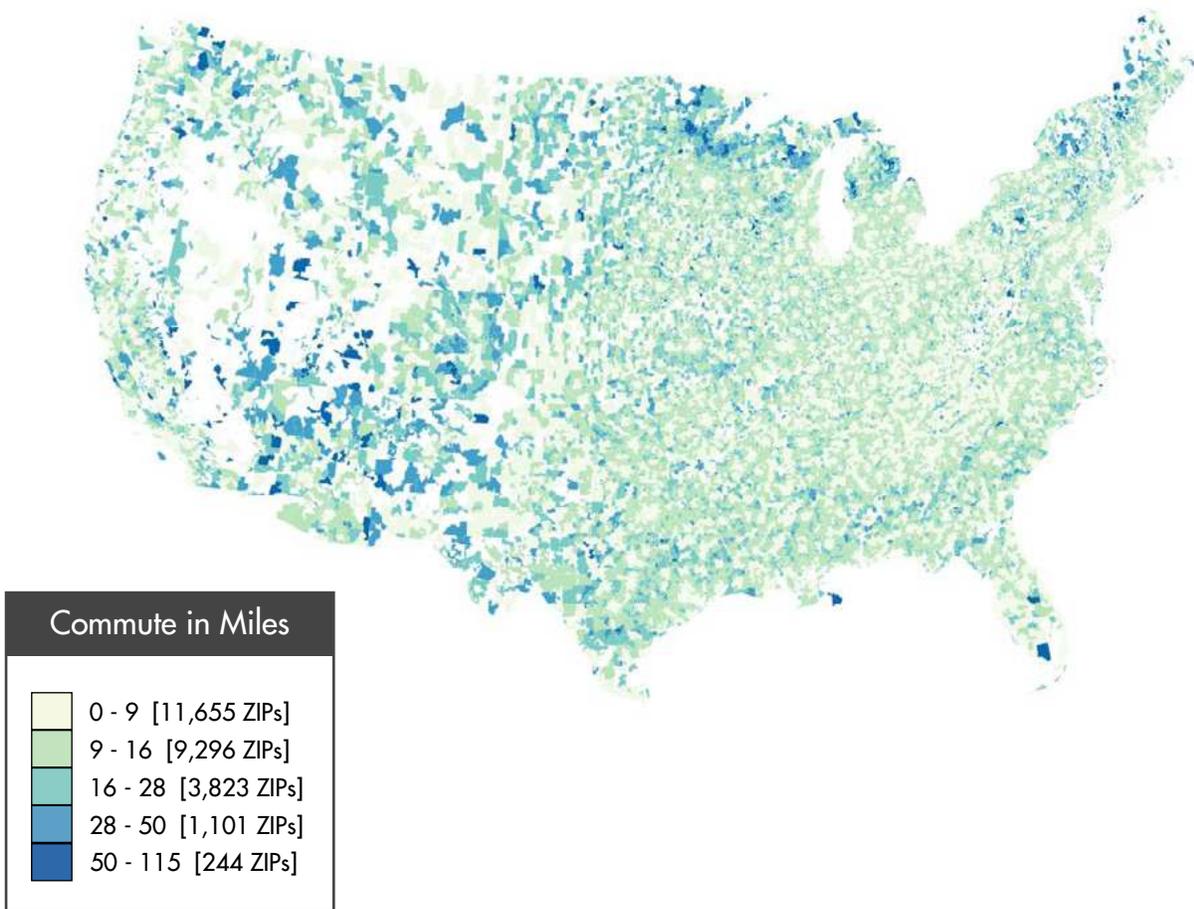
Shortest Commutes in the US by CBSA (cont.)

CBSA	Population	Median Commute Distance (mi)
Los Alamos, NM	17,882	2.8
Hereford, TX	19,778	2.8
Del Rio, TX	47,406	2.6
Vernon, TX	13,011	2.6
Portables, NM	18,420	2.5
Garden City, KS	36,156	2.5
Eagle Pass, TX	53,091	2.4
Liberal, KS	22,571	2.3
Hays, KS	25,292	2.1
Laramie, WY	35,221	1.7



The Results - ZIP Code by ZIP Code

Nearly 30,000 ZIP codes were included in our analysis. We constrained ourselves to ZIPs with over 1,000 residents. In addition to the map below, you can see an interactive map online [here](#), which that allows you to click, search, and zoom, to learn more.



The tables below show the 25 ZIP codes with the shortest and longest median one-way commutes. Unsurprisingly, many of the longest commuting ZIP codes are in less dense rural areas, which fall outside of any CBSA boundary.

Shortest 25 Median One-way Commutes

ZIP	CBSA or Rural Area	Median Commute (mi)
27109	Winston-Salem, NC	0.2
43403	Toledo, OH	0.3
38505	Cookeville, TN	0.3
76129	Dallas-Fort Worth-Arlington, TX	0.3
74078	Stillwater, OK	0.3
47306	Muncie, IN	0.3
83844	Moscow, ID	0.3
11549	New York-Northern New Jersey-Long Island, NY, NJ, PA	0.3
02912	Providence-New Bedford-Fall River, RI-MA	0.3
75962	Nacogdoches, TX	0.3
47809	Terre Haute, IN	0.3
90089	Los Angeles-Long Beach-Santa Ana, CA	0.4
08240	Atlantic City - Hammonton, NJ	0.4
29613	Greenville-Mauldin-Easley, SC	0.4
11794	New York-Northern New Jersey-Long Island, NY, NJ, PA	0.4
79406	Lubbock, TX	0.4
06269	Hartford-West Hartford-East Hartford, CT	0.4
29225	Columbia, SC	0.4
44243	Akron, OH	0.4
30609	Athens-Clarke County, GA	0.4
24142	Blackburg-Christiansburg-Radford, VA	0.4
21252	Baltimore-Towson, MD	0.4
19717	Philadelphia-Camden-Wilmington, PA-NJ-DE-MD	0.4
66506	Manhattan, KS	0.4
38677	Oxford, MS	0.4

Longest 25 Median One-way Commutes

ZIP	CBSA or Rural Area	Median Commute (mi)
86502	Arizona - Rural	106.1
21842	Ocean Pines, MD	95.8
93545	Bishop, CA	95
84525	Utah - Rural	93.4
16720	Pennsylvania - Rural	91.1
19930	Seaford, DE	81.2
55760	Minnesota - Rural	81.1
84536	Utah - Rural	81
03592	Berlin, NH-VT	80.5
84083	Brigham City, UT	77.7
84512	Utah - Rural	75.8
05774	Rutland, VT	71
49436	Michigan - Rural	66.9
08260	Ocean City, NJ	66.8
15533	Pennsylvania - Rural	66.6
65079	Missouri - Rural	66.4
85334	Arizona - Rural	65.9
04739	Maine - Rural	65.7
89003	Pahrump, NV	65.2
93238	Visalia-Porterville, CA	64.2
08202	Ocean City, NJ	63.8
89825	Elko, NV	63.8
56655	Brainerd, MN	63.4
28512	Morehead City, NC	63.2
08243	Ocean City, NJ	63

Commutes and Socioeconomic Factors

We cut the data a few different ways to try to understand how commutes relate to other economic and demographic factors. Our findings show that long commutes are correlated with – but not necessarily caused by – several other socioeconomic factors in many American cities. Note that we couldn't look at correlations across the whole US because incomes and rents in different regions are so different from each other. For that reason, we looked at correlation within CBSAs between median commute and these socioeconomic factors:

- 1 Income Level
- 2 College Attainment Rates
- 3 Rent

First, we analyzed these factors at the ZIP code level by comparing the median one-way commute to income, college attainment rate, and median rent for that ZIP code. Then, we compared the results for each ZIP code to all the ZIP codes within its CBSA. This approach a) controls for city-by-city variation in urban forms and cost of living and b) reveals some intriguing differences in “commute equality” between cities. We found that some cities have a lot of “commute inequality” that’s highly correlated with socioeconomic factors. In other, more “commute equitable” cities, these socioeconomic factors are not correlated with commute length. These are our three major conclusions:

- 1 **The likelihood of having a college degree is the most frequent, highest correlating factor of all.** What does it mean? Let's take Atlanta: if you live in an Atlanta ZIP code where many residents do not have a college degree, you're much more likely to have a longer commute than other Atlanta residents. The same pattern holds true in Seattle, but the likelihood is a little less.

- 2 Economic disparity in commute distance is more likely for medium and smaller cities.** We think the mega-cities like New York City and Los Angeles are so expansive and diverse that trends wash out. With that said, some similarly-sized cities have a much sharper inequality in commute distance than others. For example, non-college degree, low income people in Raleigh, North Carolina have longer commutes than their college-educated, higher income neighbors. However, there is more commute-equity in Rochester NY, and it has a similar total population to Raleigh. Some regions buck the trends entirely.
- 3 There is a nuanced relationship between income and commute.** While lower incomes are associated with longer commutes in general, when you look at the commute of the top 25 percent income ZIP codes, it may often be longer than the commute for the bottom 25 percent income ZIP code. This statistic, called the interquartile range, is shown in the table below. This matches other studies that show that earning more is often associated with commuting less, but only up to a point at which very high commuters drive long distances to get to high paying jobs. Think of financial managers in Connecticut commuting into New York City.

In the chart on the following page, we show how college attainment rates, incomes, and median rents at the ZIP code level correlate with commutes for the 75 largest CBSAs in the continental US. (The rest are available if you like, just get in touch.). “High impact” means that the socioeconomic factor explains over 25% of commute difference, “Some impact” means that the socioeconomic factor explains over 10% of the commute difference. We also included the interquartile range – that is the average commute for the top 25th percentile minus the average commute for the bottom 25th percentile. This allows us to see both the strength of the relationship as well as the magnitude of the difference. “N/A” indicates that there was not a significant correlation between the median commute length and the socioeconomic factors we analyzed.

Commute Difference in Miles Between the Top and Bottom Quartile ZIP Codes for Different Socioeconomic Factors in the 75 Largest CBSAs

CBSA	Income	College Attainment Rates	Median Rent
New York-Northern New Jersey-Long Island, NY-NJ-PA	N/A	N/A	N/A
Los Angeles-Long Beach-Santa Ana, CA	N/A	N/A	N/A
Chicago-Joliet-Naperville, IL-IN-WI	N/A	N/A	N/A
Dallas-Fort Worth-Arlington, TX	N/A	4.3 mi Shorter (Some Impact)	N/A
Houston-Sugar Land-Baytown, TX	N/A	N/A	1.7 mi Shorter (Some Impact)
Philadelphia-Camden-Wilmington, PA-NJ-DE-MD	N/A	N/A	N/A
Washington-Arlington-Alexandria, DC-VA-MD-WV	N/A	5.3 mi Shorter (Some Impact)	N/A
Miami-Fort Lauderdale-Pompano Beach, FL	N/A	N/A	N/A
Atlanta-Sandy Springs-Marietta, GA	N/A	4.8 mi Shorter (High Impact)	2.8 mi Shorter (Some Impact)
Boston-Cambridge-Quincy, MA-NH	N/A	N/A	N/A
San Francisco-Oakland-Fremont, CA	N/A	N/A	N/A
Detroit-Warren-Livonia, MI	N/A	N/A	N/A
Riverside-San Bernardino-Ontario, CA	N/A	N/A	3.3 mi Shorter (Some Impact)
Phoenix-Mesa-Glendale, AZ	N/A	N/A	N/A
Seattle-Tacoma-Bellevue, WA	N/A	3.2 mi Shorter (Some Impact)	N/A
Minneapolis-St. Paul-Bloomington, MN-WI	N/A	6.4 mi Shorter (High Impact)	N/A
San Diego-Carlsbad-San Marcos, CA	N/A	N/A	4.3 mi Shorter (Some Impact)
St. Louis, MO-IL	N/A	4.7 mi Shorter (Some Impact)	N/A
Tampa-St. Petersburg-Clearwater, FL	N/A	N/A	N/A
Baltimore-Towson, MD	4.7 mi Longer (Some Impact)	N/A	N/A
Denver-Aurora-Broomfield, CO	N/A	N/A	N/A
Pittsburgh, PA	N/A	6 mi Shorter (Some Impact)	N/A
Portland-Vancouver-Hillsboro, OR-WA	N/A	7.8 mi Shorter (Some Impact)	2.5 mi Shorter (Some Impact)
Sacramento--Arden-Arcade--Roseville, CA	N/A	N/A	N/A
Orlando-Kissimmee-Sanford, FL	N/A	N/A	N/A
San Antonio-New Braunfels, TX	N/A	N/A	N/A
Cincinnati-Middletown, OH-KY-IN	N/A	6.2 mi Shorter (High Impact)	N/A
Cleveland-Elyria-Mentor, OH	N/A	N/A	N/A
Kansas City, MO-KS	N/A	6.1 mi Shorter (Some Impact)	7.1 mi Shorter (Some Impact)
Las Vegas-Paradise, NV	N/A	N/A	N/A
San Jose-Sunnyvale-Santa Clara, CA	N/A	N/A	N/A
Columbus, OH	N/A	6.2 mi Shorter (High Impact)	N/A
Charlotte-Gastonia-Rock Hill, NC-SC	N/A	N/A	3.5 mi Longer (High Impact)
Indianapolis-Carmel, IN	N/A	3.1 mi Shorter (Some Impact)	N/A
Austin-Round Rock-San Marcos, TX	N/A	7.4 mi Shorter (Some Impact)	6.6 mi Shorter (Some Impact)
Virginia Beach-Norfolk-Newport News, VA-NC	N/A	N/A	N/A
Providence-New Bedford-Fall River, RI-MA	4.7 mi Longer (Some Impact)	N/A	N/A
Nashville-Davidson--Murfreesboro--Franklin, TN	N/A	7.9 mi Shorter (High Impact)	4.2 mi Shorter (Some Impact)

Commute Difference in Miles Between the Top and Bottom Quartile ZIP Codes for Different Socioeconomic Factors in the 75 Largest CBSAs (Cont.)

CBSA	Income	College Attainment Rates	Median Rent
Milwaukee-Waukesha-West Allis, WI	4.1 mi Longer (High Impact)	N/A	N/A
Jacksonville, FL	N/A	3.4 mi Shorter (Some Impact)	N/A
Memphis, TN-MS-AR	N/A	6 mi Shorter (Some Impact)	3.6 mi Shorter (Some Impact)
Louisville/Jefferson County, KY-IN	N/A	5.9 mi Shorter (Some Impact)	N/A
Richmond, VA	N/A	8.8 mi Shorter (High Impact)	2.7 mi Shorter (Some Impact)
Oklahoma City, OK	N/A	5.8 mi Shorter (Some Impact)	N/A
Hartford-West Hartford-East Hartford, CT	3.5 mi Longer (High Impact)	1.9 mi Longer (Some Impact)	N/A
New Orleans-Metairie-Kenner, LA	N/A	11.4 mi Shorter (High Impact)	N/A
Birmingham-Hoover, AL	N/A	4.7 mi Shorter (High Impact)	N/A
Salt Lake City, UT	N/A	4.9 mi Shorter (Some Impact)	N/A
Buffalo-Niagara Falls, NY	6.1 mi Longer (High Impact)	N/A	N/A
Raleigh-Cary, NC	4.5 mi Shorter (Some Impact)	6.5 mi Shorter (High Impact)	3.7 mi Shorter (High Impact)
Rochester, NY	N/A	N/A	N/A
Tucson, AZ	N/A	N/A	N/A
Tulsa, OK	N/A	5.8 mi Shorter (Some Impact)	7.4 mi Shorter (Some Impact)
Bridgeport-Stamford-Norwalk, CT	2.5 mi Longer (High Impact)	2.8 mi Longer (High Impact)	2.9 mi Longer (High Impact)
Fresno, CA	N/A	N/A	N/A
Albuquerque, NM	N/A	7 mi Shorter (Some Impact)	N/A
Albany-Schenectady-Troy, NY	N/A	N/A	N/A
New Haven-Milford, CT	4.3 mi Longer (High Impact)	2.5 mi Longer (Some Impact)	N/A
Omaha-Council Bluffs, NE-IA	N/A	7.1 mi Shorter (Some Impact)	N/A
Dayton, OH	N/A	6.8 mi Shorter (High Impact)	N/A
Oxnard-Thousand Oaks-Ventura, CA	6 mi Shorter (Some Impact)	2.5 mi Shorter (Some Impact)	8.4 mi Shorter (High Impact)
Allentown-Bethlehem-Easton, PA-NJ	N/A	N/A	6.6 mi Longer (Some Impact)
Bakersfield-Delano, CA	N/A	N/A	N/A
El Paso, TX	N/A	3.5 mi Shorter (Some Impact)	N/A
Worcester, MA	N/A	N/A	N/A
Baton Rouge, LA	N/A	8.1 mi Shorter (High Impact)	0.7 mi Shorter (Some Impact)
McAllen-Edinburg-Mission, TX	N/A	2.3 mi Shorter (Some Impact)	0.4 mi Longer (High Impact)
Columbia, SC	N/A	9.7 mi Shorter (Some Impact)	N/A
Grand Rapids-Wyoming, MI	N/A	6.2 mi Shorter (Some Impact)	N/A
Greensboro-High Point, NC	N/A	3.9 mi Shorter (Some Impact)	N/A
North Port-Bradenton-Sarasota, FL	N/A	N/A	N/A
Knoxville, TN	N/A	6.6 mi Shorter (High Impact)	4.4 mi Shorter (Some Impact)
Little Rock-North Little Rock-Conway, AR	N/A	8.5 mi Shorter (High Impact)	N/A
Akron, OH	3.6 mi Longer (Some Impact)	N/A	N/A
Springfield, MA	10 mi Longer (Some Impact)	N/A	N/A

Sources

¹The American Journal of Preventative Medicine: http://www.ajpmonline.org/pb/assets/raw/Health%20Advance/journals/amepre/AJPM%20Jun2012%20Hoehner%20Commuting%20Distance%20FINAL%20_2_.pdf

²National Public Radio: <https://www.npr.org/2011/10/19/141514467/small-changes-can-help-you-thrive-happily>

³The National Household Travel Survey: <http://nhts.ornl.gov/>

⁴The US Census Bureau: https://www.census.gov/geo/reference/gtc/gtc_cbsa.html

⁵The US Department of Housing and Humand Development: https://www.hud.gov/program_offices/housing/mfh/mfhsec8



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EXHIBIT H



As of July 1, 2019 data.census.gov is now the primary way to access Census Bureau data, including the latest releases from the 2018 American Community Survey and 2017 Economic Census and the upcoming 2020 Census and more. American FactFinder will be decommissioned in 2020.

Read more about the [Census Bureau's transition to data.census.gov](#).

S0801

COMMUTING CHARACTERISTICS BY SEX
2013-2017 American Community Survey 5-Year Estimates

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities, and towns and estimates of housing units for states and counties.

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the [Technical Documentation](#) section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the [Methodology](#) section.

Versions of this table are available for the following years:

- 2017**
- 2016**
- 2015**
- 2014**
- 2013**
- 2012**
- 2010**
- 2009**

Subject	United States						South Carolina					
	Total		Male		Female		Total		Male		Female	
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error
Workers 16 years and over	148,432,042	+/-153,416	78,647,149	+/-79,166	69,784,893	+/-81,719	2,168,006	+/-7,354	1,127,050	+/-4,734	1,040,956	+/-4,649
MEANS OF TRANSPORTATION TO WORK												
Car, truck, or van	85.6%	+/-0.1	85.6%	+/-0.1	85.6%	+/-0.1	92.0%	+/-0.1	91.3%	+/-0.2	92.7%	+/-0.2
Drove alone	76.4%	+/-0.1	76.4%	+/-0.1	76.5%	+/-0.1	82.6%	+/-0.2	81.5%	+/-0.3	83.9%	+/-0.2
Carpooled	9.2%	+/-0.1	9.3%	+/-0.1	9.0%	+/-0.1	9.3%	+/-0.1	9.7%	+/-0.2	8.9%	+/-0.2
In 2-person carpool	7.0%	+/-0.1	7.0%	+/-0.1	7.0%	+/-0.1	7.2%	+/-0.1	7.3%	+/-0.2	7.0%	+/-0.2
In 3-person carpool	1.3%	+/-0.1	1.3%	+/-0.1	1.3%	+/-0.1	1.3%	+/-0.1	1.4%	+/-0.1	1.2%	+/-0.1
In 4-or-more person carpool	0.9%	+/-0.1	1.0%	+/-0.1	0.8%	+/-0.1	0.8%	+/-0.1	1.0%	+/-0.1	0.6%	+/-0.1
Workers per car, truck, or van	1.06	+/-0.01	1.06	+/-0.01	1.06	+/-0.01	1.06	+/-0.01	1.06	+/-0.01	1.05	+/-0.01
Public transportation (excluding taxicab)	5.1%	+/-0.1	4.8%	+/-0.1	5.4%	+/-0.1	0.6%	+/-0.1	0.6%	+/-0.1	0.6%	+/-0.1
Walked	2.7%	+/-0.1	2.8%	+/-0.1	2.7%	+/-0.1	2.2%	+/-0.1	2.6%	+/-0.1	1.7%	+/-0.1
Bicycle	0.6%	+/-0.1	0.8%	+/-0.1	0.3%	+/-0.1	0.3%	+/-0.1	0.4%	+/-0.1	0.2%	+/-0.1
Taxicab, motorcycle, or other means	1.2%	+/-0.1	1.5%	+/-0.1	1.0%	+/-0.1	1.2%	+/-0.1	1.5%	+/-0.1	0.9%	+/-0.1
Worked at home	4.7%	+/-0.1	4.5%	+/-0.1	5.0%	+/-0.1	3.8%	+/-0.1	3.7%	+/-0.1	3.9%	+/-0.1
PLACE OF WORK												
Worked in state of residence	96.3%	+/-0.1	95.6%	+/-0.1	97.0%	+/-0.1	94.7%	+/-0.1	94.0%	+/-0.2	95.6%	+/-0.1
Worked in county of residence	72.4%	+/-0.1	70.0%	+/-0.1	75.1%	+/-0.1	70.6%	+/-0.2	68.4%	+/-0.3	72.9%	+/-0.3
Worked outside county of residence	23.9%	+/-0.1	25.7%	+/-0.1	21.9%	+/-0.1	24.2%	+/-0.2	25.5%	+/-0.3	22.7%	+/-0.3
Worked outside state of residence	3.7%	+/-0.1	4.4%	+/-0.1	3.0%	+/-0.1	5.3%	+/-0.1	6.0%	+/-0.2	4.4%	+/-0.1
Living in a place	75.1%	+/-0.1	74.6%	+/-0.1	75.5%	+/-0.1	48.0%	+/-0.2	47.5%	+/-0.3	48.6%	+/-0.3
Worked in place of residence	31.4%	+/-0.1	29.7%	+/-0.1	33.4%	+/-0.1	16.3%	+/-0.2	15.7%	+/-0.3	17.0%	+/-0.3
Worked outside place of residence	43.6%	+/-0.1	45.0%	+/-0.1	42.1%	+/-0.1	31.7%	+/-0.3	31.8%	+/-0.3	31.6%	+/-0.3
Not living in a place	24.9%	+/-0.1	25.4%	+/-0.1	24.5%	+/-0.1	52.0%	+/-0.2	52.5%	+/-0.3	51.4%	+/-0.3
Living in 12 selected states	25.0%	+/-0.1	24.5%	+/-0.1	25.6%	+/-0.1	0.0%	+/-0.1	0.0%	+/-0.1	0.0%	+/-0.1
Worked in minor civil division of residence	7.6%	+/-0.1	7.1%	+/-0.1	8.3%	+/-0.1	0.0%	+/-0.1	0.0%	+/-0.1	0.0%	+/-0.1
Worked outside minor civil division of residence	17.4%	+/-0.1	17.4%	+/-0.1	17.3%	+/-0.1	0.0%	+/-0.1	0.0%	+/-0.1	0.0%	+/-0.1
Not living in 12 selected states	75.0%	+/-0.1	75.5%	+/-0.1	74.4%	+/-0.1	100.0%	+/-0.1	100.0%	+/-0.1	100.0%	+/-0.1
Workers 16 years and over who did not work at home	141,404,632	+/-164,332	75,118,548	+/-90,747	66,286,084	+/-81,356	2,085,473	+/-7,516	1,085,370	+/-4,819	1,000,103	+/-4,646
TIME LEAVING HOME TO GO TO WORK												
12:00 a.m. to 4:59 a.m.	4.6%	+/-0.1	6.1%	+/-0.1	2.9%	+/-0.1	4.1%	+/-0.1	5.3%	+/-0.2	2.8%	+/-0.1
5:00 a.m. to 5:29 a.m.	3.9%	+/-0.1	5.2%	+/-0.1	2.4%	+/-0.1	3.8%	+/-0.1	5.1%	+/-0.2	2.5%	+/-0.1
5:30 a.m. to 5:59 a.m.	4.9%	+/-0.1	6.0%	+/-0.1	3.6%	+/-0.1	4.4%	+/-0.1	5.6%	+/-0.2	3.1%	+/-0.1
6:00 a.m. to 6:29 a.m.	8.9%	+/-0.1	10.5%	+/-0.1	7.0%	+/-0.1	8.9%	+/-0.2	10.6%	+/-0.2	7.0%	+/-0.2
6:30 a.m. to 6:59 a.m.	9.8%	+/-0.1	10.2%	+/-0.1	9.4%	+/-0.1	10.5%	+/-0.1	11.1%	+/-0.2	10.0%	+/-0.2
7:00 a.m. to 7:29 a.m.	14.7%	+/-0.1	14.0%	+/-0.1	15.5%	+/-0.1	16.2%	+/-0.2	15.5%	+/-0.3	16.9%	+/-0.3
7:30 a.m. to 7:59 a.m.	12.5%	+/-0.1	10.6%	+/-0.1	14.6%	+/-0.1	12.6%	+/-0.2	11.1%	+/-0.2	14.3%	+/-0.3

10/31/2019

American FactFinder - Results

Subject	United States						South Carolina					
	Total		Male		Female		Total		Male		Female	
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error
8:00 a.m. to 8:29 a.m.	11.0%	+/-0.1	9.9%	+/-0.1	12.3%	+/-0.1	10.7%	+/-0.2	9.4%	+/-0.2	12.1%	+/-0.3
8:30 a.m. to 8:59 a.m.	5.4%	+/-0.1	4.4%	+/-0.1	6.4%	+/-0.1	4.7%	+/-0.1	3.9%	+/-0.1	5.6%	+/-0.2
9:00 a.m. to 11:59 p.m.	24.4%	+/-0.1	23.0%	+/-0.1	25.9%	+/-0.1	24.1%	+/-0.2	22.5%	+/-0.3	25.7%	+/-0.3
TRAVEL TIME TO WORK												
Less than 10 minutes	12.7%	+/-0.1	11.8%	+/-0.1	13.7%	+/-0.1	12.6%	+/-0.2	12.4%	+/-0.3	12.9%	+/-0.2
10 to 14 minutes	13.6%	+/-0.1	12.7%	+/-0.1	14.6%	+/-0.1	14.3%	+/-0.2	13.4%	+/-0.3	15.2%	+/-0.3
15 to 19 minutes	15.3%	+/-0.1	14.6%	+/-0.1	16.0%	+/-0.1	16.9%	+/-0.2	16.1%	+/-0.3	17.9%	+/-0.3
20 to 24 minutes	14.6%	+/-0.1	14.3%	+/-0.1	14.9%	+/-0.1	15.8%	+/-0.2	15.5%	+/-0.3	16.2%	+/-0.3
25 to 29 minutes	6.4%	+/-0.1	6.3%	+/-0.1	6.4%	+/-0.1	6.7%	+/-0.2	6.7%	+/-0.2	6.7%	+/-0.2
30 to 34 minutes	13.7%	+/-0.1	14.2%	+/-0.1	13.1%	+/-0.1	14.3%	+/-0.2	14.9%	+/-0.2	13.7%	+/-0.3
35 to 44 minutes	6.8%	+/-0.1	7.1%	+/-0.1	6.5%	+/-0.1	6.3%	+/-0.1	6.5%	+/-0.2	6.1%	+/-0.2
45 to 59 minutes	8.1%	+/-0.1	8.7%	+/-0.1	7.5%	+/-0.1	7.2%	+/-0.1	7.7%	+/-0.2	6.7%	+/-0.2
60 or more minutes	8.9%	+/-0.1	10.3%	+/-0.1	7.3%	+/-0.1	5.8%	+/-0.1	6.9%	+/-0.2	4.6%	+/-0.1
Mean travel time to work (minutes)	26.4	+/-0.1	27.8	+/-0.1	24.7	+/-0.1	24.3	+/-0.1	25.5	+/-0.2	22.9	+/-0.1
VEHICLES AVAILABLE												
Workers 16 years and over in households	146,982,992	+/-156,459	77,847,868	+/-81,086	69,135,124	+/-83,114	2,134,668	+/-7,314	1,106,995	+/-4,716	1,027,673	+/-4,596
No vehicle available	4.4%	+/-0.1	4.2%	+/-0.1	4.5%	+/-0.1	2.3%	+/-0.1	2.3%	+/-0.1	2.3%	+/-0.1
1 vehicle available	20.9%	+/-0.1	18.7%	+/-0.1	23.3%	+/-0.1	21.1%	+/-0.3	18.1%	+/-0.3	24.3%	+/-0.4
2 vehicles available	41.2%	+/-0.1	42.3%	+/-0.1	40.0%	+/-0.1	42.4%	+/-0.3	44.0%	+/-0.4	40.7%	+/-0.4
3 or more vehicles available	33.5%	+/-0.1	34.8%	+/-0.1	32.2%	+/-0.1	34.2%	+/-0.3	35.6%	+/-0.3	32.7%	+/-0.4
PERCENT ALLOCATED												
Means of transportation to work	9.4%	(X)	(X)	(X)	(X)	(X)	9.0%	(X)	(X)	(X)	(X)	(X)
Private vehicle occupancy	10.6%	(X)	(X)	(X)	(X)	(X)	10.4%	(X)	(X)	(X)	(X)	(X)
Place of work	12.6%	(X)	(X)	(X)	(X)	(X)	12.1%	(X)	(X)	(X)	(X)	(X)
Time leaving home to go to work	19.5%	(X)	(X)	(X)	(X)	(X)	18.1%	(X)	(X)	(X)	(X)	(X)
Travel time to work	14.1%	(X)	(X)	(X)	(X)	(X)	13.5%	(X)	(X)	(X)	(X)	(X)
Vehicles available	1.2%	(X)	(X)	(X)	(X)	(X)	1.3%	(X)	(X)	(X)	(X)	(X)

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates

Explanation of Symbols:

An "***" entry in the margin of error column indicates that either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.
 An "-" entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution.
 An "." following a median estimate means the median falls in the lowest interval of an open-ended distribution.
 An "+" following a median estimate means the median falls in the upper interval of an open-ended distribution.
 An "***" entry in the margin of error column indicates that the median falls in the lowest interval or upper interval of an open-ended distribution. A statistical test is not appropriate.
 An "*****" entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is not appropriate.
 An "N" entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.
 An "(X)" means that the estimate is not applicable or not available.

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see [Accuracy of the Data](#)). The effect of nonsampling error is not represented in these tables.

The 12 selected states are Connecticut, Maine, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Wisconsin.

Workers include members of the Armed Forces and civilians who were at work last week.

When information is missing or inconsistent, the Census Bureau logically assigns an acceptable value using the response to a related question or questions. If a logical assignment is not possible, data are filled using a statistical process called allocation, which uses a similar individual or household to provide a donor value. The "Allocated" section is the number of respondents who received an allocated value for a particular subject.

While the 2013-2017 American Community Survey (ACS) data generally reflect the February 2013 Office of Management and Budget (OMB) definitions of metropolitan and micropolitan statistical areas; in certain instances the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB definitions due to differences in the effective dates of the geographic entities.

Estimates of urban and rural populations, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2010 data. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

EXHIBIT I



Issue Brief

March 2019

Discriminatory Driver's License Suspension Schemes

Danielle Conley and Ariel Levinson-Waldman

“The story of license suspensions . . . reveals both the extent of the injury governments are willing to inflict on low-income people in order to balance their books and the results that advocacy can achieve to reduce the damage.” – Peter Edelman¹

More than seven million Americans have lost their driver's licenses for nonpayment of a ticket or fine.² For many lower-income community members in 21st century America, a driver's license is critical for everyday life tasks like getting to work, childcare or a child's school, doctor's appointments (especially vital for senior citizens), and transporting heavy groceries. Most people who are not able to afford to pay their fines, therefore, just keep driving.³ When a person driving with a suspended license is stopped by law enforcement, they typically get a ticket, may be subjected to more fines, and may even be arrested and end up in prison. Their inability to pay that original fine—their poverty—is, in effect, criminalized.

National awareness of governments' use of fines and fees to extract revenue from low-income, predominantly African-American residents has risen substantially since the protests and violent conflict that followed the 2014 killing of Michael Brown by the Ferguson, Missouri Police Department. Here was an object lesson in state and local governmental power to perpetuate and criminalize poverty. After the U.S. Department of Justice Civil Rights Division investigated police and court practices in Ferguson, it released a report describing how citizens get trapped in a double helix of poverty and punishment. Initial fines and fees quickly and automatically trigger more monetary penalties, a suspended driver's license (with more penalties imposed for driving on a suspended license), mandatory court appearances (with more penalties levied for missing those hearings), and, almost inevitably, criminal penalties. The City of Ferguson's “focus on revenue rather than . . . public safety needs,” the report

¹ PETER EDELMAN, NOT A CRIME TO BE POOR: THE CRIMINALIZATION OF POVERTY IN AMERICA 40 (The New Press 2017).

² Justin Wm. Moyer, *More than 7 Million People May Have Lost Driver's Licenses Because of Traffic Debt*, WASH. POST (May 19, 2018) (“The total number nationwide could be much higher based on the population of states that did not or could not provide data.”). This number was derived from a single snapshot in time published in 2017. *Id.*

³ See, e.g., NAT'L HIGHWAY TRAFFIC SAFETY ADMIN., U.S. DEP'T OF TRANSP., *EFFECTIVENESS OF ADMINISTRATIVE LICENSE SUSPENSIONS AND VEHICLE SANCTION LAWS IN OHIO* (2000) (noting estimates that “up to 75% of DUI offenders continue to drive while suspended”).

found, led to “procedures that raise due process concerns and inflict unnecessary harm,” including the suspension of driver’s licenses for unpaid debts, followed oftentimes by an arrest for driving without a license.⁴

In the wake of Ferguson, a wave for reform has emerged. Institutions like the American Bar Association, for example, have weighed in on this issue, adopting the principle that “disproportionate sanctions, including driver’s license suspension, should never be imposed for a person’s inability to pay a fine or fee,”⁵ and explaining that “[e]xcessive fines and fees . . . have burdened millions of Americans, particularly those too poor to pay. The alarming results, including jail time for unpaid traffic tickets, have effectively criminalized poverty and eroded public confidence in the justice system.”⁶ And indeed, in the past several years, a growing number of state-level reform efforts have been launched to end license-for-payment schemes in which the legal right to drive is taken away from people for non-payment of fines or fees with no inquiry into their ability to pay.

This Issue Brief examines the policy and legal features of this systemic justice problem and efforts to address it. Part I sketches out the scope of the problem. Part II explores how license-for-payment schemes: deprive low-income families of money and opportunity while increasing their exposure to the criminal justice system; disproportionately impact communities of color; force courts, prosecutors, and police officers to divert resources away from public safety efforts; and, to the extent they do generate some revenue for the state government, do so largely as a wealth transfer to the state from low-income communities of color who can least afford it. Part III identifies constitutional flaws in license-for-payment schemes and highlights the growing wave of reform that is emerging through legislative action and litigation. A handful of states and now the District of Columbia have taken legislative steps towards reform, and three federal district courts have already sustained constitutional challenges to state license-for-payment schemes. Both of these trends are poised to continue. Part IV concludes with some reflections on anticipated reforms and court challenges, and where we go from here.

I. Background

When most people hear about suspended licenses, they think of public safety issues—drunk driving, for example, or accumulating too many points on a driving record. In contrast to public-safety suspensions, debt-collection suspensions are about money, punishment, and coercion—and on a very large scale, at that. As documented by the Legal Aid Justice Center, license-for-payment systems are “ubiquitous.”⁷ In Texas alone, more than 1.8 million people

⁴ CIVIL RIGHTS DIV., DEP’T OF JUSTICE, *INVESTIGATION OF THE FERGUSON POLICE DEPARTMENT* 2 (2015).

⁵ See *TEN GUIDELINES ON COURT FINES AND FEES* § 3 cmt. (AM. BAR ASS’N 2018).

⁶ *Id.* at iv.

⁷ MARIO SALAS & ANGELA CIOLFI, LEGAL AID JUSTICE CTR., *DRIVEN BY DOLLARS* 8 (2017). Only four states (California, Kentucky, Georgia, and Wyoming)—do not suspend driver’s licenses for unpaid court debt. See *id.*

have had their licenses suspended for unpaid, court-related debts.⁸ More than forty states use driver's license suspension as punishment for failure to pay certain debts, which may include traffic or parking tickets, other types of court debt from civil judgments, child support orders, and taxes or other amounts allegedly owed the state or municipal government.⁹

In most states, a person's driver's license may be suspended *without* regard for or inquiry into their ability to pay at the time of suspension.¹⁰ Only four states—Louisiana, Minnesota, New Hampshire, and Oklahoma—require a determination that the person had the ability to pay and intentionally refused to do so.¹¹

In many states, driver's license suspension is a "mandatory consequence anytime a person does not pay court debt on time."¹² Nineteen states have rules that require driver's license suspension following a missed deadline for court debt payment. Of these states, only New Hampshire requires a court to first determine that the debtor has the ability to pay.¹³

Most jurisdictions that suspend driver's licenses for unpaid debt to the government do so indefinitely.¹⁴ In these states, driver's licenses remain suspended until the state is satisfied concerning payment (be it payment of the full amount or through a negotiated settlement), or until statutes of limitation on debt collection expire, preventing the state from pursuing those debts any longer.¹⁵ Only five states have laws limiting the length of these suspensions,¹⁶ and virtually every jurisdiction imposes an *additional* fee to reinstate a suspended license.

Failure to pay a fine to the state government, even if it does not lead to the immediate suspension of a person's license, can, in some jurisdictions, lead to the denial of a person's application to *renew* a license, a car registration, or both. As in the suspension context, the denial of application for *renewal* of the license or registration is automatic and occurs with no

⁸ See ANDREA M. MARSH, NAT'L CTR. FOR COURTS, [RETHINKING DRIVER'S LICENSE SUSPENSIONS FOR NONPAYMENT OF FINES AND FEES](#) 21 (2017).

⁹ SALAS & CIOLFI, *supra* note 7, at 8.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.* at 8, 13 n. 38 (citing N.H. REV. STAT. § 263:56-a).

¹⁴ See *id.* at 14-15.

¹⁵ Even where the judgment has expired, however, and the law requires reinstatement of the license, DMV bureaucracies may fail to promptly restore the license. See, e.g., [Performance Oversight Hearing Regarding the Department of Motor Vehicles: Hearing Before the Committee on Transportation and the Environment](#), Council Period 22, 2 (D.C. 2018) (statement of Stacy Santin, Staff Attorney, Legal Aid Society of the District of Columbia) ("One common and problematic scenario we see involves the continued license suspension based on a judgment that has already expired.").

¹⁶ See SALAS & CIOLFI, *supra* note 7, at 9. The states with laws limiting the length of suspensions are Idaho, Minnesota, New Mexico, Vermont, and Wisconsin. *Id.*

inquiry as to the person's income or ability to pay.¹⁷ The denial of the renewal functions, in effect, as a slow-motion suspension.

II. License-for-Payment Schemes Are Bad Policy

State-level regimes that suspend driver's licenses for unpaid debt without requiring an assessment of the individual's ability to pay have a number of negative public policy consequences for the individuals whose licenses are suspended and their families, as well as for the broader community. License suspensions can result in reduced job prospects; further inability to pay (or for the government to collect) outstanding debts; and increased exposure to the criminal justice system, which in turn diverts criminal justice resources away from public safety efforts. These consequences disproportionately fall on our communities of color.

A. Lost Jobs and Reduced Job Prospects

The most direct consequence of widespread license suspension is decreased employment and income: the loss of a license makes it harder to find or keep a job.¹⁸ A license is "often needed for commuting, particularly as jobs are increasingly located outside of inner-city areas; many jobs require driving as part of the work responsibilities; and even for non-driving jobs, employers often require applicants to have a valid driver's license as an indicator of reliability or responsibility."¹⁹ In one survey, 80 percent of respondents reported not having access to or being unqualified for job opportunities due to license suspensions.²⁰

Studies have found a robust correlation between a lack of legal authority to drive and unemployment/underemployment.²¹ For example, a study of New Jersey drivers found that 42 percent of individuals whose licenses had been suspended lost their jobs within six months after the license suspension, and nearly half were unable to obtain new employment during the suspension.²² And of those drivers that could find another job, 88 percent reported a decrease in income.²³ Further, even where employers are willing to hire individuals without driver's

¹⁷ See, e.g., Hawaii (H.C.T.R. Rule 15(b)), Illinois (625 I.L.C.S. § 5/6-306.6); Texas (TEX. TRANSP. CODE ANN. §§ 706.002, 706.004); DC Official Code §§ 47-2861 (D.C.'s so-called "clean-hands law," under which an applicant for a license renewal will be denied if \$101 or more is owed to the DC government for, among other things, any fine, penalty, interest, or tax).

¹⁸ See, e.g., ALEX BENDER, ET AL., LAWYERS COMM. FOR CIVIL RIGHTS OF THE SAN FRANCISCO BAY AREA, [NOT JUST A FERGUSON PROBLEM: HOW TRAFFIC COURTS DRIVE INEQUALITY IN CALIFORNIA](#) 7 (2015).

¹⁹ *Id.* at 17.

²⁰ MARGY WALLER, JENNIFER DOLEAC, & ILSA FLANAGAN, BROOKINGS INST., [DRIVER'S LICENSE SUSPENSION POLICIES](#) 2 (2005).

²¹ See, e.g., BENDER ET AL., *supra* note 18, at 17 n.70 (collecting studies).

²² N.J. MOTOR VEHICLES AFFORDABILITY AND FAIRNESS TASK FORCE, [FINAL REPORT](#) 38 (2006) [hereinafter N.J. MOTOR VEHICLES].

²³ *Id.* Further, job losses resulting from loss of driving privileges can have a cascading cost effect, with the economic costs of unemployment or job switches sometimes being transferred onto the employers. As one California report found, "there is a cost to hiring and re-training a new person for a job being done well by someone else. It is an unnecessary expense to both employers and the state to pay unemployment insurance for an employee who would be retained if the person had a license." BENDER ET AL., *supra* note 18, at 7.

licenses, a car remains crucial, as a practical matter, for physical access to jobs in cities, suburbs, and rural communities. For example, a Brookings Institute report found that only 37 percent of jobs in the D.C. metro area are accessible by public transit within ninety minutes.²⁴

Driver's licenses are often a job requirement for jobs that can lift people out of poverty, such as construction, manufacturing, security, transportation, and union jobs.²⁵ The New Jersey study found that low-income and young drivers were most likely to lose their jobs due to license suspension and also least likely to find another job.²⁶ Another study found that "a valid driver's license was a more accurate predictor of sustained employment than a General Educational Development (GED) diploma among public assistance recipients."²⁷ The relationship between day-to-day mobility and the ability to transition from government assistance to employment is also well-documented.²⁸ Put simply, most adults rely on driver's licenses to travel to work and maintain employment.²⁹

B. Decreased Ability to Pay Fines

License suspensions' negative effects on employment raises the basic question of why governments would continue to suspend licenses for unpaid debts. Lisa Foster, a former judge, former Director of the U.S. Department of Justice Office of Access to Justice, and current Co-Director of the Fines and Fees Justice Center, aptly sums it up this way: "If the goal is for people to pay their court debt, why would we make it more difficult for them to get to work?"³⁰

If the goal of license-for-payment schemes is to coerce payment of outstanding fines or fees, that logic is flawed when it comes to low-income people. By harming the job prospects and upward mobility of those whose licenses are suspended, license-for-payment laws curtail people's ability to generate the income necessary to repay any outstanding fines or fees and to transition away from government assistance.³¹ When the government suspends driver's licenses for failure to pay debt, it typically makes debtors less able to pay their fines (a condition which is only exacerbated as fines are multiplied by the addition of late fees and license reinstatement fees). *The Washington Post* editorial page persuasively described the effect

²⁴ ADIE TOMER, ET AL., METROPOLITAN POLICY PROGRAM AT BROOKINGS, [MISSED OPPORTUNITY: TRANSIT AND JOBS IN METROPOLITAN AMERICA](#) 16 (2011).

²⁵ Alana Semuels, *No Driver's License, No Job*, ATLANTIC (June 15, 2016).

²⁶ See N.J. MOTOR VEHICLES, *supra* note 22, at 38.

²⁷ REBEKAH DILLER, BRENNAN CTR. FOR JUSTICE, [THE HIDDEN COSTS OF FLORIDA'S CRIMINAL JUSTICE FEES](#) 20-21 (2010) (citing JOHN PAWASARAT & LOIS M. QUINN, EMPLOYMENT & TRAINING INST., UNIV. OF WIS. MILWAUKEE, [THE EARN \(EARLY ASSESSMENT & RETENTION NETWORK\) MODEL FOR EFFECTIVELY TARGETING WIA & TANF RES. TO PARTICIPANTS](#) (2007)).

²⁸ See, e.g., U. S. GAO, [WELFARE REFORM: TRANSPORTATION'S ROLE IN MOVING FROM WELFARE TO WORK](#) (1998).

²⁹ *Id.*

³⁰ Lisa Foster, Lecture at the 59th Miller Distinguished Lecture Series at Georgia State University College of Law: [Injustice Under Law: Perpetuating and Criminalizing Poverty Through the Courts](#) (Mar. 2, 2017).

³¹ BENDER ET AL., *supra* note 18 at 7 ("[B]y restoring driver's licenses and allowing people to work, more drivers would be able to pay traffic fines and fees, which would reduce uncollected court debt and increase revenue.").

of suspending indigent driver’s licenses as: “a vicious cycle. You can’t afford to pay an initial court fine for a parking ticket . . . so you lose your license. That means you can’t drive to work or hold a job that requires a license—which makes you even less able to pay”³²

C. Unnecessary Exposure to the Criminal Justice System

License suspension schemes set up low-income people to suffer the consequences of getting caught up in the criminal justice system, as many people who have had their licenses revoked keep driving due to the realities of life.³³ “And if they are stopped by law enforcement, they then get a ticket for driving on a suspended license, which in many states is a misdemeanor. More fines and fees are imposed, and they may be incarcerated—all because they are poor.”³⁴ As an analysis by the National Conference of State Legislatures concluded: “All 50 states and the District of Columbia . . . have penalties for driving without a license. These penalties vary widely, but follow a similar theme: driving without a license is a serious offense that goes beyond a moving violation. Penalties generally involve fines, jail time or both.”³⁵

But as Dahlia Lithwick has observed:

It makes no sense to jail people who are poor for trying to do the very things that could lift them out of poverty; better to repeal the laws requiring the suspension of driving privileges for non-traffic safety related reasons, than to see it become a one-way road into prison.³⁶

D. Disproportionate Impact on Communities of Color

License-for-payment schemes are especially problematic because their consequences fall disproportionately on low-income communities of color. The criminal justice implications of these schemes are emblematic of this disparity. In an analysis in D.C., for example, where roughly 47 percent of residents are African-American, over 80 percent of those arrested in a single year for driving without a license were African-American.³⁷ In Milwaukee, a black driver is seven times as likely to be stopped by police as a white driver, according to an investigation by the Milwaukee Journal-Sentinel,³⁸ and two of every three working-age African-Americans

³² Editorial Board, *Virginia is Punishing the Poor—and Perpetuating Their Poverty*, WASH. POST, (Feb. 5, 2018).

³³ Thomas B. Harvey, *Jailing the Poor*, 42 HUM. RTS. MAG. 16 (2017).

³⁴ Lisa Foster, *Injustice Under Law: Perpetuating and Criminalizing Poverty Through the Courts*, 33 GA. ST. U. L. REV. 695, 708 (2017); see also Ariel Levinson-Waldman & Joanna Weiss, *D.C. Should Stop Suspending Driver’s Licenses for Unpaid Fines*, WASH. POST (Aug. 19, 2018) (“No one should have to risk incarceration because he or she needs to drive to work, pick up kids or rush a family member to the hospital.”).

³⁵ *Driving While Revoked, Suspended or Otherwise Unlicensed: Penalties by State*, NAT’L CONF. ST. LEGISLATURES (Oct. 27, 2016). Future research is warranted on the number of people arrested for driving on a suspended or revoked license where the license was stripped due to unpaid debts.

³⁶ Dahlia Lithwick, *Punished for Being Poor*, SLATE (July 16, 2016).

³⁷ *The “Driver’s License Revocation Fairness Amendment Act of 2017” (22-0618): Hearing Before the Committee on Transportation and the Environment*, Council Period 22 (D.C. 2018) [hereinafter Banks Testimony], (statement of Marques Banks, Equal Justice Works Fellow, Washington Lawyers’ Committee for Civil Rights and Urban Affairs).

³⁸ Ben Poston, *Racial Gap Found in Traffic Stops in Milwaukee*, MILWAUKEE J. SENTINEL (Dec. 3, 2011).

do not have a license.³⁹ An analysis by the ACLU of license suspensions and traffic stops in Ohio concluded that “the high police presence in low-income urban areas likely accounts for this gap. . . . The big picture here is that people’s licenses are being suspended because we have targeted enforcement of laws Law enforcement officers are often deployed to low-income communities and communities of color.”⁴⁰

In jurisdictions with sizable communities of color, the disproportionate impact of license-for-payment schemes extends well beyond criminal law enforcement. In California, African-Americans “are 60 percent more likely than non-Hispanic whites to lose their licenses, and Hispanics are 20 percent more likely.”⁴¹ Similarly, a 2015 study showed that in Virginia, African-Americans represented nearly 50 percent of the drivers who had their licenses revoked for failure to pay, despite constituting 22 percent of the population.⁴²

E. Inefficient State Revenue Generator

In 2017, then-California Governor Jerry Brown offered a budget bill that ended the suspension of licenses for unpaid traffic tickets. A report accompanying the enacted bill explained that increased fines and penalties “place[] an undue burden on those who cannot afford to pay,” which in California had “led to an increasing amount of fines and penalties going uncollected.”⁴³ The report concluded that there “does *not* appear to be a strong connection between suspending someone’s driver’s license and collecting their fine or penalty.”⁴⁴

Similarly, the Durham County, North Carolina district attorney found that forgiving the types of traffic debt and court fees that frequently lead to license suspension would not result in lost revenue for the state, noting that “[o]ur research shows that anybody that hasn’t paid within two years is not going to pay.”⁴⁵

When courts consider a person’s income and ability to pay in assessing and collecting fines and fees, however, the likelihood of collecting that debt are much higher. An analysis in Minnesota found that the state’s diversion pilot program for those with suspended licenses, which allowed them to obtain valid licenses while paying fines and fees pursuant to certain modest

³⁹ Jessica Eaglin, *Driver’s License Suspensions Perpetuate the Challenges of Criminal Justice Debt*, BRENNAN CTR. FOR JUST. (Apr. 30, 2015).

⁴⁰ Sara Dorn, *License Suspensions Disproportionately Imposed on Poor Ohioans, Trapping Them in Debt*, CLEVELAND.COM (Mar. 31, 2017) (internal quotations omitted) (describing study by ACLU of Ohio).

⁴¹ EDELMAN, *supra* note 1, at 38.

⁴² Banks Testimony, *supra* note 37.

⁴³ *California AB 103 – Public Safety Omnibus*, FINES AND FEES JUST. CTR. (June 27, 2017).

⁴⁴ *Id.* (emphasis added)

⁴⁵ Virginia Bridges, *Why is Durham Dismissing Hundreds of Speeding Tickets, with Thousands More Expected?*, HERALD SUN (Jan. 17, 2019) (internal quotation marks omitted).

payment plans, was “responsible for recovering significant outstanding fine and fee revenue that would otherwise remain uncollected.”⁴⁶

Suspending driver’s licenses for unpaid debt winds up costing police and the state departments of motor vehicles significant administrative and court resources. For example, when Washington State instituted an amnesty program for drivers with suspended licenses, it saved an estimated 4,500 hours of patrol officers’ time.⁴⁷ And a broad study of pilot programs found that “[a] significant amount of court resources are expended on judicial and administrative oversight of delinquent accounts.”⁴⁸ According to one California report, “[t]he police, DMV, and courts spend millions arresting, processing, administering, and adjudicating charges for driving on a suspended license. Add in the cost of jailing drivers whose primary fault was failing to pay, and we have a costly debtor’s prison.”⁴⁹

F. Diversion of Resources from Public Safety

License-for-payment schemes may also *create* public safety risks. When police officers and courts become ad hoc debt collectors, their time is diverted from addressing conduct that truly affects public safety. For example, the Washington State study estimated that the state devoted more than 79,000 personnel hours to dealing with license suspensions unrelated to highway safety. The American Association of Motor Vehicle Administrators determined that “the costs of arresting, processing, administering, and enforcing social non-conformance related driver license suspensions create a significant strain on budgets and other resources and detract from highway and public safety priorities.”⁵⁰

Further, by reducing employment opportunities, license suspensions may increase the likelihood of recidivism for people coming out of jail and prison,⁵¹ further diverting criminal justice system resources from legitimate public safety concerns to address arrests stemming from the loss of driver’s licenses that were taken away simply for lack of funds to pay a ticket.

III. A Wave of Reform Efforts

In recent years, a number of states have taken legislative and administrative action to reform license-for-payment schemes. In parallel, public interest organizations have brought constitutional challenges to the schemes in a number of jurisdictions; several courts have sustained these challenges, while other litigation efforts have sparked legislative or administrative reform.

⁴⁶ DRIVER & VEHICLE SERVS., *LICENSE REINSTATEMENT DIVERSION PILOT PROGRAM, LEGISLATIVE REPORT* 9 (2013) (Minnesota Driving Diversion Program).

⁴⁷ Shaila Dewan, *Driver’s License Suspensions Create Cycle of Debt*, N.Y. TIMES (Apr. 15, 2015).

⁴⁸ See Beth A. Colgan, *Graduating Economic Sanctions According to Ability to Pay*, 103 IOWA L. REV. 53, 70 (2017).

⁴⁹ BENDER ET AL., *supra* note 18, at 7.

⁵⁰ AM. ASS’N OF MOTOR VEHICLE ADM’RS, *BEST PRACTICES GUIDE TO REDUCING SUSPENDED DRIVERS* 2 (2013).

⁵¹ See Kevin T. Schnepel, *Good Jobs and Recidivism*, 128 ECON. J. 447 (2016).

A. Legislative and Administrative Reform

In response to the public policy concerns described above, and further spurred by the high-profile controversies surrounding the fallout from Ferguson, states and cities have begun reforming coercive license-for-payment regimes. Two years before Ferguson, Washington State abolished license suspension for non-moving violations.⁵² Since then, California has enacted legislation ending the suspension of driver's licenses for unpaid traffic tickets.⁵³ Mississippi, after discussions with advocates, announced that it would both reinstate all licenses suspended for nonpayment of fines, fees, and assessments, and stop suspending licenses for mere nonpayment of court debt.⁵⁴ Maine's legislature, over the governor's veto, ended automatic driver's license suspensions for many non-driving related fines.⁵⁵ Idaho recently enacted legislation decriminalizing driving on a suspended license and ending suspensions for unpaid court fines and fees.⁵⁶ And, as discussed further below, in 2018, the District of Columbia enacted legislation ending license suspension for failure to pay tickets for moving violations or to appear at a hearing related to such a ticket, and reinstating licenses suspended on those grounds.⁵⁷

States and cities have also implemented a variety of non-statutory programs, policies, and pilots to ameliorate license-for-payment laws.⁵⁸ The programs include payment plans, some of

⁵² See Eaglin, *supra* note 39.

⁵³ *California No Longer Will Suspend Driver's Licenses for Traffic Fines*, L.A. TIMES (June 29, 2017 9:50 AM).

⁵⁴ *SPLC, MacArthur Justice Center, and Department of Public Safety Announce that Mississippi Will Reinstate Thousands of Driver's Licenses Suspended for Failure to Pay Fines*, U. MISS. SCH. L. (Dec. 19, 2017).

⁵⁵ *LD 1190* (HP 827) 128th Leg. (Me. 2017) (Engrossed by the House on June 23, 2017 and by the Senate on June 27, 2017; Veto Override on July 9, 2018). Maine law previously provided that failure to pay any monetary fine imposed by a court for a civil violation, traffic infraction proceeding, or sentence for a criminal conviction could subject a defendant to license suspension. ME. REV. STAT. ANN. tit. 14, § 3141 Under the recently-passed bill, license suspension was removed from this regime. *Id.* Virginia also enacted legislation to provide payment plans to people at risk of losing their licenses because of court debt, see Travis Fain, *McAuliffe Sign Bill on Drivers License Suspensions*, DAILY PRESS (May 25, 2017, 8:11 PM), but that reform has been criticized as ineffective, see LEGAL AID JUSTICE CTR., *DRIVING ON EMPTY: PAYMENT PLAN REFORMS DON'T FIX VIRGINIA'S COURT DEBT CRISIS* (2018).

⁵⁶ *H.B. 512*, 64th Leg., 2d Sess. (Idaho 2018).

⁵⁷ See D.C. Act 22-449 (amending D.C. Law 2-104; D.C. CODE § 50-2301.01 *et seq.*); see also notes 59 - 61 and accompanying text.

⁵⁸ In addition to the types of programs described in the body text, some jurisdictions allow individuals to perform community service in lieu of payment. See, e.g., ALICIA BANNON, MITALI NAGRECHA, & REBEKAH DILLER, BRENNAN CTR. FOR JUSTICE, *CRIMINAL JUSTICE DEBT: A BARRIER TO REENTRY* 11 (2010); Richard A. Webster, *\$23,000 in Traffic Fines Reduced to \$9 for Man as Pilot Program Takes on New Orleans' Court System*, NOLA.COM (Mar. 30, 2017) (New Orleans); see generally ANDREA M. MARSH, NAT'L CTR. FOR COURTS, *RETHINKING DRIVER'S LICENSE SUSPENSIONS FOR NONPAYMENT OF FINES AND FEES* (2017). Community service programs are often not feasible for people earning a low income. Typically, community service is credited at minimum wage or \$10 per hour, which means that anyone working multiple jobs or carrying significant family obligations cannot feasibly find the dozens or even hundreds of hours required to satisfy even a fairly modest amount of court debt. Some of these programs also require fees for participation (e.g., to cover the administrative costs of the program), which are often sufficiently high as to defeat the purpose of using the program to assist those who cannot afford the monetary fees. See, e.g., *Community Service Program*, S.F. MUN. TRANSP. AGENCY, (listing enrollment fees of up to \$125).

which are keyed to a person's income,⁵⁹ amnesty programs that allow people to have their debts reduced or even forgiven,⁶⁰ and non-prosecution for driving on a license suspended due to unpaid fines and fees.⁶¹ There are and have been a number of such programs; they were the major source of reform before the post-Ferguson tide of legislative repeal efforts and constitutional challenges. Non-legislative reforms, however, are often limited in their scope, duration, or efficacy. For example, a payment plan might require a down payment or minimum monthly payment that is prohibitively high for people with low incomes, and in some jurisdictions, drivers who have previously utilized a payment plan cannot establish another one.⁶²

The District of Columbia provides an example of how positive legislative and administrative efforts can move, more or less, in tandem.

In 2018, the Council of the District of Columbia (D.C.'s state-level, municipal, and county-level legislature), with support from D.C. Attorney General Karl Racine, enacted a bill that ended the suspension of driver's licenses for unpaid traffic debts or nonattendance at a traffic court hearing, and required the D.C. Department of Motor Vehicles to restore all licenses suspended on those bases within 30 days.⁶³ In addition, D.C. enacted a bill that ends the ability of insurance companies to register a civil court judgment with the mayor and have the defendant's license suspended until the judgment is satisfied.⁶⁴ The impact of these reforms has been significant. According to a D.C. Department of Motor Vehicles report, and as documented by *The Washington Post*, over 65,000 people have had their D.C. driver's licenses or driving privileges restored under the now-legally operative law relating to suspension for unpaid traffic debts or traffic court nonattendance,⁶⁵ and an additional 2,282 have the opportunity to have their licenses restored as of March 13, 2019, when the law pertaining to civil court judgments completed congressional review and took legal effect.

In parallel to the legislative process, the office of D.C. Mayor Muriel Bowser launched a pilot program to allow residents returning home from prison with unpaid traffic debt to have their

⁵⁹ See, e.g., DRIVER & VEHICLE SERVS., *supra* note 46; Megan Cassidy, *Can't Get Your Phoenix Driver's License Back Because of Fines? Court Program Can Help*, AZ. CENT. (Jan. 27, 2016) (Phoenix, Arizona Compliance Assistance Program).

⁶⁰ See, e.g., *Durham Driver Amnesty Program*, FINES AND FEES JUST. CTR. (Nov. 27, 2017).

⁶¹ Adam Tamburin, *Prosecutor's New Plan for Driver's License Violations Could Keep 12,000 Cases Out of Court*, TENNESSEAN (Sept. 4, 2018); Yolanda Jones, *Shelby County DA's Office Won't Prosecute Many Revoked Driver's Licenses Cases*, DAILY MEMPHIAN (Oct. 20, 2018, 4:00 AM).

⁶² See Vinnie Rotondaro, *Traffic Tickets: the District Profits and Residents Pay*, WASH. CITY PAPER (Sept. 13, 2018) (noting that "[d]rivers are currently only allowed one-time access to a payment plan where tickets can be paid in installments" in D.C.).

⁶³ 66 D.C. Reg. 590 (Jan. 18, 2019); see also Reis Thebault, *In D.C., No More License Suspensions for Drivers with Unpaid Tickets*, WASH. POST (July 12, 2018); *D.C. Enacts Tzedek DC-Championed Driver's License Suspension Reform Bill*, UDC/DCSL (Sept. 10, 2018).

⁶⁴ 66 D.C. Reg. 590 (Jan. 18, 2019) (bill pending congressional review).

⁶⁵ See Justin Wm. Moyer, *D.C. Restores Driving Privileges for More Than 65,000 People*, WASH. POST (Feb. 27, 2018).

licenses reinstated in exchange for a payment or agreement to a modest payment plan, noting that “[t]he No. 1 reason for recently released men and women being re-incarcerated . . . is for driving without a valid license, which also can lead to additional charges for failing to stop and other related crimes.”⁶⁶ Through this program, an additional 250 D.C. residents, all formerly incarcerated individuals, have been able to have their licenses restored or renewed by paying “a fraction of the original debt owed.”⁶⁷

B. Reform Through the Courts

The Department of Justice’s report on Ferguson helped catalyze a wave of litigation challenging the constitutionality of license suspension practices. The report did more than recount the many ways—including driver’s license suspensions—that Ferguson’s law enforcement and court practices, “shaped by the City’s focus on revenue rather than by public safety needs,” targeted African-American citizens and especially harmed “those living in or near poverty.”⁶⁸ It also explained that these practices raised “significant due process and equal protection concerns.”⁶⁹ In doing so, the Department identified practices that required immediate attention and also suggested a blueprint for challenging those practices in court.

Lawsuits are now pending in Alabama, California, Michigan, Montana, Pennsylvania, North Carolina, Oregon, Tennessee, and Virginia.⁷⁰ The challenged state practices differ somewhat, but what they all have in common is that they either automatically suspend a person’s license or otherwise fail to consider a person’s ability to pay the fines or fees that trigger suspension. Four legal theories, all of which share common nuclei in the Constitution’s equal protection and due process clauses, underlie these challenges.⁷¹ Two of these theories are familiar to most lawyers: procedural and substantive due process. The remaining two theories draw from longstanding but less familiar Supreme Court precedent limiting the state’s power both to punish individuals for being unable to pay government-owed debt and to employ unduly

⁶⁶ Beth Schwartzapfel, *43 States Suspend Licenses for Unpaid Court Debt, But That Could Change*, MARSHALL PROJECT (Nov. 21, 2017) (quoting the Office of D.C. Mayor Muriel Bowser).

⁶⁷ Press Release, Office of Mayor Muriel Bowser, [Mayor Bowser’s Pathways to Work Reentry Program Hits Milestone of 250 Residents Helped](#) (Oct. 4, 2018).

⁶⁸ CIVIL RIGHTS DIV., DEP’T OF JUSTICE, *supra* note 4, at 2, 4.

⁶⁹ *Id.* at 55.

⁷⁰ See [Complaint](#), Robinson v. Purkey, No. 3:17-cv-1263 (M.D. Tenn. Sept. 18, 2017); [Complaint](#), DiFrancesco v. Bullock, No. CV-17-66-BU-SEH (D. Mont., Aug. 31, 2017); [Complaint](#), Fowler v. Johnson, No. 2:17-cv-114411 (E.D. Mich. May 4, 2017); [Complaint](#), Thomas v. Haslam, No. 3:17-cv-00005 (M.D. Tenn. Jan. 4, 2017) (currently pending in the Sixth Circuit, see Thomas v. Haslam, No. 18-5766 (6th Cir. July 27, 2018)); [Complaint](#), Hernandez v. Cal. Dep’t of Motor Vehicles, No. RG16836460 (Super. Ct. of Alameda Cnty., Oct. 25, 2016) (California); [First Amended Complaint](#), Stinnie v. Holcomb, No. 3:16-cv-00044 (W.D. Va. July 6, 2016); [Complaint](#), Harold v. Richards, No. 2:18-cv-00115-RK (E.D. Penn. Jan. 10, 2018); [Complaint](#), Mendoza v. Garrett, No. 3:18-cv-01634-HZ (D. Or., filed Sept. 8, 2018).

⁷¹ For a helpful additional overview of the emerging legal theories underlying challenges to license for payment laws, see NAT’L CONSUMER LAW CTR., [CONFRONTING CRIMINAL JUSTICE DEBT](#) (2016).

harsh methods when attempting to collect that debt; these overlapping claims are often referred to by the key decisions in the case line: *Bearden v. Georgia*⁷² and *James v. Strange*.⁷³

The following sections provide an overview of these claims, focusing on five cases pending in federal district court, none of which have yet to be addressed on the merits in an opinion by a federal appellate court: *Fowler v. Johnson* in the Eastern District of Michigan; *Stinnie v. Holcomb*, in the Western District of Virginia; *Robinson v. Purkey* and its companion case, *Thomas v. Haslam*, in the Middle District of Tennessee; and *Mendoza v. Garrett*, in the District of Oregon. These courts have diverged in their treatment of the four major claims, resulting in complete victory in *Robinson* and *Thomas*, preliminary success on only the procedural due process claims in *Fowler* and *Stinnie*, and complete dismissal in *Mendoza*. The strength and contours of these claims remain in flux as the cases await future merits consideration by the courts of appeal.

1. Procedural Due Process

Most of these cases include a procedural due process claim alleging that the challenged practices provide inadequate pre-deprivation procedural protections—at minimum, notice and opportunity to be heard.⁷⁴ The Supreme Court’s decision in *Bell v. Burson* is the touchstone for these claims.⁷⁵ In *Bell*, the Supreme Court recognized that “[s]uspension of issued [driver’s] licenses thus involves state action that adjudicates important interests of the licensees” and held that “[i]n such cases the licenses are not to be taken away without that procedural due process required by the Fourteenth Amendment.”⁷⁶

Fowler and *Stinnie* provide examples of (thus far) successful procedural due process challenges. The *Fowler* court held that Michigan provided inadequate notice of the consequences of nonpayment of a traffic ticket, the right to request a hearing, and the availability of alternatives to full payment; did not provide sufficient time for a response before suspension; and failed to provide a meaningful pre-suspension inquiry into a person’s ability to pay.⁷⁷ More recently, the *Stinnie* court preliminarily enjoined enforcement of Virginia’s license suspension for court debt statute on similar grounds:

At no time are Plaintiffs given any opportunity to be heard regarding their default, nor do they have the opportunity to present evidence that they are

⁷² *Bearden v. Georgia*, 461 U.S. 660 (1983).

⁷³ *James v. Strange*, 407 U.S. 128 (1972)

⁷⁴ *See, e.g.*, DOJ Statement of Interest at 6, *Stinnie v. Holcomb*, No. 3:16-cv-00044, 2017 WL 963234 (W.D. Va. Mar. 13, 2017) (“A driver’s license is a protected interest that, once issued, cannot be revoked or suspended ‘without that procedural due process required by the Fourteenth Amendment.’”) (quoting *Bell v. Burson*, 402 U.S. 535, 539 (1972)).

⁷⁵ *Bell*, 402 U.S. at 535.

⁷⁶ *Id.* at 539; *see also* *Cleveland v. U.S.*, 531 U.S. 12, 26 n. 4 (2000) (“In some contexts, we have held that individuals have constitutionally protected property interests in state-issued licenses essential to pursuing an occupation or livelihood. *See, e.g.*, *Bell v. Burson*, 402 U.S. 535, 539 (1971) (driver’s license).”).

⁷⁷ *Fowler v. Johnson*, No. 2:17-cv-114411, at *27-31 (E.D. Mich. May 4, 2017).

unable to satisfy court debt. This is not sufficient in light of the ‘degree of potential deprivation that may be created.’⁷⁸

2. Substantive Due Process

The plaintiffs in these suits also raised substantive due process claims, asserting that the challenged practices are not rationally related to legitimate government objectives.⁷⁹ Although rational basis review is often viewed as “minimal scrutiny in theory and virtually none in fact,”⁸⁰ the district court decisions in *Robinson* and *Thomas* nonetheless held that Tennessee’s law failed even that low standard because it was both ineffective—“because no person can be threatened or coerced into paying money that he does not have and cannot get” —and “powerfully counterproductive” —because it “sabotage[d]” the state’s chances of actually collecting the money that the law was supposed to help it collect.⁸¹ In contrast, the *Fowler* and *Mendoza* courts application of rational basis review led them to sustain Michigan and Oregon’s license suspension laws, respectively, against a substantive due process claim.⁸²

3. Proscription Against Punishing Poverty

Suits challenging the license suspension regimes also draw from the Supreme Court’s decision in *Bearden*, which held that a state could not revoke probation solely because a person had failed to pay a fine or restitution.⁸³ *Bearden* concluded that the state must find that the “probationer *willfully* refused to pay or failed to make sufficient bona fide efforts.”⁸⁴ To do otherwise “would be little more than punishing a person for his poverty.”⁸⁵ Following a thirty-year line of established cases ensuring indigent criminal defendants’ access to courts and limiting the state’s ability to penalize those unable to pay fines or restitution, the Court refused to classify its analysis according to traditional equal protection and due process categories. It explicitly eschewed, for example, applying a tier of scrutiny—rational basis, intermediate, or strict—noting that “[d]ue process and equal protection principles converge in the Court’s analysis in these cases.”⁸⁶

The legal framework for analyzing a *Bearden* claim in the license-for-payment context is still developing. There is meaningful variation in litigants’ approaches and jurisdiction-specific case law, and it is possible that multiple standards will emerge. For example, although *Bearden*

⁷⁸ *Stinnie v. Holcomb*, NO. 3:16-CV-00044, 2018 WL 6716700, at *9 (W.D. Va. Dec. 21, 2018).

⁷⁹ *See, e.g., Robinson v. Purkey*, No. 3:17-cv-1263, 2017 WL 4418134 at *8 (M.D. Tenn. Oct. 5, 2017) (“It is therefore difficult to discern the rational basis for the aspect of the scheme that Robinson and Sprague have challenged—the lack of an exception for the truly indigent.”).

⁸⁰ Gerald Gunther, *Foreword: In Search of Evolving Doctrine on a Changing Court: A Model for a Newer Equal Protection*, 86 HARV. L. REV. 1, 8 (1972).

⁸¹ *Thomas v. Haslam*, 329 F. Supp. 3d 475, 483-84, nn. 7, 9 (M.D. Tenn. 2018).

⁸² *Mendoza v. Garrett*, No. 3:18-cv-01634-HZ, 2018 WL 6528011, at *20 (D. Or. Dec. 12, 2018); *Fowler v. Johnson*, No. 17-11441, 2017 WL 6379676, at *8 (E.D. Mich. Dec. 14, 2017).

⁸³ *Bearden v. Georgia*, 461 U.S. 660 (1983).

⁸⁴ *Id.* at 672 (emphasis added).

⁸⁵ *Id.* at 671.

⁸⁶ *Id.* at 665.

itself rejected a level-of-scrutiny approach that characterizes many constitutional claims, the district court in *Robinson* ruled that it was bound by Sixth Circuit precedent to apply rational-basis review.⁸⁷ But the district court's opinion in *Robinson* is forceful enough to suggest that license-suspension schemes might run afoul of overlapping theories of harm:

[T]aking an individual's driver's license away to try to make her more likely to pay a fine is not using a shotgun to do the job of a rifle: it is using a shotgun to treat a broken arm. There is no rational basis for that.⁸⁸

Recently, the same judge expanded on her opinion in *Robinson*, concluding that *Bearden* was not limited to protecting only fundamental rights.⁸⁹

In contrast, *Mendoza* concluded that under *its* reading of *Bearden*, that authority applies only where "either incarceration or access to the courts, or both, is at stake," finding that the plaintiffs had not demonstrated that their challenge to Oregon's law suspending licenses for unpaid traffic debt was likely to succeed because "[n]one of those rights or interests are present here."⁹⁰

4. Prohibition on Unduly Harsh or Discriminatory Debt Collection Tactics

Challenges to license suspension schemes also raise another claim, drawn from the Supreme Court's decision in *James v. Strange*: When the government is acting as a debt collector, it cannot use its power to "impose unduly harsh or discriminatory terms merely because the obligation is to the public treasury rather than to a private creditor."⁹¹ The argument that license suspension without an indigency exception is an "unduly harsh" collection tactic that also discriminates against the poor can be compelling.⁹² The court in *Thomas* granted summary judgement for the plaintiffs on their *Strange* claim, concluding that

the [law] at issue in *Strange* was ... unconstitutional because it singled out debtors who owed money to the government . . . and imposed on them uniquely harsh collection mechanisms in 'such discriminatory fashion' that it 'blight[ed]'

⁸⁷ *Robinson v. Purkey*, No. 3:17-cv-1263, 2017 WL 4418134 at *8 (M.D. Tenn. Oct. 5, 2017).

⁸⁸ *Id.* at *9 (emphasis added).

⁸⁹ *Thomas v. Haslam*, 303 F. Supp. 3d 585, 612 (M.D. Tenn. Mar. 26, 2018).

⁹⁰ *Mendoza v. Garrett*, No. 3:18-cv-01634-HZ, 2018 WL 6528011, at *19 (D. Or. Dec. 12, 2018).

⁹¹ *James v. Strange*, 407 U.S. 128, 138 (1972); cf. *Thomas*, 303 F. Supp. 3d at 627 ("*Strange* ... does not have a novella's worth of later Supreme Court opinions explaining precisely what the lower courts should construe it to mean.").

⁹² Significantly, the Supreme Court recently held in *Timbs v. Indiana*, 139 S. Ct. 682 (2019) that the Eighth Amendment's Excessive Fines Clause is an incorporated protection applicable to the states under the 14th Amendment's due process clause. In its decision, the Court noted that "[t]he Excessive Fines Clause traces its venerable lineage back to at least 1215... As relevant here, Magna Carta required that economic sanctions 'be proportioned to the wrong' and 'not be so large as to deprive [an offender] of his livelihood.'" *Id.* at 687-88 (internal citations omitted). Under this reasoning, the individual needs of the defendant for economic survival must be considered in the analysis of whether a fine is considered to be excessive.

the ‘hopes of indigents for self-sufficiency and self-respect.’ That is exactly what [the Tennessee law] *by failing to have an exception for indigence*, does as well.⁹³

Fowler, by contrast, found that the Michigan statute did not expressly eliminate any “exemptions normally available to judgment creditors” and therefore did *not* violate the Equal Protection Clause.⁹⁴ *Mendoza*, which rejected the *Strange* claim, agreed, and additionally concluded that the statute was likely to survive rational basis review.⁹⁵ Thus, though there is force to applying *Strange* to license-suspension laws (as is the case with the due process and *Bearden* arguments), it remains to be seen whether—and under what facts—a *Strange* claim will ultimately prevail.

IV. Where We Go from Here

In coming years, several developments may grow out of the recent reforms of state and local license-for-payment schemes. More states and municipalities are poised to end or curtail automatic license suspensions for unpaid traffic tickets and other fines and fees.⁹⁶ Thus-far-unsuccessful legislative reforms in jurisdictions like Florida, Minnesota, and Virginia, nonetheless made substantial progress through the legislative process.⁹⁷ These jurisdictions may well see a continued push for legislative reform. In late 2018, for example, Virginia’s governor proposed legislation ending license suspensions for unpaid court costs and fees, noting that “Often, people don’t pay court costs because they can’t afford it. Suspending their license for these unpaid fees makes it that much harder on them.”⁹⁸

Jurisdictions that do not reform these practices by legislation or executive action face a substantially increased likelihood of legal challenge. In addition to the litigation approaches discussed above, two other areas relatively unexplored in litigation may see increased focus.

⁹³ *Thomas v. Haslam*, 329 F. Supp. 3d 475,494 (M.D. Tenn. 2018) (emphasis added).

⁹⁴ *Fowler v. Johnson*, No. 17-11441, 2017 WL 6379676, at *9 (E.D. Mich. Dec. 14, 2017). In a few recent cases in locations where public transportation is severely limited, such as in Montana and Michigan, plaintiffs have asserted their right to intrastate travel, claiming that these state statutory schemes allowing for the suspension of a driver’s license due to unpaid fees and fines without inquiry into one’s ability to pay deprived them of their constitutional right to intrastate travel. In support of this complaint, plaintiffs often cite *Johnson v. City of Cincinnati*, 310 F.3d 484, 495 (6th Cir. 2002), noting that the court in *Johnson* held that the Due Process Clause of the Fourteenth Amendment protected the right to “travel locally through public spaces and roadways.” *Id.* This argument has yet to prevail on the merits. The District Court in the Eastern District of Michigan noted that the Sixth Circuit a number of other Circuits have held that “denying an individual a single mode of transportation – such as a car driven by the individual him or herself – does not unconstitutionally impede the individual’s right to intrastate travel because there is no fundamental right to drive.” *Fowler*, 2017 WL 6379676, at *7.

⁹⁵ *Mendoza*, 2018 WL 6528011, at *24.

⁹⁶ The Fines & Fees Justice Center maintains a clearinghouse of legislation, pilots and programs, litigation, and other developments. See *The Clearinghouse*, FINES & FEES JUST. CTR., (last visited Feb. 8, 2019).

⁹⁷ *Id.*; see also S.B. 1270, Reg. Sess. (Fla. 2018); H.F. 3357, 90th Leg. (Minn. 2018); S.B. 1013, Reg. Sess. (Va. 2018).

⁹⁸ Press Release, Office of Governor Ralph Northam, [Governor Ralph Northam Unveils Budget Amendments for the 2018–2020 Biennium to the Joint Money Committees](#) (Dec. 18, 2018). Unfortunately, though the state Senate passed the bill, Republicans on a House subcommittee later voted to kill it. See Editorial Board, *Virginia Inexplicably Killed a Bill that Could’ve Helped Thousands with Suspended Licenses*, WASH. POST (Feb. 18, 2019).

First, jurisdictions that bar a person from *renewing* their license until they pay outstanding fines, fees, or other amounts allegedly owed to the government may well have litigation exposure. The same legal principles that persuaded several courts that license suspensions without any such inquiry are unconstitutional would seem to apply equally to the denial of license renewals without any such inquiry. To the extent these schemes function in effect as slow-motion suspensions for unpaid debts, the ultimate harm is materially the same, as the individual who cannot pay loses access to the benefits of lawfully driving to work and engaging in other key day-to-day life activities.

Second, *Bearden*, *Bell*, and similar precedents would likewise seem to apply to suspensions from unpaid child support orders. Federal statutory law requires all states to adopt “[p]rocedures under which the State has (and uses in appropriate cases) authority to withhold or suspend, or to restrict the use of driver’s licenses . . . of individuals owing overdue support or failing, after receiving appropriate notice, to comply with subpoenas or warrants relating to paternity or child support proceedings.”⁹⁹ Those states with child support-based suspension schemes that do not examine, prior to suspension, whether the non-custodial parent can pay, may be vulnerable to claims similar to the due process and equal protection challenges described above concerning suspensions from unpaid fines and fees.¹⁰⁰

More than forty states have statutes that, in effect, use driver’s license suspension or renewal denial to coerce payment of debts allegedly owed to the government. Most of these statutes contain no safeguards to distinguish between people who intentionally refuse to pay and those who default due to poverty. They punish both groups equally harshly, as if they were equally blameworthy. They are not. Our laws should not penalize or criminalize poverty. The good news is that we are seeing a wave of reform addressing this systemic problem through state legislatures and in courts. With the help of engaged, fair-minded citizens, lawyers, and policy makers, we can expect that wave to grow.

⁹⁹ Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, § 369, 110 Stat. 2251 (codified as amended at 42 U.S.C. § 466(a)(16)).

¹⁰⁰ For example, the Alaska Supreme Court has noted that if its state’s suspension provision “were applied so as to take away the license of an obligor who was unable to pay child support, it would be unconstitutional as applied in that case” because “there would be no rational connection between the deprivation of the license and the State’s goal of collecting child support.” *State, Dep’t of Revenue, Child Enforcement Div. v. Beans*, 965 P.2d 725, 728 (Alaska 1998). Additionally, a class action complaint filed earlier this month in the U.S. District Court for the Eastern District of Missouri alleges that a law that allows the state to suspend the driver’s license of any person who owes at least three months’ worth of child support payments or at least \$2,500, whichever is less, without first inquiring into ability to pay, violates parents’ Constitutional substantive due process, procedural due process, and equal protection rights. *See Wright v. Family Support Div.*, No. 4:19-cv-00398 (E.D. Mo. Mar. 4, 2019).

APPENDIX: Pending Cases Challenging License-for-Payment Schemes

State	Case Citation	Status
AL	<i>Cook v. Taylor</i> , No. 2:18-cv-00977-WKW-SRW (M.D. Ala. Nov. 19, 2018).	11/19/18: Complaint filed.
CA	<i>Hernandez v. Cal. Dep't of Motor Vehicles</i> , No. RG16836460 (Super. Ct. of Alameda Cty. Oct. 25, 2016).	10/25/16: Complaint filed.
MI	<i>Fowler v. Johnson</i> , No. 2:17-cv-11441 (E.D. Mich. May 4, 2017); 18-1089 (6th Cir.).	10/3/18: Oral argument held before Sixth Circuit re: district court's grant of preliminary injunction, and findings that plaintiffs have standing and court has jurisdiction.
MO	<i>Wright v. Family Support Division</i> , No. 4:19-cv-00398-RLW (E.D. Mo. Mar. 4, 2019).	3/4/2019: Complaint filed.
MT	<i>DiFrancesco v. Bullock</i> , No. 2:17 CV-17-00066-SEH (D. Mont. Aug. 31, 2017).	1/9/19: Motion for class certification denied.
NC	<i>Johnson v. Jessup</i> , No. 1:18-cv-00467 (M.D.N.C. May 30, 2018).	10/3/18: Second motions for class certification, preliminary injunction, and judgment on the pleadings filed.
NY	<i>Berry v New York State Dept. of Taxation & Fin.</i> , No. 158919/2016, 2017 NY Slip Op 31345 (N.Y. Sup. Ct. June 21, 2017).	6/28/18: Trial court's dismissal affirmed by court of appeal.
PA	<i>Harold v. Richards</i> , No. 2:18-cv-115-RK (E.D. Penn. Jan. 10, 2018).	9/25/18: Motion to dismiss granted.
OR	<i>Mendoza v. Garrett</i> , 3:18-cv-01634-HZ (D. Or. Sept. 7, 2018).	12/12/18: Motion for preliminary injunction denied.
TN	<i>Robinson v. Purkey</i> , No. 3:17-cv-1263 (M.D. Tenn. Sept. 18, 2017); 18-6121 (6th Cir.).	10/24/2018: Appeal of district court's partial grant of preliminary injunction docketed.

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State	Case Citation	Status
TN	<i>Thomas v. Haslam</i> , 3:17-cv-0005 (M.D. Tenn. Jan. 1, 2017); 18-5766 (6th Cir.).	07/27/2018: Appeal from district court's grant of summary judgment to plaintiff docketed. 01/24/2019: Amicus briefing filed.
VA	<i>Stinnie v. Holcomb</i> , No. 3:16-cv-00044 (W.D. Va. July 6, 2016).	12/21/2018: Preliminary injunction granted on procedural due process grounds.

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Acknowledgement

The authors would like to extend special thanks for: critical contributions to the Issue Brief by Matthew Robinson and Leah Schloss of WilmerHale and former Tzedek DC Fellow Rebecca Azhdam; review of and insightful suggestions on an earlier draft by Peter Edelman, Irvin Nathan, Lisa Foster, Joanna Weiss, Janet Lowenthal, and Mark Kahan; insights on client experiences from Tzedek DC Associate Director Sarah Hollender; and key research assistance by University of the District of Columbia David A. Clarke School of Law students LaNise Salley, Class of 2019, and Elsie Daniels, Class of 2020, as well as former Tzedek DC Fellow Rachel Gray.

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EXHIBIT J

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Special thanks to

Assemblymember Jones
Sawyer and Marvin Deon
Senator Robert Hertzberg
and staff

Ian Haney-Lopez, John H. Boalt
Professor of Law, Berkeley Law
Tirien Steinbach, Executive
Director, EBCLC

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Jon Haveman
David Kaplan
Edber Macedo
Dalia Nava
Veryl Pow

Jonathan Recinos
Mona Tawatao
Katie Tonkovich
Heidi Quach
Thomas Watson
All the clients and advocates
who shared their stories with us



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Executive Summary

Across the country, low-income people who commit minor offenses are saddled with fines, fees and penalties that pile up, driving them deeper into poverty. What's worse, they are arrested and jailed for nonpayment, increasing the risk of losing their jobs or their homes.

Stopped, Fined, Arrested - Racial Bias in Policing and Traffic Courts in California brings to light a disturbing truth that remains ever present in the lives of Californians: **there are dramatic racial and socioeconomic disparities in driver's license suspensions and arrests related to unpaid traffic fines and fees.**

Public records from the California Department of Motor Vehicles and U.S. Census data demonstrate that in primarily Black and Latino communities, driver's license suspension rates range as high as five times the state average. Moreover, data collected from 15 police and sheriff's departments across California show that Black motorists are far more likely to be arrested for driving with a suspended license for failure to pay an infraction citation than White motorists. Never before has this volume of data been available for the public to analyze.

This new data and interactive maps show:

- Rates of driver's license suspensions due to a failure to appear or pay a ticket are directly correlated with poverty indicators and with race. The highest suspension rates are found in neighborhoods with high poverty rates and high percentages of Black or Latino residents.
 - The Bay View/Hunter's Point neighborhood in San Francisco, zip code 94124, has a relatively high rate of poverty (23.5%), the highest percentage of Black residents in San Francisco (35.8%) and a suspension rate of 6.7%, more than three times the state average. Neighboring zip code 94123, which includes the Marina District, has a substantially lower poverty rate (5.9%), a low percentage of Black residents (1.5%) and a suspension rate five times below the state average (0.4%).
- Black and Latino motorists are disproportionately arrested for driving with a suspended license and for warrants for failure to appear or pay on an infraction citation.
 - In the City and County of San Francisco, the population is 5.8% Black, yet 48.7% of arrests for a "failure to appear/pay" traffic court warrant are of Black drivers (over-represented by 8.4x). White people are 41.2% of San Francisco's residents, yet only 22.7% of those arrested for driving with a suspended license (under-represented by 0.6x).
 - In Los Angeles County, Black people are 9.2% of the population yet 33% of those arrested for driving with a suspended license (over-represented by 3.6x). White people are 26.8% of the county's residents, yet only 14.8% of those arrested for driving with a suspended license (under-represented by 0.6x).

In April 2015, member organizations of Back on the Road California¹ released *Not Just a Ferguson Problem: How Traffic Courts Drive Inequality in California*. The report detailed how revenue collection incentives have turned California traffic courts into a two-tiered system that works for people who have money and fails those without. It showed that significantly increased fines and penalties, combined with policies that required full payment of all fines and fees before the validity of a citation could be challenged, resulted in over 4.2 million suspended driver's licenses simply because people could not afford to pay or fight an infraction ticket.

Not Just a Ferguson Problem attracted wide national attention to the ways that citations and license suspensions disparately impact low-income individuals and families in California. In response to the mounting public pressure, California's Governor Jerry Brown spearheaded the creation of a time-limited Statewide Traffic Ticket Amnesty Program, making it easier for many Californians to seek reduction of their traffic fines and reinstatement of their licenses. The state's Chief Justice, Tani G. Cantil-Sakauye, also put issues of court access on the forefront of the state's judicial planning agenda.

While these actions represent significant progress, they fail to adequately address the underlying racial and economic injustices of California's debt collection and license suspensions policies and traffic court practices.

In California, it remains a misdemeanor offense to drive with a suspended license, even if the sole reason for the suspension is an inability to pay a citation fine. Judicial officers can issue bench warrants for the individual's failure to appear or pay an infraction citation. Individuals who cannot afford to pay an infraction citation are being arrested, jailed, and prosecuted, and are losing their licenses and their livelihoods. The communities impacted by these policies are disproportionately communities of color.

From the initial traffic stop to the driver's license suspension for failure to pay an infraction ticket, and finally to the arrest for driving with a suspended license, our new data shows statistically significant racial and socioeconomic disparities. There is growing understanding that both implicit and explicit bias in the policies and practices of the police and courts contribute significantly to systemic racial inequities.²

Stopped, Fined, Arrested situates license suspensions and arrests in the broader context of systemic racial bias in policing and courts, and builds upon the findings of our first report, which showed the harsher impacts that low-income people face in California's "pay-to-play" justice system.

Stopped, Fined, Arrested also highlights the immediate and long-lasting detrimental impacts of these current policies and practices on California's residents, families, communities, economy and public trust in law enforcement and the courts. From income and job loss to reduced health, psychological harm and family separation, arrests and incarceration due to unpaid infraction debt carries significant collateral consequences that burden California's economy and judicial system while doing very little to further public safety or the interests of justice.

Over-policing, license suspensions and the subsequent arrests due to inability to pay come at a great cost to our state's resources, to public safety, to the fair administration of justice and, as this report documents, to people and communities across the state. These great costs demand comprehensive changes to California's court system and policing policies.

This is a problem we can solve in California. Our recommendations:

- 1. License suspensions must be used only to protect public safety, not to punish people for being unable to pay fines.** State law must prohibit courts from referring licenses to the DMV for suspension because of failure to pay or appear on infraction violations, and must restore driver's licenses for people who only have suspensions because they could not pay or appear. This change would significantly mitigate the racial disparities in suspensions and arrests for traffic or infraction debt. It would also eliminate both the financial cost and societal harm of police officers and courts acting as debt collection agents by arresting and punishing people—disproportionately people of color—for driving without paying a ticket.
- 2. Police agencies must cease making arrests solely based on warrants for failure to pay or appear, or for driving with a suspended license for a failure to appear or pay.** Furthermore, courts must not issue arrest warrants for failure to appear or failure to pay infraction fines. Where the underlying issue is debt collection rather than public safety, it is counterproductive to divert public safety resources to these types of arrests.
- 3. California courts must protect access to justice and ensure that access does not depend on income. Courts must adopt processes to meaningfully assess an individual's ability to pay for infraction violations.** Total fine amounts should be reduced. The back-door regressive tax of add-on fees and penalty assessments to infraction citations must be cut, in part by changing state law. Prior infraction debts for people on public assistance should be forgiven.
- 4. Law enforcement agencies must take steps to curtail the over-policing of poor communities and communities of color.** Policies must be implemented to reduce bias and its impact on police behavior. There must be a focus on community protection, with full data transparency and a requirement that officers obtain written consent before conducting a search, particularly in zip codes with particularly high license suspension disparities. Finally, there must be a reduction of non-safety related citations in low-income communities of color, especially of “quality of life” violations that are disparately given to homeless people and people of color.

I. The Problem: Racial Disparities in License Suspensions and Traffic Arrests

A. Overview of Previous Research on Traffic Stops and Traffic Courts in California

Not Just a Ferguson Problem: How Traffic Courts Drive Inequality in California showed the high costs of the state's traffic court system for millions of Californians. With the nation's highest number of motorists,³ it is not surprising that California also has a high number of traffic citations issued each year. However, what can be a minor hassle for one driver can have devastating and lasting consequences for another. As this report highlights, too often the difference in the impact of traffic citations comes down to race and class.

In order to understand the stark racial disparities in rates of suspensions and arrests for driving with a suspended license, this report starts further “upstream” with data on traffic enforcement stops and searches in jurisdictions throughout California. When considered in the context of racially disproportionate traffic stops and searches, it becomes clearer why there are significant racial disparities in driver's license suspensions and arrests for driving with a suspended license.

Inequality in Traffic Stops and Searches

In 2015, Governor Jerry Brown signed AB 953, a bill that standardized and expanded police data collection practices for police stops. At the time of publication of this report, statewide data on race and ethnicity for traffic stops and searches is not yet available.⁴ However, there are local reports from Fresno County,⁵ Sacramento,⁶ San Diego,⁷ Oakland,⁸ Berkeley,⁹ San Jose,¹⁰ and Los Angeles.¹¹ Analysis of data from these reports shows that in cities across California:

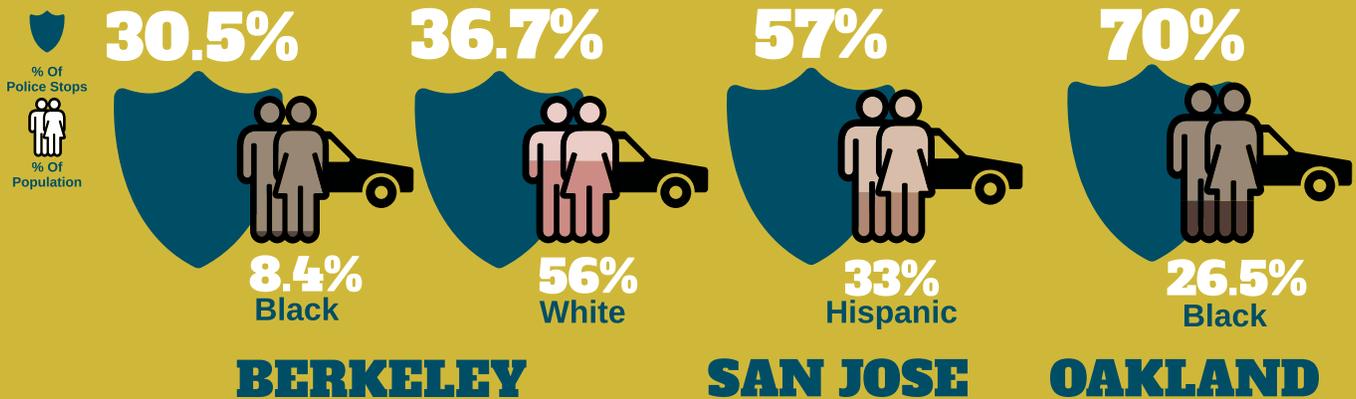
- Black and Latino¹² drivers are pulled over more often by police, and White drivers are pulled over less, each at rates that are disproportionate to their shares of the population.¹³
- Black and Latino drivers are disproportionately pulled over without a good reason, as evidenced by the rate of citations for non-observable offenses.¹⁴
- Black and Latino drivers are disproportionately searched during traffic stops.¹⁵
- Police are less likely to find contraband or other illegal activity in searches of Black and Latino drivers.¹⁶

REAL LIFE STORY: Clifton

Clifton is a resident of South Los Angeles (zip code 90047), which is 66% Black. Clifton is frequently stopped by the Los Angeles Police Department for reasons that are often unclear, or described by police as “routine traffic stops.” Clifton describes “being asked to get out of his car, put in handcuffs and placed in the back of the police car or seated on the curb while the officers search my vehicle. After completing the search and turning up nothing, the police will unusually cite me for a minor traffic violation.” Clifton has acquired over 10 traffic tickets from this pattern of being stopped and searched. He owes over \$9,000 in fines and fees that he cannot afford to pay. His driver's license was suspended as a result.

Although no comprehensive studies have analyzed statewide data about police stops, highlights from several studies from across California show:

1. Black and Latino drivers are disproportionately pulled over more by police, and White drivers are pulled over less.



2. Black and Latino drivers are disproportionately pulled over without a good reason.

A 2014 study by the ACLU found that in Fresno, Hispanic drivers were **4.3** times more likely to be pulled over with “probable cause” as the sole reason.

3. Black and Latino drivers are disproportionately searched during traffic stops

In the first quarter of 2014, San Diego Police Department was **3 times** more likely to search a Black suspect and **2 times** more likely to search a Hispanic suspect than a White suspect.

4. Police are less likely to find contraband or other illegal activity in searches of Black and Latino drivers

In one Los Angeles study, police who searched African Americans were



than when they searched White individuals.

Quantitative data regarding the different treatment of drivers depending on their race, ethnicity or neighborhood is also reflected in the qualitative data – the lived experiences of drivers stopped for minor traffic violations. Both statistics and stories illustrate that the experiences of Black and Latino drivers pulled over by police often differ from those of White drivers.

REAL LIFE STORY: Krista

Krista, a young White woman in Alameda County, was caught driving with a suspended license, with no proof of insurance or registration. She was cited, but not arrested. Her car was not towed. She had the money to pay to get her license back, then brought the proof of license, insurance, and registration to court to ask for mercy on the over \$1500 worth of fines. The judge told her good work, and forgave all the fines except a \$40 processing fee. In contrast, the person whose case was called right before hers was a young Latino man, who had similar but less serious charges, and also had current license and registration. The judge told him this was an important lesson, and assessed him the full fine amount, over \$1000. After Krista had her fines forgiven, she walked past a long row of people of color on the court bench who had not received fine reductions for their traffic tickets, one of whom said to her, “That’s lucky.”

B. New Data Shows Disproportionate License Suspension and Arrest Rates for Low-Income People of Color

The new data described and depicted in the following pages was obtained through forty California Public Record Act requests submitted to the California Department of Motor Vehicles and various county sheriff and police departments.¹⁷ This data paints a demonstrably stark picture of the intersection between license suspensions and the criminal justice system: the dramatic racial and economic discrepancies do not disappear after the initial police encounter, but also figure prominently into the rates by which licenses are suspended due to unresolved tickets and subsequent arrests for driving with suspended licenses and traffic court warrants.

In California, it is a misdemeanor offense to fail to appear (“FTA”) in court or fail to pay (“FTP”) an infraction ticket. Courts may issue a bench warrant for these misdemeanor offenses, which gives a law enforcement officer authority to arrest a person.¹⁸ Additionally, a person’s license may be suspended upon a failure to appear or failure to pay under California Vehicle Code section 13365.

When a person drives with a suspended license, even when the suspension occurred because of the person’s inability to pay a ticket (even if those citations are wholly unrelated to driving), he or she is committing a misdemeanor.¹⁹ This misdemeanor is codified under California Vehicle Code section 14601.1(a).²⁰ Depending on the county and the police department, law enforcement agents have the power under state law to arrest, book, and jail people for traffic court warrants or the criminal misdemeanor offense of driving with a suspended license – all because those individuals cannot afford the fine on an underlying ticket.

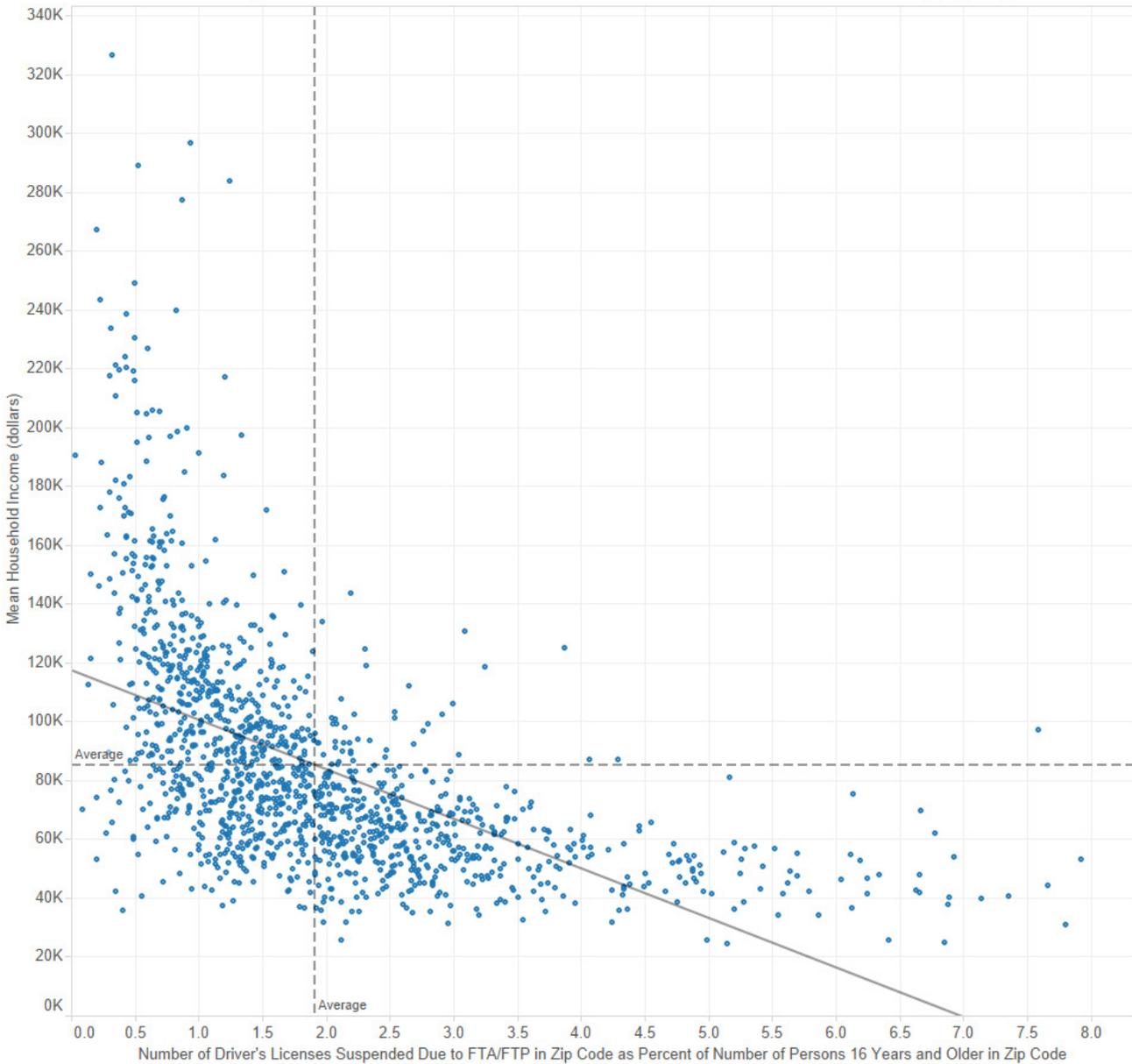
Below, **Section 1 depicts how the rates of driver’s license suspensions based on failure to appear or pay are strongly correlated** with mean household income and percent Black population by zip code. It uses U.S. Census data and information from the California DMV. The charts show that almost all zip codes with high suspension rates are those with mean household income levels far lower than the average, and that almost every zip code with a percentage of Black residents above 20% has a license suspension rate above the average.

1. License Suspensions based on FTA/FTP, correlated with household income and race (Dataset A)

i. License suspension rate and mean household income

In California zip codes, the mean household income is highly correlated with the rate of license suspensions due to Failure to Appear (“FTA”) or Failure to Pay (“FTP”). The scatterplot below, in which every dot represents a California zip code, speaks volumes about the relationship between license suspension and income level. Of the zip codes with suspension rates higher than the average, 92% have household income levels lower than the average.

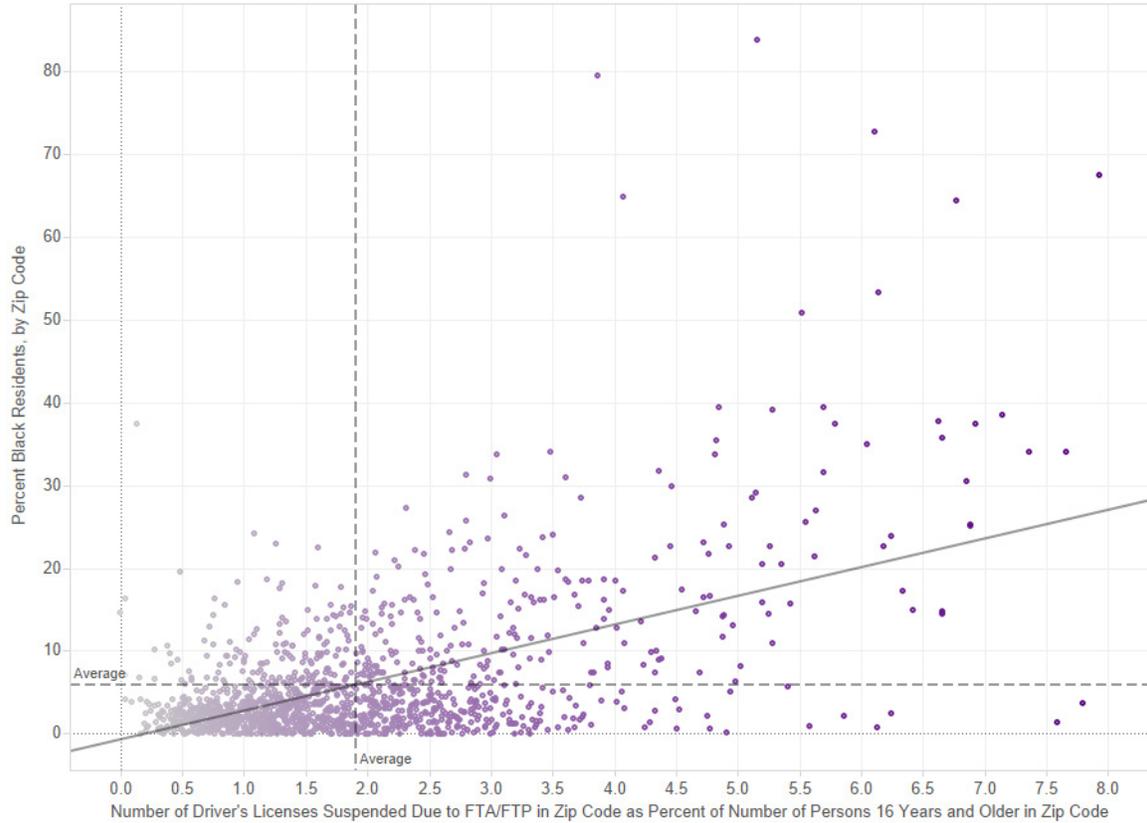
Driver's License Suspensions due to FTA/FTP and Mean Household Income, by Zip Code



ii. License suspension rate and percent Black population

Moreover, the percentage of Black residents living in a California zip code is positively correlated with the zip code’s rate of license suspension due to FTA/FTP.

Driver's License Suspensions due to FTA/FTP and Percent Black Residents, by Zip Code



In the scatterplot below, 95% of the 75 zip codes with a percentage of Black residents above 20% have a license suspension rate above the average. Almost all zip codes with a suspension rate above 6% – three times the average – have a high proportion of Black residents.

2. County Case Studies (Datasets B and C)

The following sections present case studies of Los Angeles, San Francisco, and San Joaquin Counties, respectively.

For Los Angeles and San Francisco Counties (subsections A and B), zip code maps are used to display the same California DMV suspension rate data employed above in Section 1 against maps displaying U.S. Census zip code information on poverty rate, percent Black population, and percent Latino population. These visual comparisons show a clear relationship between such variables and the rate of license suspension based on a failure to appear or pay for a ticket.

The below charts and maps in the Los Angeles County and San Francisco County case studies display the severe disparity between the proportion of White and Black individuals within the county population and the rate at which they experience arrests for both FTA/FTP warrants and driving with a suspended license.²¹ For example, White individuals in the City and County of San Francisco make up 41.2% of the population, but account for only 22.7% of the arrests for FTA/FTP warrants (under-representation at a rate of 0.6x). In contrast, Black

individuals make up 5.8% of the population, but account for an astounding 48.7% of such arrests (over-representation at a rate of 8.4x). And from 2013 to 2015, the Los Angeles Sheriff's Department arrested and charged nearly 20,000 individuals for driving with a suspended license, the vast majority (85%) of whom were drivers of color.

Moreover, these sections present a disturbing visual analysis of the *locations* of arrests for driving with a suspended license and FTA/FTP warrants in Los Angeles and San Francisco Counties. Not only do these maps demonstrate how heavily Latino and Black populations bear the burden of arrests for these poverty-driven offenses, they are concentrated in areas where the poverty rate is high, household income is low, and unemployment rates are highest in the counties.

For San Joaquin County (subsection C), the data show that 40% of the 1,717 arrests made pursuant to Vehicle Code § 14601.1(a) or Vehicle Code § 40508(a) between January 1, 2013 through March 8, 2016 had no incidental booking charges that are serious offenses (felonies or serious misdemeanors involving acts that reasonably endangered public safety). The average jail time incurred due to such arrests was 1.1 day. 58 individuals spent more than three days in jail for such arrests, and 17 individuals spent more than ten days in jail for such arrests.

The 223 individuals (13% of total arrests) that were booked *only* for the charge of driving on a suspended license spent an average of 0.85 days in jail. However, disturbing outliers exist: 3 persons spent between ten and thirteen days in jail, and one person spent 21 days in jail - all for this singular offense.

REAL LIFE STORY: Marisol

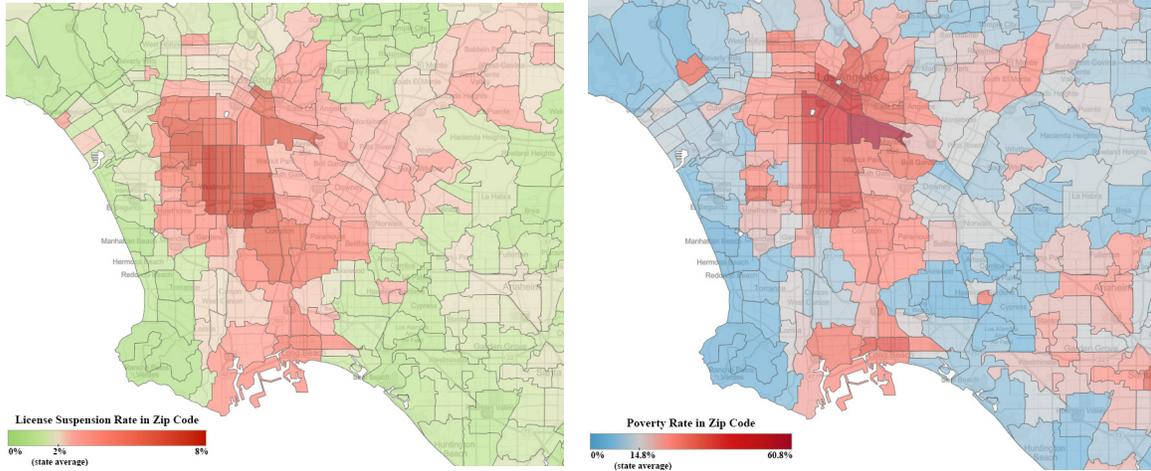
Although statewide data on jail time for driving on a suspended license was not available at the time of this report release, anecdotal evidence beyond San Joaquin County shows that some Californians are spending significant time in jail for being too poor to pay a ticket and driving. In one case in Contra Costa County, Marisol was arrested for driving on a suspended license after she could not pay her traffic tickets, but needed to get to work. The judge sentenced her to 90 days in jail as a result of this, her first offense.

A. LOS ANGELES COUNTY

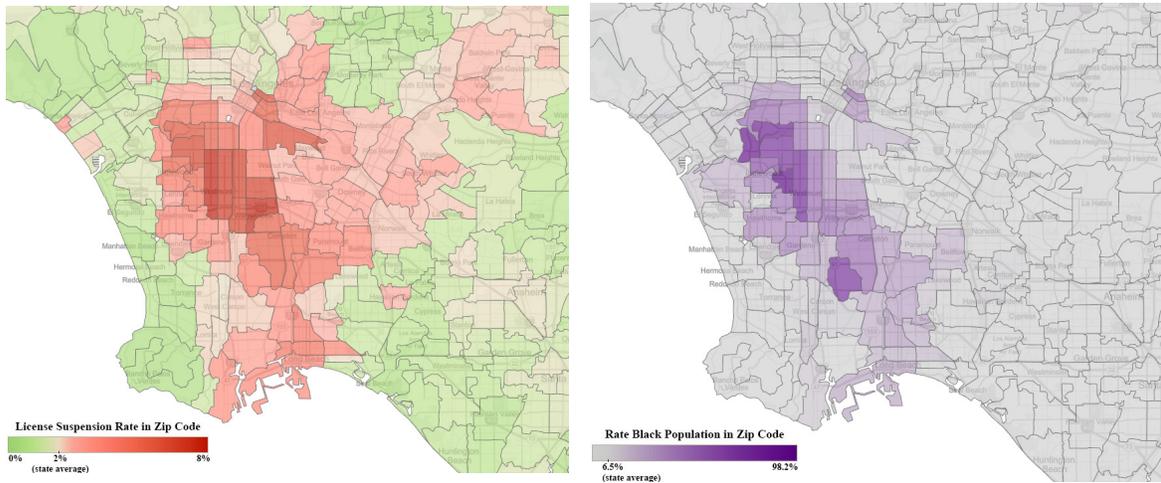
a. Zip code maps comparing rate of license suspension to U.S. Census data

The maps below depict Los Angeles County zip codes. The left map (license suspension rate) uses the same zip code data shown in the previous scatterplots, while the maps on the right use U.S. Census data.

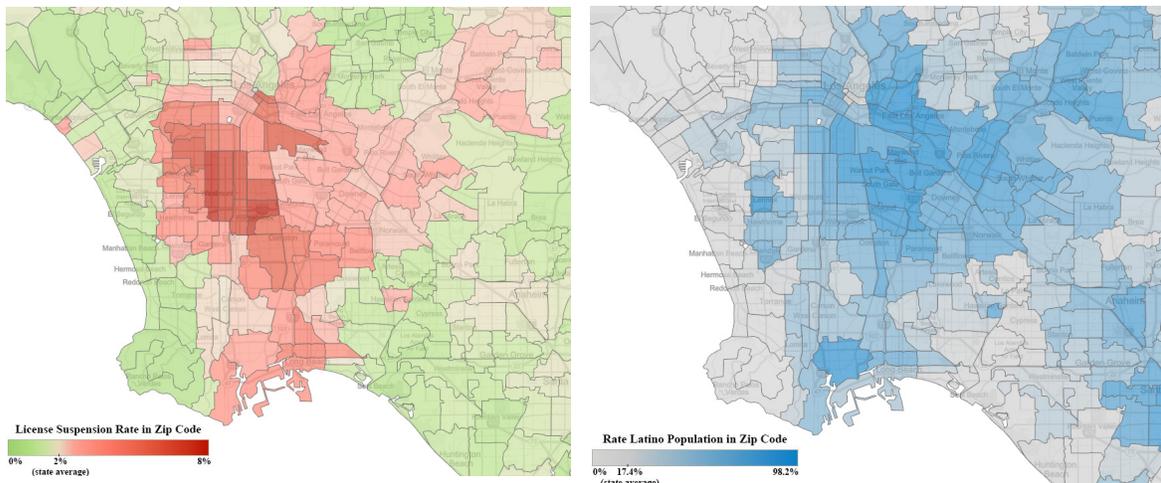
LICENSE SUSPENSION RATE AND POVERTY RATE



LICENSE SUSPENSION RATE AND PERCENT BLACK POPULATION



LICENSE SUSPENSION RATE AND PERCENT LATINO POPULATION



b. Arrest location maps by race of arrestee

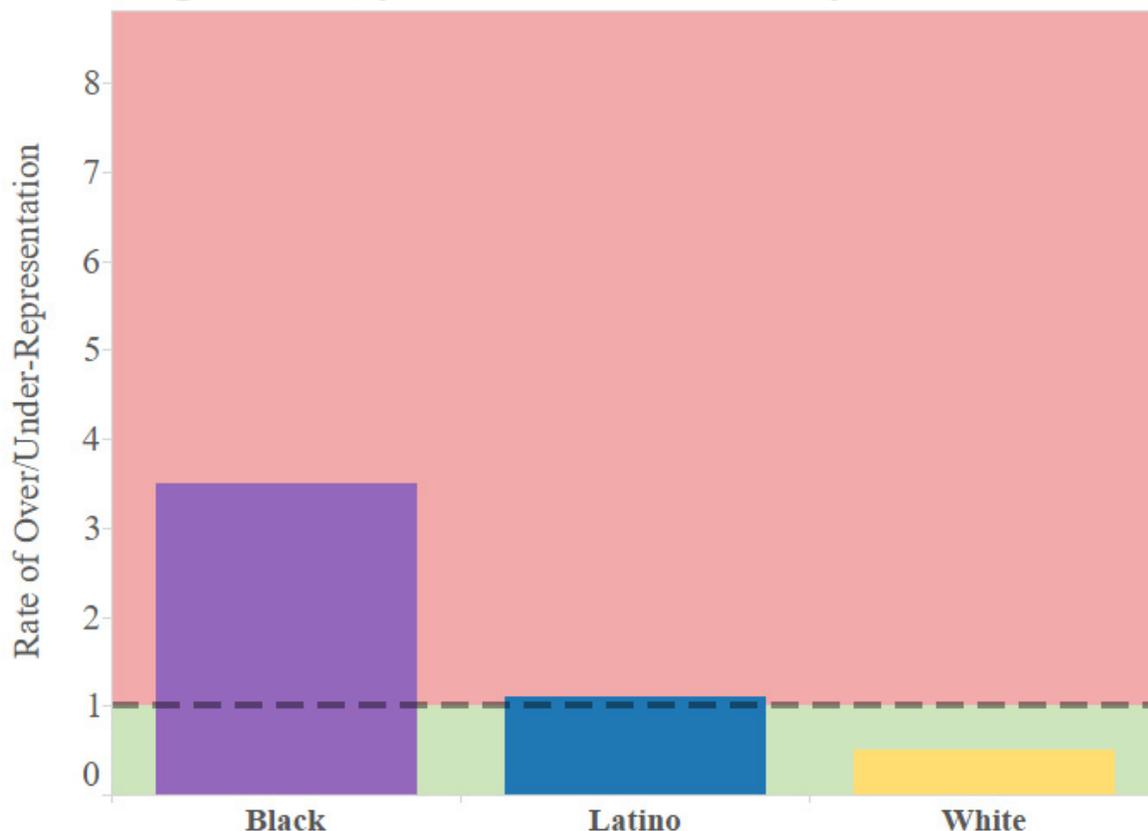
FTA/FTP warrants (Vehicle Code 40508)

In 2013-2015, the Los Angeles Sheriff’s Department effectuated 4,391 arrests pursuant to a warrant issued under Vehicle Code § 40508(a) or 40508(b) for a Failure to Appear in court on a traffic infraction or a Failure to Pay a traffic or infraction fine. Not everyone who is found with a warrant for this reason is arrested. The data below describes all arrests in which a violation of Vehicle Code § 40508 was one of the arresting charges.

The data demonstrates that Black and Latino people make up an overwhelming proportion of total arrests in Los Angeles County for FTA/FTP. Although Black persons are only 9.2% of the population, they comprise 32.5% of the arrests (over-representation at a rate of 3.5x). A similar yet less severe over-representation is seen in Latinos. Although Latinos are 48.4% of the population, they comprise 55.2% of the arrests (over-representation at a rate of 1.1x). However, while Whites are 26.8% of the population, they make up only 12.3% of arrests (under-representation at a rate of 0.5x).

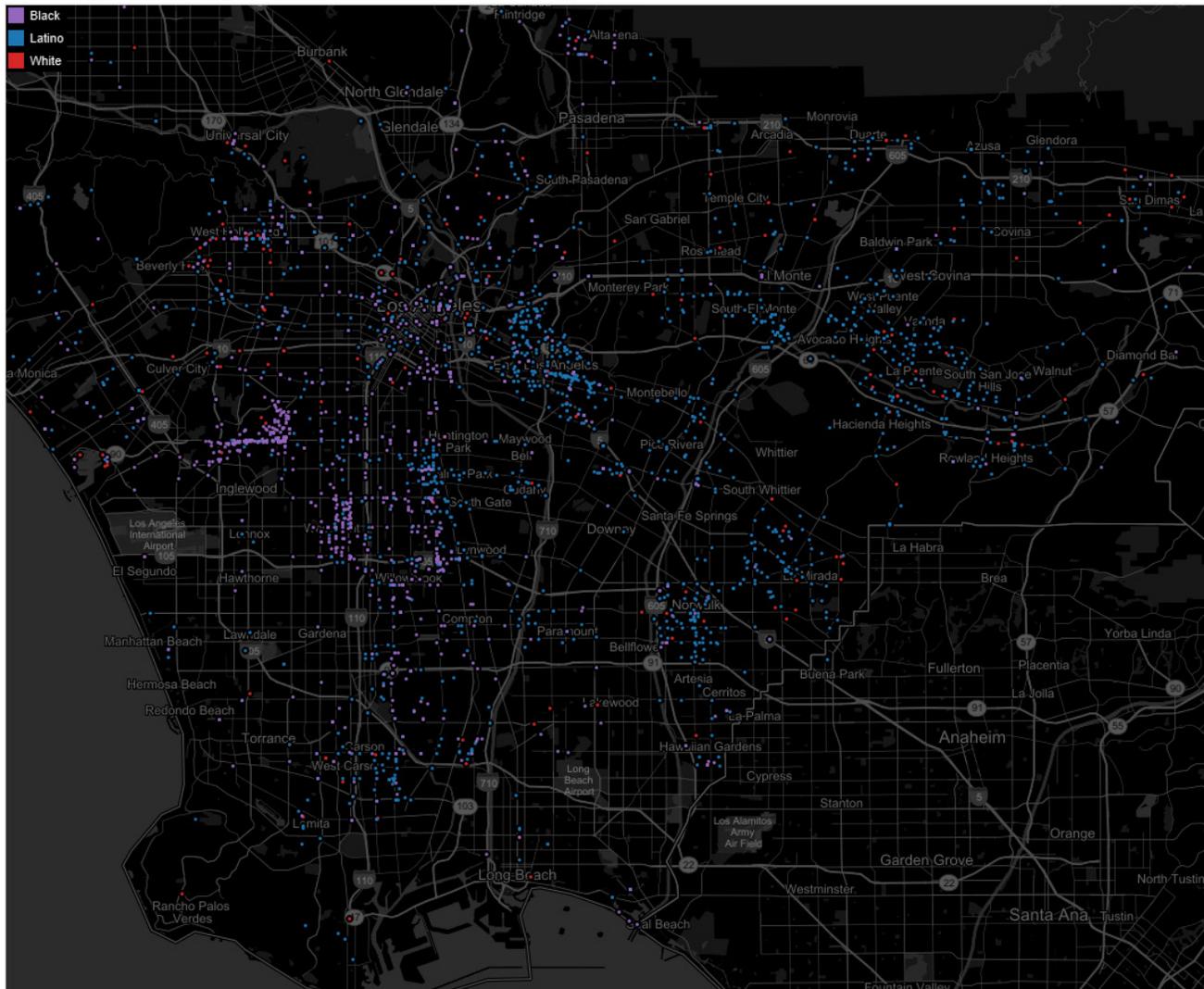
The following chart depicts the rate of over-representation or under-representation of arrestees by race (Black, Latino, and White). A bar equal to the high of the dotted line (1 on the Y-axis) would signify perfect representation (a situation in which the rate of arrestees of a certain race matched the percent makeup of that race in the county population). Bars ending in the green section (below perfect representation) signify that the race is under-represented in the arrest data, and bars ending in the red section signify that the race is over-represented.

Rate of Over/Under-Representation in Los Angeles County Arrests for VC 40508, by Race



This over and under-representation can be seen in the map below, which shows locations of arrests involving warrants for FTA/FTP by race in central Los Angeles. While arrests of White individuals (shown in red) are scattered throughout the city and show no discernible concentration in a single neighborhood, arrests of Black and Latino individuals primarily occur in the neighborhoods with high poverty rates, low household incomes, and low unemployment rates.

Los Angeles County Arrests Under VC 40508, by Race



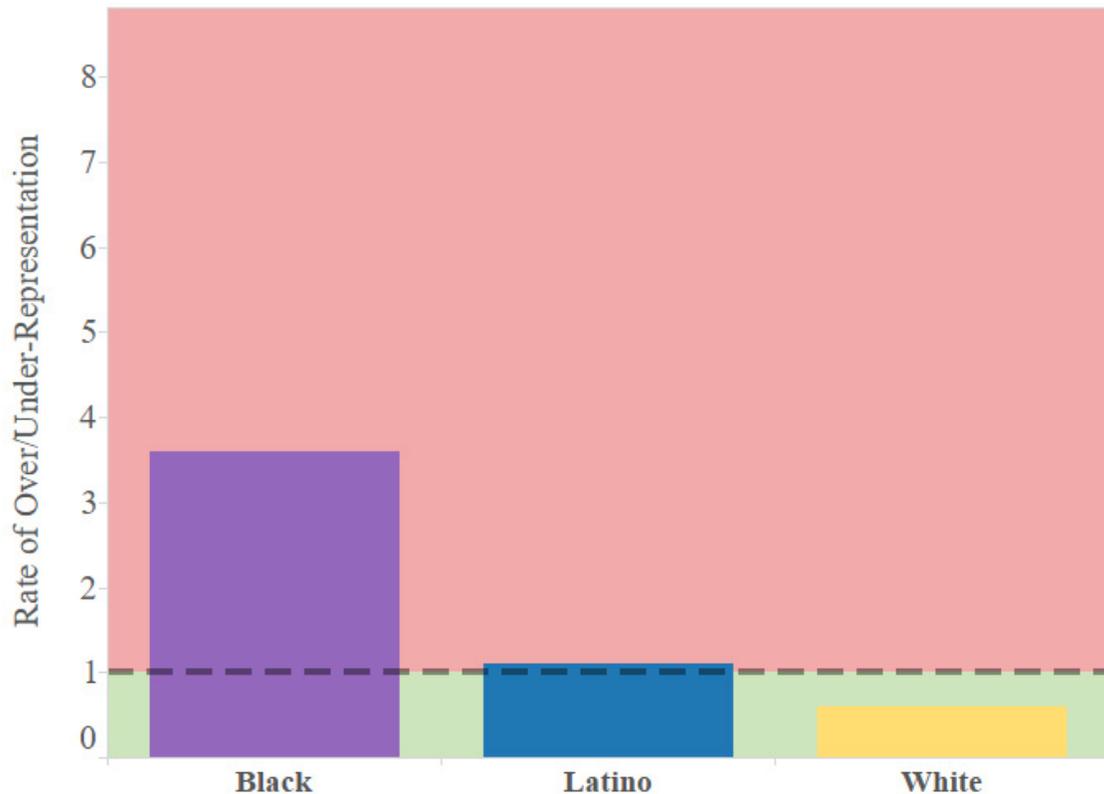
Driving with a suspended license (Vehicle Code 14601.1)

In 2013-2015, the Los Angeles Sheriff’s Department effectuated 19,108 arrests involving Vehicle Code § 14601.1 for driving on a suspended license. Driver’s licenses are typically suspended under this section for a number of minor reasons, the most common being a Failure to Appear in court on a traffic infraction or Failure to Pay a traffic fine. This section explicitly excludes a suspended license for a public safety reason such as a prior DUI or a previous charge of reckless driving. Not everyone who is found driving on a suspended license is arrested; officers use discretion to warn, cite, or arrest. The data below describes all arrests in which a violation of Vehicle Code § 14601.1 was one of the arresting charges.

The following chart depicts the race of arrestee compared to their share of the population. The data demonstrates that Black and Latino people make up an overwhelming proportion of total arrests in San Francisco County involving driving on a suspended license. Although Black persons are only 9.2% of the population, they comprise 33% of the arrests (over-representation at a rate of 3.6x). A similar yet less severe over-representation is seen in Latinos. Although Latinos are 48.4% of the population, they comprise 52.2% of the arrests (over-representation at a rate of 1.1x). However, while Whites are 26.8% of the population, they make up only 14.8% of arrests (under-representation at a rate of 0.6x).

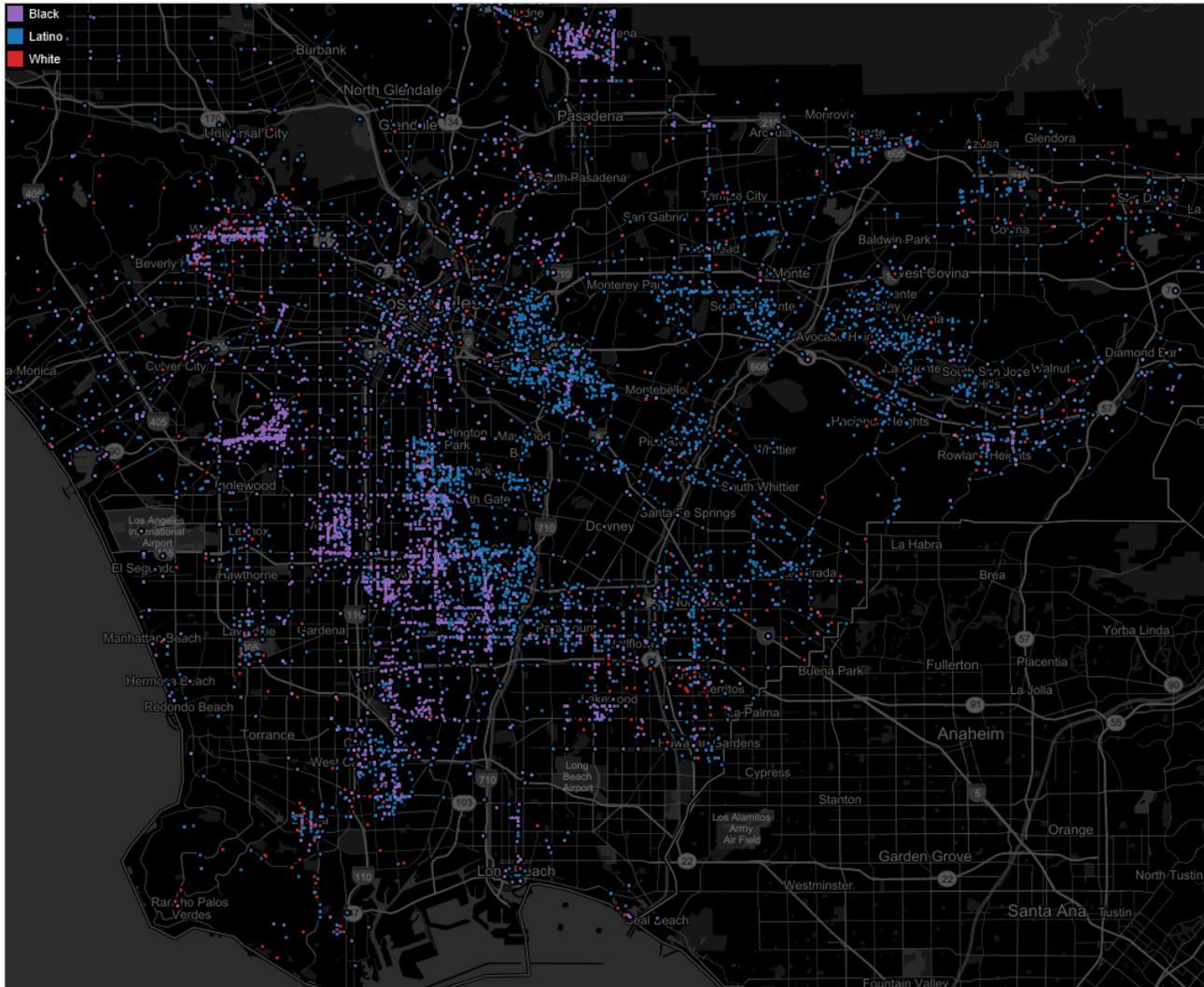
The following chart depicts the rate of over-representation or under-representation of arrestees by race (Black, Latino, and White). A bar equal to the high of the dotted line (1 on the Y-axis) would signify perfect representation (a situation in which the rate of arrestees of a certain race matched the percent makeup of that race in the county population). Bars ending in the green section (below perfect representation) signify that the race is under-represented in the arrest data, and bars ending in the red section signify that the race is over-represented.

Rate of Over/Under-Representation in Los Angeles County Arrests for VC 14601.1, by Race



This over and under-representation can be seen in the map below, which shows locations of arrests involving Vehicle Code § 14601.1 for driving on a suspended license by race in central Los Angeles. Like the arrests for FTA/FTP, arrests of White individuals (shown in red) are scattered throughout the city and show no discernible concentration in a single neighborhood. Meanwhile, arrests of Black and Latino individuals occur in the neighborhoods that have high poverty rates, low household incomes, and low unemployment rates. These neighborhoods include South Central Los Angeles (Watts and Compton) and Inglewood.

Los Angeles County Arrests Under VC 14601.1, by Race

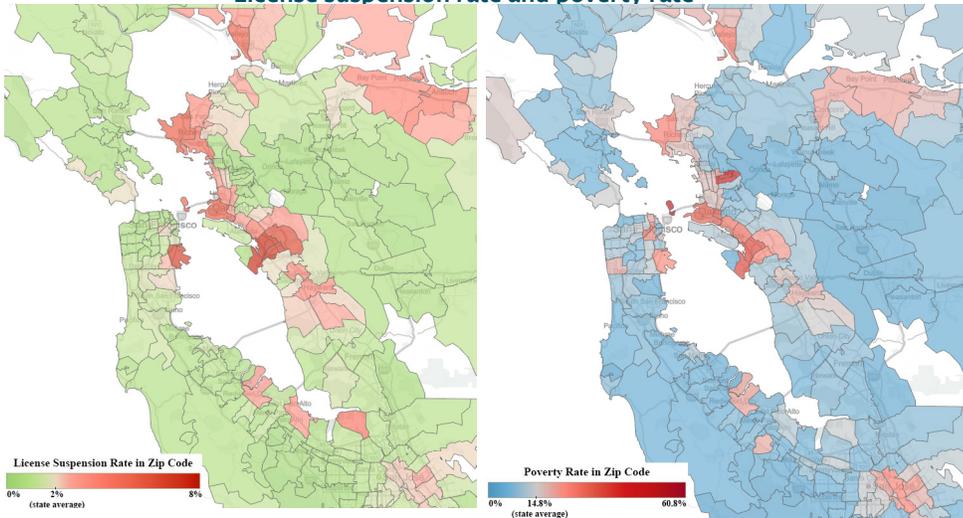


B. SAN FRANCISCO COUNTY

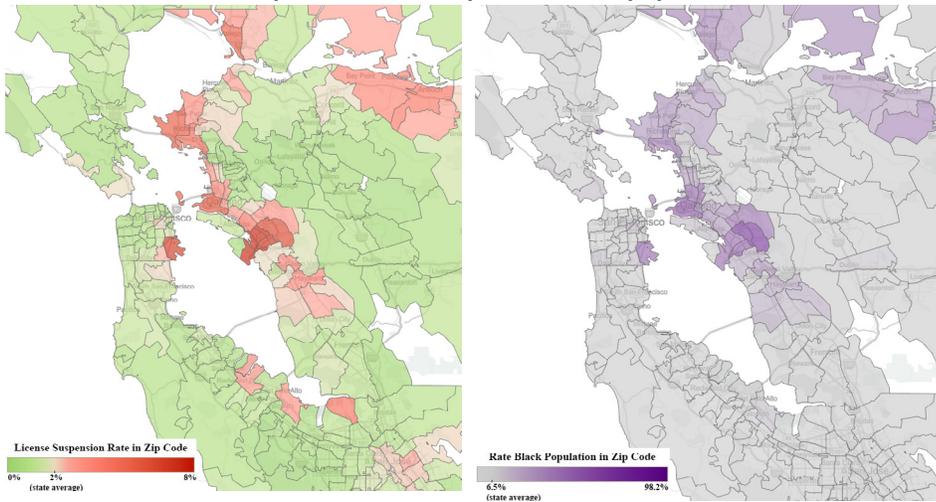
a. Zip code maps comparing rate of license suspension to US Census data

The maps below include San Francisco County zip codes. The left map (license suspension rate) uses the same zip code data shown in the previous scatterplots, while the maps on the right use US Census data.

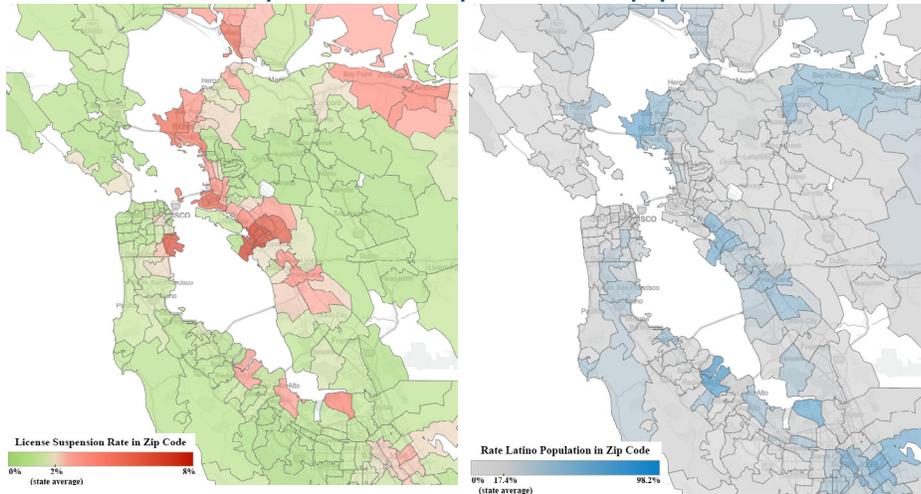
License suspension rate and poverty rate



License suspension rate and percent Black population



License suspension rate and percent Latino population



b. Arrest location maps by race of arrestee

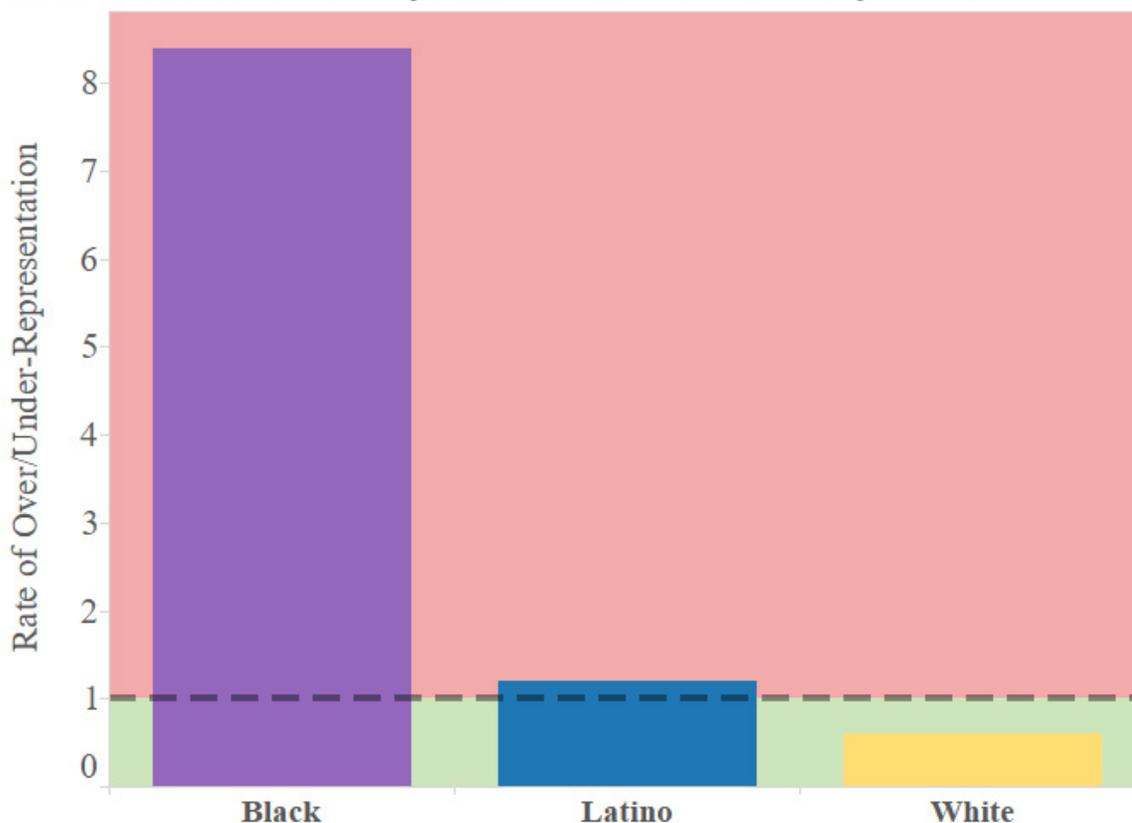
FTA/FTP warrants (Vehicle Code 40508)

In 2013-2015, the San Francisco Sheriff’s Department effectuated 855 arrests pursuant to a warrant issued under Vehicle Code § 40508(a) or 40508(b) for a Failure to Appear in court on a traffic infraction or a Failure to Pay a traffic or infraction fine. Not everyone who is found with a warrant for this reason is arrested. The data below describes all arrests in which a violation of Vehicle Code § 40508 was one of the arresting charges.

The following chart depicts the location of arrest and race of arrestee. The data demonstrates that Black and Latino individuals make up an overwhelming proportion of total arrests in San Francisco for FTA/FTP. Although Black persons are only 5.8% of the population, they comprise 48.7% of the arrests (over-representation at a rate of 8.4x). A similar yet less severe over-representation is seen in Latinos. Although Latinos are 15.3% of the population, they comprise 18.8% of the arrests (over-representation at a rate of 1.2x). However, while Whites are 41.2% of the population, they make up only 22.7% of arrests (under-representation at a rate of 0.6x).

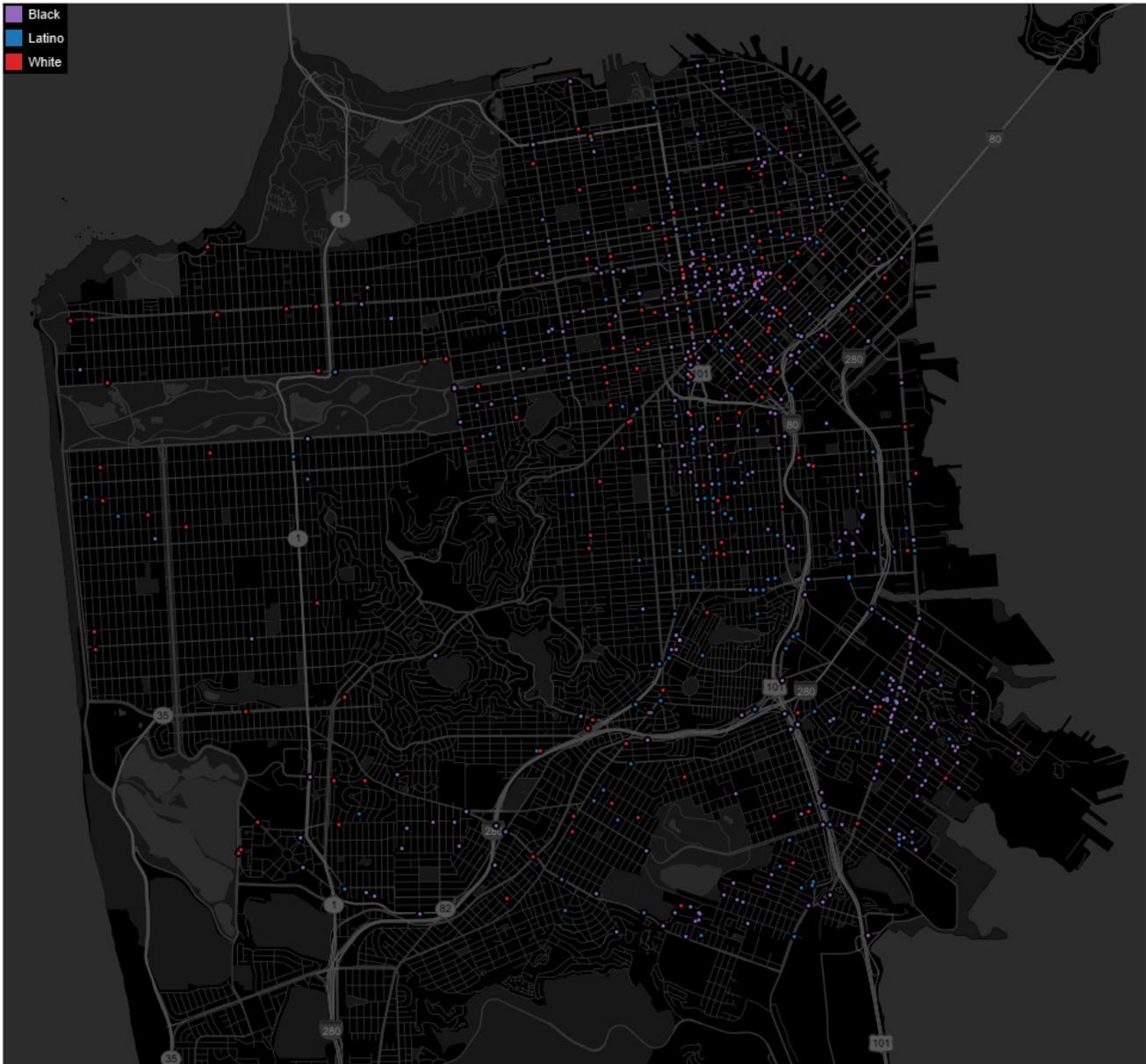
The following chart depicts the rate of over-representation or under-representation of arrestees by race (Black, Latino, and White). A bar equal to the high of the dotted line (1 on the Y-axis) would signify perfect representation (a situation in which the rate of arrestees of a certain race matched the percent makeup of that race in the county population). Bars ending in the green section (below perfect representation) signify that the race is under-represented in the arrest data, and bars ending in the red section signify that the race is over-represented.

**Rate of Over/Under-Representation
in San Francisco County Arrests for VC 40508, by Race**



This over and under-representation can be seen in the map below, which shows locations of arrests involving warrants for FTA/FTP by race in San Francisco. While arrests of White individuals (shown in red) are not concentrated in a single neighborhood, arrests of Black and Latino individuals primarily occur in the neighborhoods that have high poverty rates, low household incomes, and low unemployment rates. These neighborhoods include the Tenderloin, the Mission, and Bayview-Hunters Point.

San Francisco County Arrests Under VC 40508, by Race



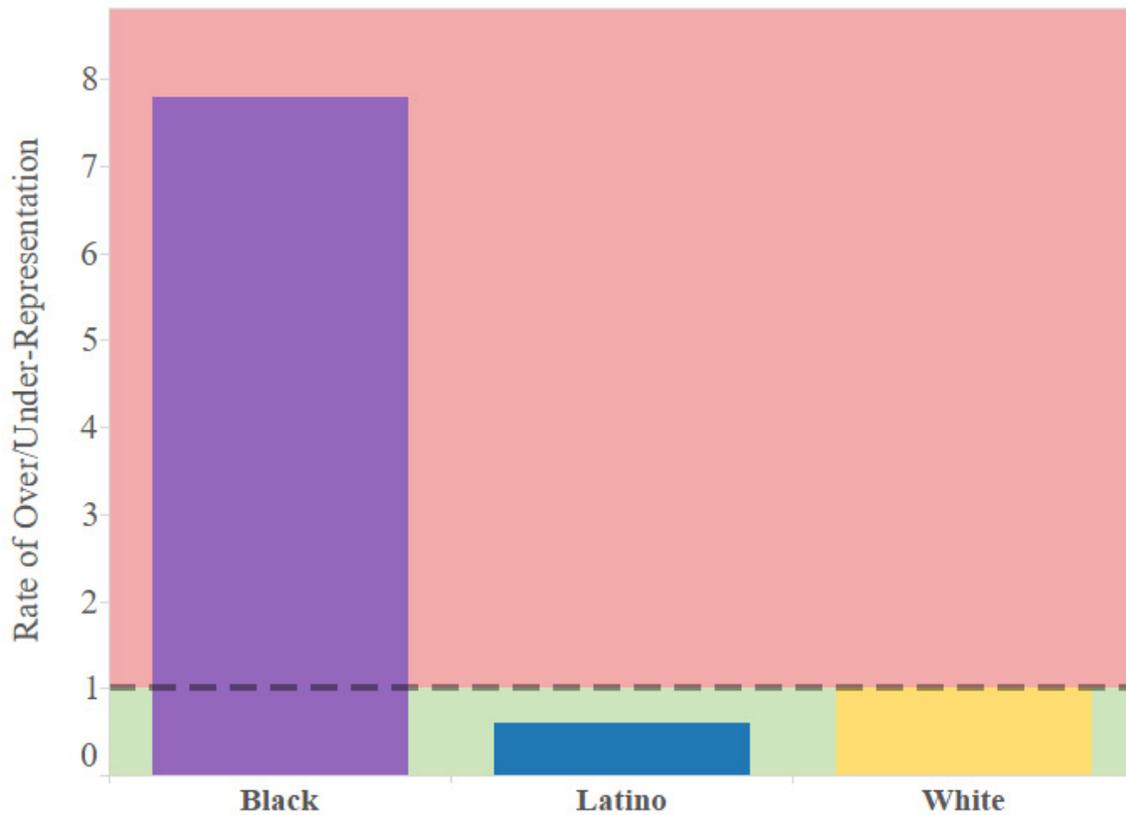
Driving with a suspended license (Vehicle Code 14601.1)

In 2013-2015, the San Francisco Sheriff’s Department effectuated 9,312 arrests pursuant to Vehicle Code § 14601.1 for driving on a suspended license. Driver’s licenses are typically suspended under this section for a number of minor reasons, the most common being a Failure to Appear in court on a traffic infraction or Failure to Pay a traffic fine. This section explicitly excludes a suspended license for a public safety reason such as a prior DUI or a previous charge of reckless driving. Not everyone who is found driving on a suspended license is arrested; officers can choose to warn or cite instead. The data below describes all arrests in which a violation of Vehicle Code § 14601.1 was one of the arresting charges.

The following chart depicts the location of arrest and race of arrestee. The data demonstrates that Black and Latino individuals make up an overwhelming proportion of total arrests in San Francisco County for driving on a suspended license. Although Black persons are only 5.8% of the population, they comprise 45.4% of the arrests (over-representation at a rate of 7.8x). Arrests for driving on a suspended license in San Francisco County are the only data variable discussed in this report where Latinos are under-represented. Although Latinos are 15.3% of the population, they comprise 9.7% of the arrests (under-representation at a rate of 0.6x). Whites are 41.2% of the population, and 39.7% of arrests (near perfect representation).

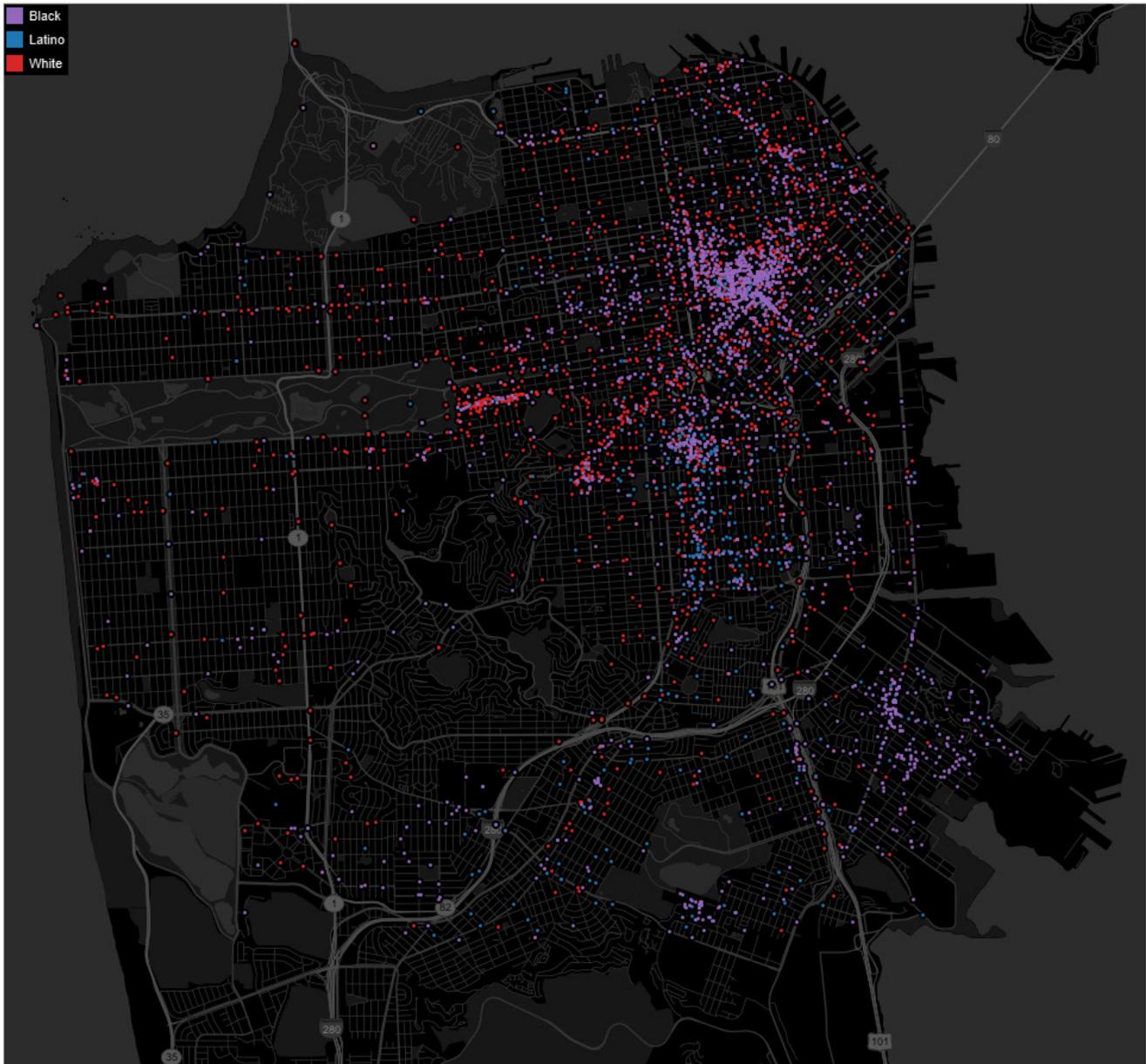
The following chart depicts the rate of over-representation or under-representation of arrestees by race (Black, Latino, and White). A bar equal to the high of the dotted line (1 on the Y-axis) would signify perfect representation (a situation in which the rate of arrestees of a certain race matched the percent makeup of that race in the county population). Bars ending in the green section (below perfect representation) signify that the race is under-represented in the arrest data, and bars ending in the red section signify that the race is over-represented.

Rate of Over/Under-Representation in San Francisco County Arrests for VC 14601.1, by Race



This over and under-representation can be seen in the map below, which shows locations of arrests involving Vehicle Code § 14601.1 for driving on a suspended license by race in San Francisco. Like the arrests for FTA/FTP, arrests of White individuals (shown in red) are plentiful yet not concentrated in a single neighborhood. Meanwhile, arrests of Black and Latino individuals occur in the neighborhoods that have high poverty rates, low household incomes, and low unemployment rates. These neighborhoods include the Tenderloin, the Mission, and Bayview-Hunters Point.

San Francisco County Arrests Under VC 14601.1, by Race



C. SAN JOAQUIN COUNTY

Unlike the Los Angeles County and San Francisco County data described above, the data from San Joaquin County did not provide the location of the arrest or the race of the arrestee. However, it did list the various “booking charges” for each of the 1,717 unique arrests made pursuant to Vehicle Code § 14601.1(a) or Vehicle Code § 40508(a) between January 1, 2013 through March 8, 2016 (most arrests had multiple booking charges). 223 arrests listed a booking charge for driving on a suspended license (Vehicle Code Section 14601.1(a)) as the *only* booking charge (13% of all arrests).

When booking charges were filtered to determine whether or not each arrest included at least one charge that was deemed a “serious offense” (including felonies and serious misdemeanors involving acts that reasonably endangered public safety, and not including infractions and a limited number of low-level misdemeanors), the result showed that 693 arrests (40% of total) had no booking charges that were deemed serious offenses. The average jail time incurred due to such arrests was 1.1 day. 58 individuals spent more than three days in jail for such arrests, and 17 individuals spent more than ten days in jail for such arrests.

The 223 individuals (13% of total arrests) that were booked *only* for the charge of driving on a suspended license spent an average of 0.85 days in jail. However, disturbing outliers exist: 3 persons spent between ten and thirteen days in jail, and one person spent 21 days in jail - all for this singular offense.

REAL LIFE STORY: Velia

Velia, a young Latina living between Bakersfield and Los Angeles, was just a teenager when she got a couple of truancy tickets for missing school. At the time, she was helping her single mother raise her and her three siblings, surviving on just few hundred dollars a month of public assistance. The fines for the tickets amount to over \$1,000, and Velia never had enough extra money to pay them. As a result, the court suspended her driver’s license. Now a 25-year-old single mother of two, herself a welfare recipient, Velia’s tickets and suspended license have followed her, causing her endless strife. Her stepdad is a truck driver and wants to hire her, but cannot because of her suspended license. She struggles to get her daughters to school and medical appointments, and relies on her disabled mother to help. She was recently arrested for driving with a suspended license and sentenced to 39 days in jail, causing her to be separated from her children. Velia is afraid to drive for fear of being taken away from her children again, but she does not have access to reliable public transportation in Bakersfield.

II. The Data Explained

A. Inequality in Policing: The Role of Implicit and Explicit Bias

The overrepresentation of license suspensions in Black and Latino communities is no mere coincidence. There is growing understanding that some of the inequality in traffic and infraction enforcement can be explained by the operation of implicit and explicit racial bias. For example, research with many groups of people, including police officers, shows an association between Black people and crime that is automatic, or “not subject to intentional control.”²² Especially in widespread police practices such as the “investigatory” traffic stop, which is based not on an observable traffic violation but rather as a tool intended to catch people in the midst of committing more serious crimes, these biases clearly play a role in *who* is stopped.

Many studies support the conclusion that implicit bias plays a role in the racialized outcomes of certain police practices. Additional research even supports the idea that police officers may be more likely than the average person to perceive guilt and deceptiveness based on race than average people.²³ In another example, an experiment found that police officers were much more likely than other people to perceive evidence of guilt in the ambiguous actions of Black individuals than their White counterparts.²⁴

In addition to the troubling operation of these implicit biases in every day police encounters, there are also examples of more explicit or intentional discrimination in enforcement, where people or communities of color are specifically targeted. For example, a former police officer Matt Francois recently filed suit against the San Diego Police Department, alleging that his supervisors instructed him to treat San Diego communities differently based on race, including discouraging him from enforcing stop sign violations in a predominantly White community: “Officer Francois was told ‘citizens of Northeastern deserved to be treated better than citizens of Southeastern or Mid City,’ the suit alleges. The supervisor went on to say citizens there ‘actually voted,’ favored police and were influential ‘like City Council members.’”²⁵

B. Inequality in Policing Leads to Unequal Debt Burden for Families of Color

In 2013 and 2014, 4.9 million traffic and non-traffic infractions were filed in the state’s traffic courts. This is *four times* the number of felony and misdemeanor filings in the same time period.²⁷ When certain groups are implicitly or explicitly targeted for traffic and other investigatory stops, those groups are also disproportionately issued citations.

The troubling result is that this kind of intensified policing and racial profiling of people of color means Black and Latino people are more likely than White people to get traffic citations despite the fact that there is no documented difference in driving behavior.

Los Angeles is a good example. A study on racial bias in traffic stops found: “While the conditional probability of being cited favored stopped African Americans relative to stopped Whites, African Americans²⁸ were so much more likely to be stopped that the unconditional probability that African Americans would be cited was substantially higher. Indeed, we find that the citations per 10,000 residents were 1,300 citations higher for African American residents and 140 citations higher for Hispanic residents than for White residents.”²⁹ This means that when Black and Latino people are stopped, they are less likely to be cited or arrested than their White counterparts.

The same is true of Berkeley. According to the data set, even though Blacks are much more likely than Whites to be stopped and searched by Berkeley cops, they are actually no more likely to be arrested, and much less likely to be cited for **any kind of infraction**.³⁰

When the cited individuals are unable to pay their citations due to financial hardship or do not attend court appearances for fear of being arrested by the same officers who searched their bodies and their personal possessions, they suffer a permanent consequence: a suspended driver's license.³¹ A racially skewed system of traffic stops appears to be producing a racially skewed demography of suspended driver's licenses.

Criminal prosecution for driving with a suspended license can lead to stiff monetary penalties. In addition to the statutory fines, a conviction can result in two points on a person's DMV record, which can result in higher insurance premiums.³² These monetary sanctions, when disproportionately imposed on low-income Blacks and Latinos, operate to increase the debt burden on and displace wealth from already struggling communities.

In addition to the increased debt burden, Black and Latino drivers are more likely to have their vehicles towed. When someone is cited or arrested for driving with a suspended license, a tow is discretionary, as long as there is a safe and legal place for the driver to park the vehicle. However, several studies have found that police are more likely to order cars of Black and Latino drivers towed, which for families without money, often means losing the vehicle because they cannot afford the very high tow and storage fees required to get it back.³³ In Fresno County, Latino drivers comprise roughly 50% of the population, but were issued 89% of the citations for driving without a license that resulted in car impoundment.³⁴

REAL LIFE STORY: Kacey

Kacey (resident of Los Angeles) had his car towed and impounded three times since 2008 after receiving three Driving with a Suspended License citations. His daughter was born premature and requires an independent source of oxygen. For emergency purposes, he needed to drive with a suspended license and with inexpensive vehicles he would purchase used, knowing that if he was stopped, his vehicle would be impounded. One time, he was going to the store to pick up medical supplies for his daughter's pneumonia. When he arrived at the store's parking lot, the officers cited him for Driving with a Suspended License and impounded his vehicle. He had to walk two miles back to his daughter while holding the car seat, diaper bag, and medical supplies.

C. Inequality in Court: Current Fees and Court Procedures Compound Racial Disparities

Once they receive tickets, Californians are told that they must pay the ticket or go to court. In California, traffic courts have jurisdiction over both traffic and non-traffic infractions.³⁵ Traffic courts can process a variety of offenses, from traffic infractions such as having an expired license plate³⁶ or not wearing a seatbelt³⁷ to non-traffic infractions such as loitering³⁸ or not paying bus fare.³⁹

Due to the rapidly increasing number of state-mandated court fees, the cost of an infraction citation within the jurisdiction of California traffic court has become steeper and more complex over time.⁴⁰ For those Californians who are able to pay the fines, an infraction citation is nothing more than a mere inconvenience. However, for many others who do not pay these fines and fees on time or miss their court dates, traffic courts respond swiftly. As documented extensively in *Not Just a Ferguson Problem: How Traffic Courts Drive Inequality in California* (2015), the ensuing consequences are severe. The court may promptly (within 10 days) issue a misdemeanor bench warrant for "Failure to Appear" (FTA) or "Failure to Pay" (FTP).⁴¹ If it does not issue a warrant, a \$300 civil assessment fee is automatically added to the fine amount.⁴² Upon the issuance of a FTA/FTP, some courts also send the case to a private collections agency to recover the past due balance.⁴³ And, most importantly, the court will notify the Department of Motor Vehicles to indefinitely suspend the person's driver's license.⁴⁴

Cost of an Infraction Citation in California Traffic Court, 2015

STATUTE	ASSESSMENT	AMOUNT OWED
BASE FINE (example)	\$100	\$100
State penalty assessment (Penal Code (PC) § 1464)	\$10 for every \$10 base fine	+\$100
State criminal surcharge (PC § 1465.7)	20% surcharge on base fine	+\$20
Court operations assessment (PC § 1465.8)	\$40 fee per fine	+\$40
Court construction (Government Code (GC) § 70372)	\$5 for every \$10 in base fine	+\$50
County fund (GC § 76000)	\$7 for every \$10 in base fine	+\$70
DNA Fund (GC § 76104.6 and § 76104.7)	\$5 for every \$10 in base fine	+\$50
Emergency Medical Air Trans. Fee (GC § 76000.010)	\$4 fee per fine	+\$4
EMS Fund (GC § 76000.5)	\$2 for every \$10 in fine	+\$20
Conviction assessment (GC § 703.73)	\$35 fee per fine	+\$35
Night court assessment (GC § 42006)	\$1 per fine	+\$1
ACTUAL COST OF CITATION		\$490
DMV warrant/hold assessment fee (Vehicle Code (VC) § 40508.6)	\$10 fee	+\$10
Fee for failing to appear (VC § 40508.5)	\$15 fee	+\$15
Civil assessment for failure to appear/pay (PC § 1214.1)	\$300 fee	+\$300
COST OF CITATION IF INITIAL DEADLINE IS MISSED		\$815

Source: California Vehicle Code, California Judicial Council

When a person fails to appear or pay, the court notifies the DMV, which suspends the person's driver's license.⁴⁵ Aside from the limited remedies offered by California's time-restricted traffic amnesty program, there is no process in place to lift the suspension and restore the license until *after* the court notifies the DMV that the fine has been fully paid. From 2006-2013, the DMV initiated suspension actions for nearly 4.2 million driver's licenses (17% of all CA driver's licenses) for this very reason.⁴⁶ Furthermore, the penalty assessments and add-on fees are extraordinarily high. Most courts do not have systems in place to evaluate each defendant's financial circumstances. Finally, there is no right to counsel in an infraction case, so even drivers who make it to court when they cannot afford to pay have little idea about their rights at any stage of the process, from arraignment to trial to sentencing.

REAL LIFE STORY: Sabas

Sabas, a street vendor in Los Angeles, was cited for vending without a permit. He was sentenced by a traffic court judge to pay \$306. He was able to pay \$256 before an illness required hospitalization. Because his sole income comes from monies earned while vending, his hospitalization prevented him from earning the requisite funds to pay the remaining \$50. In Los Angeles, as in most counties, a failure to pay a fine results in an automatic civil assessment fee of \$300. This fee is imposed without a hearing and without a determination of the reasons for why the person did not pay on time. Sabas now owes \$350, which grossly outweighs the original fine despite his best efforts to pay.

D. Inequality in Arrests for Driving with A Suspended License

As evidenced by the data, there are stark racial and socioeconomic disparities in license suspensions and related arrests. The maps additionally show significant concentrations of both suspensions and arrests in predominantly Black and Latino working class communities across California. Collectively analyzed, these maps paint a picture of the pipeline effect from the infraction citation to a driver's license suspension to arrest. One conclusion that can be drawn from the data is that Blacks and Latinos are bearing the brunt of this police-as-debt-collector scheme. When minority communities experience overexposure to tickets due to allocation of police resources or implicit/explicit bias, they are more vulnerable to driver's license suspensions for failure to appear/pay. It makes sense then that arrests for driving with a suspended license would be concentrated by and large in those minority communities and in neighborhoods that are historically racially segregated and economically stressed. Even assuming that police resources are equally distributed by location and there is no measurable difference in enforcement of laws by race, the glaring reality is that motorists of color in low-income racially segregated neighborhoods, as a class of people, are still disproportionately represented in the arrest data. The broader context of systemic racial bias in policing and courts is implicated in this these disproportionate arrests and enforcement of infraction citation debt.

REAL LIFE STORY: Prentiss

Prentiss was cited for fare evasion at an Oakland BART train station. Although Prentiss had actually paid his fare, he is blind and was unable to locate his ticket stub or find the kiosk to insert his ticket, which was over 10 yards away from the disabled elevator. Prentiss went by himself to court, determined to challenge the ticket since he did not commit the violation. The judge in the courtroom expressed doubt that Prentiss was truly vision impaired, found him guilty of the violation, and sentenced him to the maximum fine. With only \$890 in Social Security disability as his monthly income, Prentiss found himself unable to pay. He asked the court clerk for a payment plan, but was told the minimum amount he could pay was \$50 up front, which he could not afford without risking his housing or going hungry.

Matt Francois

was a San Diego Police Department (“SDPD”) officer who rotated between different divisions in San Diego as part of his training. He was first placed in SDPD’s Southeastern Division, which is located geographically south of the I-8 freeway in San Diego. Demographically, the Southeastern Division is made up predominantly of minority residents, with Whites comprising about 18% of the population, and Blacks and Latinos making up 62% of the population. About 23% of the households in Southeastern live in poverty. Mr. Francois was trained in a consistent and standardized manner to run criminal background checks and “max out” on tickets on all motorists. Mr. Francois was later moved to SDPD’s Northeastern Division, which is located north of the I-8 freeway. Northeastern is 60% White, with Blacks and Latinos comprising only 17% of the population. Only 10% of the population in Northeastern lives below the poverty line. When making a traffic stop, Mr. Francois’s training officer, Mr. Messineo, criticized him for running an “inquiry” (record search with a dispatcher) on a White driver. Mr. Messineo further said that inquiries should only be run on people who “looked like criminals.” When asked later what a “criminal” looked like, Mr. Messineo responded that criminals had tattoos, “gave lip,” and had multiple failures to appear on their record. In that same traffic stop, Mr. Messineo took the ticket that Mr. Francois had written, crossed out the additional infraction, and commented that the White driver’s vehicle had a decal that suggested he was a business owner. When Mr. Francois was later transferred to Rancho Bernardo, a neighborhood in the White and affluent Northeastern division, he cited drivers who were habitually running the stop sign at a particular intersection. Mr. Francois’s supervisor, Lieutenant Peterson, reprimanded him, stating that the citizens of Northeastern deserve to be treated better than Southeastern. Lt. Peterson told Mr. Francois that he should not be writing so many traffic tickets because, unlike the divisions south of the I-8, the citizens in Northeastern “actually voted,” were “pro-police,” and were influential in the community (like “City Council members”), and their complaints could impact SDPD salaries.²⁶



III. The Impact: Suspended Licenses

A. Persistent and Ongoing Barriers to Employment

Driver's license suspensions shut people out of employment opportunities in four major ways. The data shows that these impacts are most severe in neighborhoods where there are high concentrations of low-income people and people of color. (1) A driver's license is needed for transportation to and from work. (2) Increasingly, a driver's license is needed to obtain full time, steady employment and to qualify for job-training programs. (3) Driver's licenses are becoming crucial for non-traditional jobs. (4) Private employers often screen out applicants who do not have driver's licenses.

Individuals with suspended driver's licenses experience great difficulty finding steady and sustainable employment. Lack of employment can send individuals and families into long cycles of poverty that are extremely difficult to break. Increasingly, the loss of the ability to drive is a serious threat to economic security.

1. Transportation To and From Work

Transportation to and from work is the most obvious way a driver's license relates to employment. People who are able to travel farther distances inherently have access to a greater number of job opportunities in different locations.⁴⁷ Where gentrification has displaced people of color from urban centers, the ability to travel to work is crucial to the survival of these individuals.

The widespread gentrification and housing crisis in the Bay Area, especially in San Francisco and Oakland, has forced people to move further and further away from their job locations.⁴⁸ Displacement out of urban centers has most impacted low-income communities of color; in San Francisco, displacement has disproportionately impacted Black and Latino individuals and families. In 1970, Black residents comprised 13% of the city's population. Today, Black residents now comprise only 6% of San Francisco's population, yet constitute 29% of the Eviction Defense Collaborative clients in ejectment proceedings.⁴⁹ By 2040, the city's Latino population is predicted to shrink from 15% to 12%.⁵⁰ As people move further away from major job centers, driver's licenses become crucial for their long-term employment. In turn, license suspensions most severely impact people of color who have been displaced.

2. Job-Training Programs and Non-Traditional Jobs Require a Driver's License

Job-training programs are crucial to creating more employment opportunities. These programs, however, often require a driver's license as part of their eligibility criteria. The City of San Francisco's CityBuild Academy offers an 18-week pre-apprenticeship and construction skills training program where participants can earn up to 15 college credits while learning the skills necessary to enter the construction trade. Like the pre-apprenticeship training program, most construction programs throughout California require a valid driver's license. Similarly, becoming EMT certified, paramedic licensed, or firefighter trained each requires a valid driver's license.⁵¹ Many union construction, transportation or service jobs require valid driver's licenses just to become a member.

REAL LIFE STORY: Greg

After a string of non-steady jobs, Greg was excited to enter a job training program in construction, which would allow to him to have steady employment. While he was not trained to operate moving vehicles, Greg learned that his options were limited because all construction jobs required a driver's license- he needed to be able to drive a golf cart when working on larger sites.

REAL LIFE STORY: Jabarri

Jabarri saved up some money to be able to pay enough to get his driver's license back after his fines were reduced through the Traffic Amnesty Program in 2015, after it had been suspended for several years due to unpaid tickets. As soon as he got his license, he was able to take a promotion at his job and went from making \$12/hour to \$25/hour.

Having a suspended driver's license essentially forecloses important job training opportunities for low-income people of color who are working hard to remove themselves from poverty and create better lives for themselves and their families.

Driver's licenses are critical to many other non-traditional jobs. As nursing homes become more expensive, and as seniors and people who are ill prefer to stay in their homes, in-home health workers have become more in demand. These jobs offer steady work at stable, hourly pay and are a good alternative for people who have spent time working in the care industry. Working as an in-home health aid – a steady job that does not require a college degree – typically requires a driver's license.⁵² A health aid is required to drive to the client's home to provide care and often must drive the client to the grocery store, appointments, or the pharmacy.

REAL LIFE STORY: Tom

Tom, a Black resident of San Francisco living on Treasure Island, had several tickets that resulted in a suspended driver's license. He was waking up at 5am to make sure that he could get to San Francisco in time for his various commitments, and then taking the bus back, resulting in hours of commute time. He found stable work providing in-home care for an elderly woman, who needed help at home, but also needed someone to drive her around and run her errands. Because of his suspended license, Tom was not able to complete all tasks of his job, and was in danger of losing his job.

3. Private Employers Screen Out Applicants Who Do Not Have Driver's Licenses

Finally, even if a job does not necessarily require driving, private employers under the misapprehension that individuals with driver's license issues would not make good employees increasingly ask for a driver's license number on job applications.⁵³

REAL LIFE STORY: Marco

Marco is homeless, and is desperately looking for work to eventually be able to rent an apartment or Single Room Occupancy ("SRO"). He was shocked to learn that his license was suspended when he went to renew his license. Despite having a suspended license, he has continued to look for work. He has been discouraged since every application asks for a driver's license number. He has yet to find work, and is still homeless.

Because low-income people of color disproportionately face driver’s license issues, they are further excluded from employment opportunities by this employment practice because employers are permitted to ask about a driver’s license on job applications, even if the job does not require driving.⁵⁴ Structural discrimination, including in employment disparities⁵⁵ and over-representation in the criminal justice system, already makes it more difficult for low-income people of color to obtain and maintain steady employment. As a result, entire communities are blocked from employment opportunities and are forced into long term cycles of poverty.

B. Individual Loss of Liberty and Erosion of Community Trust in Law Enforcement

The harm of disproportionate discretionary arrests extends far beyond employment, and is experienced both individually and community-wide. For the person who experiences it, arrest and jail time is a significant life disruption, and can have serious financial, practical, and psychological impacts.⁵⁶ For communities, disparate policing erodes trust in the police and undermines a sense of belonging and security in certain communities. Lastly, there are real budget costs to California, which include the price of incarcerating individuals for owing traffic debt and the diversion of police and criminal justice resources away from public safety to this police-enforced debt collection system.

1. Individual Impact of Discretionary Arrests

Though they run the risk of being stopped, cited, and arrested for driving with a suspended license, many individuals with suspended licenses continue to drive because their survival depends on it. They may need to transport a sick loved one to a hospital or travel to a job in an area with inadequate public transit. In contrast to DUI convictions, where the DMV can issue a “restricted license” to allow an individual to drive to work, school, or medical appointments, the penalties for inability to afford one’s traffic fines lead to an indefinite suspension, with no opportunity for even a restricted license.⁵⁷ Drivers without any license are, of course, more vulnerable to arrest and prosecution for driving with a suspended license.

REAL LIFE STORY: Norris

Norris had a suspended license because he was unable to pay a traffic ticket. Norris’s wife was diagnosed with cancer in 2009, requiring him to drive her to chemotherapy treatment three to four times per week. In a span of a couple months, Norris received four tickets in Palmdale for driving with a suspended license while taking his wife to treatment. Because of his inability to pay these citations, Norris was eventually arrested, pursuant to a bench warrant, and sentenced to 180 days in jail, one year of probation, and \$2,600 in administrative fines and fees. Despite doing the time, Norris has been unable to pay off the additional fines. His ability to pay is further compromised because Norris now has a criminal record. Norris is currently unemployed, and having a hard time finding work with a suspended driver’s license and a criminal record.

Upon arrest, people are frequently handcuffed for hours at the scene of arrest and through the booking process. Once they are booked, they are detained, sometimes for days, awaiting a hearing by a judge. A person may wait as long as 48 hours (the constitutional limit) after arrest to be seen by a judge. But sometimes, administrative or bureaucratic errors can undermine the timeliness by which an arrestee avails himself of this fundamental constitutional right.

Arrests are not planned, and can cause people to miss work, lose jobs, go without needed medicine or medical care, and be unable to pick up their kids: the results of being pulled out of your daily life responsibilities unexpectedly can be grave.

Even after someone is released, the process continues to be punishing. A person who is arrested for driving with a suspended license is required to navigate a confusing and complex court process, pay attorney's fees⁵⁸ and court fees, and decide whether to plead guilty to a misdemeanor offense of driving with a suspended license, which comes with a litany of additional penalties.

The first conviction for driving with a suspended license can mean six months of county jail time, several years of probation, and a maximum penalty of \$1000 (plus penalty assessments).⁵⁹ If there is a second conviction, the penalties are even more severe. In addition, driving with a suspended license will result in higher insurance premiums, and add points to a person's driving record.

REAL LIFE STORY: Ms. Strong

Ms. Strong was arrested approximately five months following a traffic violation in Torrance. Because she failed to pay for the Torrance violation and had two other unpaid tickets, the judge produced an arrest warrant for her with a \$50,000 bond. She was booked on a Saturday, and the following Tuesday, while she was in court, she requested to do additional time in lieu of the fines, thinking that staying in jail could clear the outstanding balance on the tickets. She spent fifteen days in jail for three citations. After serving the extra time, she discovered that she still had fines associated with each of these three charges in traffic court.⁶⁰

Arrest and incarceration have profound material, psychological, and emotional impacts on individuals and their families.⁶¹ Studies show that incarceration is correlated with overall diminished income,⁶² which in turn is associated with lower levels of mental well-being, physical health, social attachments, and a lower life expectancy.⁶³ Compounded by the stigma and disenfranchisement, these psychological impacts can persist long after the arrest and detention. Even short-term jail sentences can damage a person's emotional health permanently. Psychological studies demonstrate that Black people subjected to intrusive police stops experience heightened levels of psychological stress.⁶⁴

Finally, suspending driver's licenses for failure to pay, and then arresting people for driving is creating a gateway to jail, probation, additional fines, and a criminal record for some of the most vulnerable Californians. It is also swelling our jail system, at a time that California needs to drastically reduce its jail population. In the long term, because pleading guilty to a misdemeanor creates a criminal record, it can permanently foreclose an individual's eligibility for certain jobs and benefits. Entire families are affected materially and emotionally.

In 2015, The United States Department of Justice (DOJ) held a national convening related to the assessment and collection of court-ordered fines and fees in Washington D.C. On March 14, 2015, they sent a correspondence to court administrators calling on courts to adjust their policies and practices to ensure that no person is jailed as a result of inability to pay court fines. The DOJ also announced the availability of \$2.5 million in competitive grants to state and local governments who want to take action to change how their fines and fees are assessed and collected.⁶⁵

2. Community Impacts of Disproportionate Arrests for Driving with a Suspended License

Research finds that the personal experiences of arrest—particularly experiences of police disrespect and frequent stops—directly erode trust in the police. Nearly one in four Black men under age 30 reports feeling uncomfortable calling the police if they need help. While White people’s comfort in calling the police increases dramatically with age, for Black people it does not.⁶⁶

Furthermore, Black people report being talked down to and disrespected by police officers during traffic encounters.⁶⁷ This type of denigration alienates people and undermines the sense of belonging and security for many community members.⁶⁸

REAL LIFE STORY: Cain

Cain, a 28-year-old Black man, lives in South Central Los Angeles. In 2015, he made a police report after witnessing a neighbor’s domestic violence incident. When the police came, they arrested Cain on a bench warrant from a 2009 ticket for failing to pay a \$1.50 Metro fare. Cain was handcuffed by the arresting officers and humiliated in front of his family and neighborhood. After spending two days and one night in jail, Cain returned home to find that his employer had fired him due to his absence at work. Despite doing jail time, he still had to go to court for the ticket for Metro fare evasion and contest the \$889 fine.

Today, Cain has a heightened sense of fear when he sees a police car. He says, “It was extremely embarrassing to be detained and handcuffed while the officers probed me for information for information unrelated to my warrant. They profiled me as a gang member, which I have no record of. After being detained, isolated, handcuffed for several hours, I was finally placed under arrest. I had to ask the officers would I be read my Miranda rights, in which he responded ‘I’m sure you know them.’ I spent the night in jail only to be released with a ticket for the exact same warrant I was arrested for, and a notice to appear in court. I left the jail feeling deflated, sick, hurt, unhuman.”

Frequent, disproportionate stops and subsequent investigatory searches can make people of color feel that police officers pull them over not because of criminal activity but because the officers have implicit stereotypes linking race and criminality. The impression that officers are using the stops to intimidate them or search their private property undermines faith in both officers and the government, and thereby limits the public safety role police are supposed to serve. The belief that arrests are racially disproportionate is borne out by available data showing more frequent stops and searches of Black and Latino drivers that yield no findings of a crime.⁶⁹

When this overexposure to traffic stops also leads to more infraction citations and, subsequently, more court debt, it can be perceived that police officers are not interested in genuinely protecting and serving the public, but rather are more concerned with issuing minor citations and generating fines, regardless of the permanent consequences those citations and fines can have on an individual and his family.⁷⁰

3. Cost to the Public

The price of incarcerating tens of thousands of individuals for what is essentially a crime of poverty is enormous. Not only is the cost of incarceration per person high, it may be exacerbating jail overcrowding and putting enormous strains on staff and other personnel at sheriff’s stations, jails, and lock-up facilities.

At a time when California is investing significant resources in reducing its prison and jail populations, the policy of incarcerating people for driving with poverty-based suspended licenses is out of sync.⁷¹

IV. RECOMMENDATIONS

In the year since the release of our first report, several of the suggestions put forth in our solutions sections have been initiated. The Judicial Council adopted a rule partially addressing the requirement that one had to pay “bail” as a prerequisite to scheduling a hearing in traffic court.⁷² The Statewide Traffic Amnesty Program took effect in October 2015; despite its shortcomings, its income-responsive design has resulted in greater participation in just the first three months of the program than the total who participated in the last amnesty program in 2012.

However, the policies and practices described in the preceding sections of this report remain extremely problematic despite progress made in the past nine months. This section details an array of possible solutions for consideration by Californians, legislators, policy makers, courts, law enforcement and other government agencies. The complexity and problems of the current systems will require inter-agency collaboration to create short- and long-term solutions to the cycle of criminalization and poverty caused by citations, fines and fees, license suspensions, and related arrests.

RECOMMENDATION #1

Abolish the Use of Driver’s License Suspension as a Court-Ordered Debt Collection Tool

License suspensions should be used only to protect public safety, not to punish people for their inability to pay fines.⁷³ California’s current use of license suspensions for failure to pay or appear is both bad public policy and of questionable constitutionality. Driver’s licenses are so necessary for participation in the job market that the U.S. Supreme Court held nearly 40 years ago that licenses are “essential in the pursuit of livelihood” and their suspension requires due procedural protections.⁷⁴ In a recent letter sent to state court leaders across the country, the United States Department of Justice affirmed this, recommending that courts place a moratorium on the use of license suspension to collect court debt absent clear due process.⁷⁵ The American Association of Motor Vehicles has said that suspending licenses for failure to pay or appear is not a good use of resources, and undermines public safety.⁷⁶

SB 881, authored by Senator Hertzberg and currently before the California legislature, is co-sponsored by members of the Back on the Road CA Coalition, and would repeal the authority of the DMV to suspend licenses when notified by courts of a failure to appear (FTA) or failure to pay (FTP). The bill would restore driver’s licenses to people with existing license suspensions due to an FTA or FTP. The bill would preserve the other debt collection tools available to the state, including wage garnishment or tax return intercept by the State Franchise Tax Board. State legislators should take this opportunity to support SB 881’s passage.

RECOMMENDATION #2

Stop the Criminalization of People Who Cannot Afford to Pay Fines and Fees

County-level law enforcement agencies and local courts throughout California have an urgent responsibility to curtail the unfair criminalization of the most impacted communities. They should:

1. Stop the issuance of arrest warrants for failures to appear and pay in traffic court.
2. Reclassify a violation of VC 14601.1(a) [driving with suspended license for a failure to appear or pay] as an infraction rather than a misdemeanor.
3. Abolish the use of bail in any case where a person is arrested due to an underlying charge related to a failure to pay court fines and fees.

RECOMMENDATION #3

Reduce Fines, Fees and Assessments for Low-Income People and Ensure Equal Access to Justice

Under the current system in California, there is no formal, standardized court process to consider a person's ability to pay fines. No notice is given to inform someone of alternative ways of satisfying court fines and fees than simply paying upfront the total amount due. Notices say nothing about the possibility of setting up an installment payment plan or performing community service. Hundreds of thousands of people across the state are still barred from getting into court because they cannot afford to pay the full citation up front after missing a payment.

Appendix 2 details a number of specific policies and procedures that could be improved in order to ensure that due procedure requirements are met, and that access to court services is not tied to ability to pay fines and fees. Broadly summarized, the proposals include:

1. Ensure that access to the courts and due process do not depend on income.
2. Require all courts and counties to use a state-mandated payment plan formula that is tied to a person's current income, and allow requests for modification if a person's financial circumstances change.
 - o Reduce the burden of exorbitant fines, fees, and assessments on low- and middle-income people.
 - o Offer additional opportunities for low-income individuals to utilize community service as an alternative to monetary payment of court-ordered debt.
 - o Monitor private debt collection companies contracted to collect court-ordered debt to ensure compliance with the law.
3. Extend and improve the current Traffic Amnesty Program to make it more accessible to low-income people⁷⁷
4. Automate procedures to reinstate suspended licenses after a certain period of time or after the court has discharged the underlying debt.
5. Provide more funding for civil legal aid and workable self-help services to help people navigate traffic court, including better online information about accessing the current amnesty program. Create and fund a right to counsel to those facing license suspension. Under current law, someone charged with a traffic offense is not guaranteed an attorney despite the fact that failure to appear or to pay fines and fees can result in a future arrest and incarceration. Furthermore, the conviction may

stay on one's driving record for years, with significant negative consequences. Poor defendants should be provided with an attorney to zealously defend their statutory and constitutional rights in traffic court.

Adopting some combination of the aforementioned solutions is vital to protect fair access to justice in California. However, as legal advocates, the members of Back on the Road California are cognizant of the significant funding challenges facing courts in California. We strongly support adequate court funding to ensure fair access to justice for all members of our community, regardless of income.

Funding court operations from the collection of court fees is an unstable source of revenue for the courts. Such a practice also presents a conflict of interest for the courts, as judicial officers' decisions directly affect the amount of funds available to pay court expenses, including judges' own salaries. We must finance court operations differently, decoupling court debt collection from court funding. We suggest funding from the State General Fund and also from an increase in the court filing fee schedule for inter-corporate and complex litigation to ensure that the full costs of such litigation are not borne by the taxpayers. A new source of revenue could come from the collection of a small percentage of any court-monitored settlement or verdict above \$100,000.

RECOMMENDATION #4

End the Over-Policing of Communities of Color and Low-Income Communities

Explicit bias in law enforcement,⁷⁸ compounded by mounting evidence of implicit bias in policing, suggests that racism and discrimination are major issues confronting law enforcement. Black Lives Matter activists and other groups across the country have put forth aggressive proposals to increase accountability for police-involved killings. Measures to curtail discriminatory practices should be developed in collaboration with the communities most impacted by such policing practices. Many high profile police killings in the past few years began with a traffic stop or an investigatory "stop-and-frisk" pedestrian stop. As such, Recommendation #4 is intended to contribute to the larger national dialogue about police accountability and law enforcement reform.

Based on our findings, we recommend the following:

1. End the failed practice of investigatory police stops.
2. Increase transparency around police stops.⁷⁹
3. Implement measures to reduce bias and its impact on police behavior.⁸⁰
4. Require written consent before any search of a person or vehicle during a police stop.⁸¹
5. Reduce non-safety related citations in low-income communities of color, especially of "quality of life" violations that are disparately given to homeless people and people of color.⁸²

CONCLUSION

The police and court practices described in this report have had and continue to have a grave impact on California's communities. Driven by implicit and explicit biases within courts and law enforcement, there is clear disparate impact of these harms on low-income people and especially on whole communities of color. As demonstrated by data from various public sources, driver's license suspensions and related arrests saddle people with long-lasting criminal records simply because they cannot afford to pay an infraction ticket.

If the state of California is committed to eradicating institutional racism and promoting justice and fairness in our communities, it must halt this ongoing harm. Addressing these problems successfully will require multiple strategies. Our Back of the Road California Coalition stands ready to participate in finding creative solutions to a problem affecting millions of Californians, especially those who are poor and particularly poor people of color.

APPENDIX 1: Methodology

Dataset A – DMV records regarding license suspension rates due to FTA/FTP

The core of Dataset A is a dataset provided by the California Department of Motor Vehicles detailing the number of active driver’s license suspensions due to Failure to Appear or Failure to Pay on July 14, 2014 (snapshot in time), by zip code. Total number of zip codes was 2,427.

This core dataset was supplemented with ZIP Code Tabulation Areas-specific U.S. Census data from the 2014 American Community Survey (5-year estimates). Because zip codes represent United States Postal Service service areas and are subject to change, the U.S. Census builds ZIP Code Tabulation Areas (ZCTAs) using census blocks to approximate zip code. The U.S. Census describes ZCTAs as “generalized areal representations” of zip codes, and a description of the conversion process can be read online.⁸³ The U.S. Census datasets used are as follow:

From dataset DP05 DEMOGRAPHIC AND HOUSING ESTIMATES:

- HCo3_VC79: Percent; RACE - Race alone or in combination with one or more other races - Total population - Black or African American
- HCo3_VC81: Percent; RACE - Race alone or in combination with one or more other races - Total population - Asian
- HCo3_VC88: Percent; HISPANIC OR LATINO AND RACE - Total population - Hispanic or Latino (of any race)
- HCo3_VC94: Percent; HISPANIC OR LATINO AND RACE - Total population - Not Hispanic or Latino - White alone

From dataset DP03 SELECTED ECONOMIC CHARACTERISTICS:

- HCo1_VCo3: Estimate; EMPLOYMENT STATUS - Population 16 years and over
- HCo1_VC86: Estimate; INCOME AND BENEFITS (IN 2014 INFLATION-ADJUSTED DOLLARS) - Total households - Mean household income (dollars)
- HCo3_VC171: Percent; PERCENTAGE OF FAMILIES AND PEOPLE WHOSE INCOME IN THE PAST 12 MONTHS IS BELOW THE POVERTY LEVEL - All people

The Microsoft Excel “VLOOKUP” function was used to match the above Census ZCTA information with the zip codes from the DMV core dataset. Because the Census’s zip code-to-ZCTA conversion process combines some very small zip codes into larger ZCTAs, 690 zip codes did not match with Census data and were therefore discarded. Then, the remaining 371 zip codes with populations (16 years and older) under 1,000 residents were discarded. This left 1,366 zip codes with matched ZCTA information.

Finally, an Excel formula was used to create a variable describing the FTA/FTP suspension rate as a percent of the ZCTA population of residents 16 years and older (used as a proxy for the number of residents eligible for a driver’s license). The resulting variable showed suspension rates in zip codes ranging from near zero to a high of 7.9%. (One extreme outlier, zip code 95113, was dropped from the dataset because of a 17.5% suspension rate).

Dataset B – Los Angeles County and San Francisco County arrest location and race data

Dataset B compiles non-identifying data acquired from Los Angeles and San Francisco Counties through Public Records Act Requests. The data detail the locations of arrests and race of the arrestee made pursuant to California Vehicle Code section 40508 (failure to appear or failure to pay) and Vehicle Code section 14601.1(a) (driving on a suspended license). Below paragraphs describe the data received as a result of these requests.

LOS ANGELES COUNTY

Public Records Act requests were sent to the Los Angeles County Sheriff's Department between October 2015 and February 2016. The data received represents all arrests made between September 30, 2013 and September 30, 2015. Section 14601.1(a) arrests totaled 19,108. Section 40508 arrests totaled 4,391.

SAN FRANCISCO COUNTY

A Public Records Act request was sent to San Francisco County Sheriff's Department on December 17, 2015. The data received represents all arrests made between the two-year period of January 1, 2014 through December 31, 2015. Section 14601.1(a) arrests totaled 9,312. Section 40508 arrests totaled 855.

ARREST LOCATION MAPS METHODOLOGY

In order to create maps showing arrest locations, the data received from both counties required extensive "cleaning" due to poor data integrity. For example, many arrest locations could not be "geocoded" for latitude and longitude coordinates without fixing typographical errors, and some data points did not contain useful location information. If typographical errors could not be fixed ("cleaned"), or if the location data did not provide meaningful or definitive location information, the rows were not included in the dataset used to make the arrest location maps. Moreover, some arrest locations were listed at county jails or booking center and therefore were not included in the maps. After such cleaning, the San Francisco County dataset contained 8,415 Section 14601.1(a) arrests and 779 Section 40508 arrests; the Los Angeles County dataset contained 17,444 Section 14601.1(a) arrests and 4,113 Section 40508 arrests. The service geocod.io was used to find latitude and longitude coordinates for arrest locations.

DATASET B LIMITATIONS DISCUSSION

There are certain limitations to the data regarding arrest locations. The data from the Sheriff's Departments only contains information about stops that ultimately ended in arrests and bookings for Vehicle Code §§ 14601.1(a) and 40508(a) violations. The data does not account for any stops that ended in a verbal or written warning, or a citation. This limitation in data necessitates that there are likely many more stops and citations for Driving with a Suspended License and Failure to Appear/Pay than are represented in the data disclosed by the Department. Certainly, the data does not capture the times when motorists are stopped, searched, and subsequently released. It also does not account for the times when an invasive investigatory search was effectuated and the motorist was not booked or arrested. As a result, this analysis undercounts the number of times a person who has a suspended driver's license has been stopped, temporarily detained and penalized for failure to pay a traffic fine.

The second limitation is that in each County dataset, there may be other charges incident to each arrest for Vehicle Code § 14601.1 and 40508(a). This implies that any arrestee might have had additional charges beyond driving with a suspended license or a bench warrant for FTA/FTP. At the time of the publication of

this report, neither the San Francisco nor Los Angeles Counties responded to a follow-up request for additional booking charges for every arrest. Nonetheless, we know from anecdotal evidence and from Dataset C that arrests occur for alleged violations of Vehicle Code §§ 14601.1 and 40508(a) alone. We also know from such evidence that arrests are effectuated when there are alleged violations of misdemeanor violations of Vehicle Code §§ 14601.1 and 40508(a) and one or more minor infractions for which incarceration is not legally permitted.

The third limitation is that a driver's license may be suspended under Vehicle Code § 14601.1 for a number of reasons, not merely for an infraction citation. It is our information and belief, upon conversations with public defenders in Los Angeles county and around the state, that the most common observed reason for a license suspension when a defendant faces a charge of Vehicle Code § 14601.1(a) is a Failure to Appear in court on a traffic ticket or Failure to Pay an infraction ticket.

Dataset C – San Joaquin County arrest data

A Public Records Act request was sent to San Joaquin County Counsel on March 2, 2016. The dataset received in response, presented in comma separated values format, represents all arrests made pursuant to Vehicle Code § 14601.1(a) or Vehicle Code § 40508(a) between January 1, 2013 through March 8, 2016, and totaled 1,717 unique arrests. Unlike the data in Dataset B, the San Joaquin dataset did not provide the location of the arrest or the race of the arrestee. However, it listed the various “booking charges” for each arrest (most arrests had multiple booking charges), and we identified roughly 850 unique booking charges. 223 arrests listed a booking charge for driving on a suspended license (Vehicle Code Section 14601.1(a)) as the *only* booking charge (13% of all arrests). We then categorized the hundreds of booking charges into two categories: 1) “serious offenses,” including felonies and serious misdemeanors involving acts that reasonably endangered public safety, and 2) “non-serious” offenses, including infractions and a limited number of low-level misdemeanors.

An Excel formula was then used to filter the list of booking charges for each arrest by whether or not it included at least one “serious offense” charge. The result showed that 693 arrests (40% of total) had no booking charges that were deemed serious offenses. The average jail time incurred due to such arrests was 1.1 day. 58 individuals spent more than three days in jail for such arrests, and 17 individuals spent more than ten days in jail for such arrests.

The 223 individuals (13% of total arrests) that were booked *only* for the charge of driving on a suspended license spent an average of 0.85 days in jail. However, disturbing outliers exist: 3 persons spent between ten and thirteen days in jail, and one person spent 21 days in jail - all for this singular offense.

APPENDIX 2: Full list of court-based solutions

Note: Many of the solutions below were first presented in April 2015 in *Not Just a Ferguson Problem: How Traffic Courts Drive Inequality in California*. The list below has been adjusted to incorporate changes to the law since that first report was released, and also includes new ideas brought to light by the data in this report. Some of these solutions would not be necessary if license suspension is definitively de-linked from FTA's, FTP's, all infractions and all non-safety misdemeanor convictions.

A. Ensure that access to the courts and due process do not depend on income.

- Prohibit courts from requiring advance payment of a civil assessment when an individual is seeking to demonstrate a “good cause” basis for vacating the civil assessment under the statute.
- Extend the window during which an individual can cure a failure to pay or failure to appear from 10 days to 60 days, and longer if the good cause reason for the delay extends beyond the 60 days.
- Allow individuals to seek a reduction of the civil assessment amount, based on inability to pay.

B. Standardize payment plans

- Require that counties and courts offer individuals the option of setting up a payment plan to satisfy court-ordered debt. The plan must conform to State guidelines. Dictate that payment plans may be established at any time, but would not go into effect until a person's income exceeds a threshold amount equal to the earnings of 40 hours of work per week at the state minimum wage.
- Once a person's income meets the minimum threshold, payments under the plan could not exceed 10% of a person's income if the income is less than the federal poverty level, 20% if their income is less than 200% of the federal poverty level, and 25% on higher incomes.
- Establish a process for individuals at any time to request adjustments of their payment plans based on a change of financial circumstances.
- Require that court-approved payment plans be accepted by any private debt collection agency
- Amend CCP 706.051 (a) to expand its protections to include court debt collected by a private collections agency.
- Require that all citation notices and court courtesy notices indicate that there is an income-based payment plan option and a community service option
- For defendants with debts in multiple counties, require that the first county to receive a defendant's Amnesty application notify any other counties to which debt is owed by

the defendant and thereafter create a unified multi-county payment plan providing that payments are to be made to that county which will then distribute the funds to the other respective counties under a State distribution formula to be established.

C. Reduce the financial burden of citation fines and court fees for low-income people based on their “ability to pay.”

- Reduce by 50% all existing add-on penalty assessments, and prohibit the imposition of any new assessments.
- Allow persons who are low-income to request a waiver of a portion of fines, fees, and civil assessments owed, based on proof of indigence, calculated by a standardized income schedule. This opportunity for waiver should apply to any debt that has been adjudicated, regardless of which entity is currently charged with collecting the debt.
- Allow people to work off traffic fines and fees, including civil assessment penalties, through performing community service hours that are credited at a rate of at least 150% of the state minimum wage or 100% of an applicable local living wage.
- Permit individuals to request community service as an alternative to payment even if they are paying under an installment payment plan, if their financial circumstances change and they are unable to pay the agreed-upon monthly amount.
- Require that all citation notices and court courtesy notices indicate that there is an option to request community service.

D. Extend and improve the current Traffic Amnesty Program to make it more accessible to low-income people⁸⁴

- The Amnesty cut-off date should be extended to January 1, 2016
- Allow those with fines due after January 1, 2013 to have a reduction in the amount owed according to the current guidelines.
- Standardize an income-based repayment schedule to be used across the state.
- Restore the driver’s license after the first payment is made.
- Include an opportunity to complete community service of the reduced amount, in lieu of payment, if the individual is below 250% of the federal poverty level.
- Waive the \$50 participation fee for those who qualify for an 80% reduction in fees.
- All administrative fees should be waived for low-income people.
- Courts should permit the performance of community service in lieu of payment under the Amnesty Program.
- The restrictions on victim restitution and open warrants should be eliminated.

- Collections agencies should not be permitted to ask any Amnesty Program participant about any other court-ordered debt.

E. Automate procedures to reinstate suspended licenses after a certain period of time or after the court has discharged the underlying debt.

Under current law, court-ordered debt may be discharged, subject to certain conditions. Upon discharge, the debt is no longer actively being collected.⁸⁵ Once debt is discharged, counties and courts should be required to direct the DMV to release all license suspensions related to the collection of that debt. Any county or court establishing a “discharge of debt” plan must incorporate into that plan a policy of releasing any license suspension that is based on discharged debt.

- Under current law, Vehicle Code § 12808(c), the DMV may remove a failure to appear or pay notice and issue a license after five years. This law should be amended to require the DMV to take this action and reduce the term to three years.

F. Redirect the revenue from civil assessment penalties to the state general fund to eliminate conflict of interest.

- As the direct recipient of the revenue collected from civil assessment penalties, courts are incentivized to impose the full \$300 fee each time, despite the statutory requirement under Vehicle Code § 42003 to consider a defendant’s ability to pay. These funds should not become a revenue stream for the courts but should go directly into the State General Fund to eliminate this conflict of interest. These new General Fund dollars could help finance the State programs currently funded by add-on fees to base fines. The courts could also seek additional funding from the General Fund to cover their funding short-fall caused by no longer receiving fees and assessments.

G. Reduce the burden of license suspensions for people being released from jail or prison who are struggling towards successful community reentry.

- Establish an explicit statutory prohibition on the use of license suspensions for collection of court-ordered fines and fees related to a criminal conviction as a counter-productive barrier to reentry.
- Expand Vehicle Code § 41500, which allows the dismissal of outstanding traffic citations for people serving a sentence in state prison, to include people serving a county jail sentence.

Endnotes

- 1 This coalition includes: A New Way of Life Re-Entry Project, The East Bay Community Law Center, Lawyer’s Committee for Civil Rights of the San Francisco Bay Area, Legal Services for Prisoners with Children, and the Western Center on Law and Poverty.
- 2 See Lawyers’ Committee for Civil Rights of the Bay Area et al., Not Just a Ferguson Problem: How Traffic Courts Drive Inequality in California (2015), available at <http://www.lccr.com/wp-content/uploads/Not-Just-a-Ferguson-Problem-How-Traffic-Courts-Drive-Inequality-in-California-4.20.15.pdf>. Not Just a Ferguson Problem came on the heels of similar findings across the country that show racial disparities in traffic stops, starting with the U.S. Department of Justice’s investigation of the Police Department in Ferguson, Missouri. See Civil Rights Div., U.S. Dep’t of Justice, Investigation of the Ferguson Police Dep’t (2015), available at http://www.justice.gov/crt/about/spl/documents/ferguson_findings_3-4-15.pdf.
- 3 See Highway Statistics Series, Licensed Total Drivers by Age, Sheet 5 of 6, U.S. Dep’t of Transportation Federal Highway Administration (Sept. 2011).
- 4 See Cal. Gov’t Code § 12525.5; Cal. Penal Code §§ 13012, 13519.4.
- 5 See Am. Civil Liberties Union of N. Cal., CHP Records Reveal a Pattern of Stopping Latinos to Impound Vehicles: A Case Study from Fresno County (2014), available at https://www.aclunc.org/sites/default/files/caruthers_chp_case_study.pdf.
- 6 See Howard P. Greenwald, U. of S. Cal., Race and Vehicle Stops by the Sacramento County Sheriff’s Department (2011), available at http://www.oig.saccounty.net/Documents/sac_o3o847.pdf. Note that the author of this study has been criticized for justifying racial profiling within the Sacramento police department in his 2001 report analysis. Michelle Alexander, Am. Civil Liberties Union Foundation of N. Cal., The California DWB Report: A Report from the Highways, Trenches and Halls of Power in California 49 (2002).
- 7 See Shelly Zimmerman, City of San Diego Police Department, Report to the City Council: No: 15-016 (2015), available at <http://www.sandiegouniontribune.com/documents/2015/feb/25/san-diego-police-traffic-stops-report>. See also Megan Burks, What SDPD’s Racial Data Can Tell Us—and What it Can’t, Voice of S.D., May 19, 2014, available at <http://www.voiceofsandiego.org/racial-profiling-2/what-sdps-racial-data-can-tell-us-and-what-it-cant/>.
- 8 See Joaquin Palomino, Black Oakland Residents Stopped, Searched with Vague Legal Tactic, S.F. Chron., Nov. 28, 2015, available at <http://www.sfchronicle.com/bayarea/article/Black-Oakland-residents-stopped-searched-with-6662485.php>.
- 9 Darwin BondGraham, Data Shows Disproportionate Stops and Searches of Blacks and Latinos by Berkeley Cops, E. Bay Express, September 28, 2015, available at <http://www.eastbayexpress.com/SevenDays/archives/2015/09/28/data-shows-disproportionate-stops-and-searches-of-blacks-and-latinos-by-berkeley-cops>.
- 10 Tracey Kaplan et al., SJPD Data Show San Jose Cops Detained Greater Percentage of Blacks, Latinos, Santa Cruz Sentinel, May 10, 2015, available at <http://www.santacruzsentinel.com/article/NE/20150510/NEWS/150519972>.
- 11 Ian Ayres & Jonathan Borowsky, A Study of Racially Disparate Outcomes in the Los Angeles Police Department (2008), available at <http://islandia.law.yale.edu/ayres/Ayres%20LAPD%20Report.pdf>.
- 12 This report uses the term “Latino” in all instances even when the data source (e.g., U.S. Census or law enforcement data) says “Hispanic.”
- 13 For example, in Berkeley during the first eight months of 2015, 30.5% of all traffic stops were of Black drivers, but Black people make up only 8.4% of Berkeley’s total population. White people are 56% of Berkeley’s total population, but were only 36.7% of those stopped by the police. BondGraham, supra note 9. See also Charles R. Epp, Pulled Over:

- How Police Stops Define Race and Citizenship (University Of Chicago Press 2014). In San Jose, a city where Black and Latino people are slightly more than a third of the population, those groups made up nearly two-thirds of all traffic stops. Black drivers were 8% of the stops, compared with 3% of the population, and Latino drivers were 57% of the stops, but only 33% of the population. Kaplan et al., supra note 10. In Oakland, from September 2014 to September 2015, more than 34,000 people were stopped by Oakland police. About 70% were Black, even though just 26.5% of all Oakland residents are Black. Palomino, supra note 8.
- 14 In Fresno, Latino drivers are pulled over more often than White drivers for “investigatory” stops, based on non-observable offenses. In a 2014 study, Latino drivers were 4.3 times more likely than non-Latino drivers to receive a citation for driving without a license as the sole offense without any other infraction, with “probable cause” noted as justification for the initial stop, instead of a concrete traffic violation. Am. Civil Liberties Union of N. Cal., supra note 5. Similarly, in Berkeley, 66.2% of Black people pulled over were released without an arrest or citation, with Hispanics/Latinos close behind at 56.4%. Only 38.1% of White people stopped by Berkeley police were eventually released without being either arrested or cited, indicating that while police were stopping Black and Latino drivers more frequently, they were not finding justification for the stops at nearly the same rate. Emilie Raguso, Berkeley Coalition Says Policy Stops Show Racial Bias, *Berkeleyside*, Sept. 29, 2015, available at <http://www.berkeleyside.com/2015/09/29/berkeley-coalition-says-police-stops-show-racial-bias/>.
- 15 During a 12-month period in Oakland, more than half of all people stopped for traffic violations were Black, and the driver was searched in 1 of 5 of those stops. White motorists were four times less likely to be pulled over, and those who were stopped were nearly six times less likely to be searched. Palomino, supra note 8. In San Diego, Black drivers were searched three times more than White drivers following traffic stops, and Latino drivers were searched twice as many times as White drivers. Burks, supra note 7.
- 16 In Los Angeles, searched African Americans were 37% less likely than searched Whites to be found with weapons, 24% less likely to be found with drugs, and 25% less likely to be found with other contraband. Ayres, supra note 11, at 7. Despite the highly disproportionate search rates for Black and Latino drivers in San Diego, searches were less likely to result in an arrest for Black and Latino residents, and in more than 90% of all vehicle searches, officers found no drugs or contraband of any kind. Burks, supra note 7.
- 17 Please reference Appendix 1 for an explanation of methodology for obtaining and interpreting the data.
- 18 If a person misses a court appearance for a traffic violation or fails to pay a traffic or infraction ticket, he or she is issued a Failure to Appear (FTA) or a Failure to Pay (FTP). The power to issue that arrest warrant is given by California Vehicle Code section 40508 and California Penal Code section 853.7. While in Los Angeles County, traffic courts treat a Failure to Appear or Failure to Pay as infractions added to an individual’s initial traffic infraction(s), the California Legislature has classified both Failure to Appear and Failure to Pay as misdemeanors, and not infractions, thereby affecting an individual’s criminal record. Cal. Veh. Code § 40000.25. Additionally, the California Penal Code states that willful failures to appear constitute misdemeanors, “regardless of the disposition of the charge upon which he or she was originally arrested.” Cal. Penal Code § 853.7.
- 19 See Cal. Veh. Code § 14601.1(a).
- 20 In conversations with public defenders across the state, the most common reason for a license suspension when a defendant faces a charge of Veh. Code § 14601.1(a) is a Failure to Appear in court on a traffic ticket or Failure to Pay a traffic ticket. Other reasons include insurance lapses or medical conditions commonly recognized as dangerous for drivers. See Interview with Theresa Zhen, Skadden Fellow, A New Way of Life Reentry Project, Los Angeles, Cal. (March 15, 2016.)
- 21 The data from the Sheriff’s Departments only contains information about arrests and charges for Veh. Code §§ 14601.1(a) and 40508(a) violations.

The data does not account for stops and that did not result in an arrest or booking. This limitation in data means that we are undercounting the number of times California residents have been stopped, searched, issued a verbal or written warning or issued a citation. As a result, there are likely many more stops and citations for Driving with a Suspended License and Failure to Appear/Pay than are represented here.

- 22 Jennifer L. Eberhardt et al., *Seeing Black: Race, Crime, and Visual Processing*, 87 *J. Pers. & Soc. Psychol.* 876. Social science research provides helps explain why law enforcement disproportionately targets these neighborhoods. This research shows that explicit and implicit biases create a belief that how one is racially assigned signifies one's degree of criminality. Additionally, a male police officer who stereotypes black males as hypermasculine may feel a threat to his own sense of his own masculinity, triggering a more aggressive response to Black male drivers. These types of biases, the research indicates, lead police officers to use traffic stops to deter Black or brown drivers from engaging in what officers assume to be criminal conduct. See also Epp, *supra* note 13, at xv.
- 23 C.L. Ruby & John C. Brigham, *A Criminal Schema: The Role Of Chronicity, Race and Socioeconomic Status in Law Enforcement Officials' Perceptions of Other*, 26 *J. Appl. Soc. Psychol.* 95 (1996).
- 24 Phillip Atiba Goff et al., *The Essence of Innocence: Consequences of Dehumanizing Black Children*, 106 *J. Pers. & Soc. Psychol.* 526 (2014).
- 25 Greg Moran, *Lawsuit Claims 'North of 8' Favoritism at SDPD, S.D. Union Trib.*, Feb. 15, 2016, available at <http://www.sandiegouniontribune.com/news/2016/feb/15/sdpd-bias-lawsuit/?Watchdog>.
- 26 *Id.*
- 27 See Judicial Council of Cal., *Court Statistics Report xv-xi* (2015), available at <http://www.courts.ca.gov/documents/2015-Court-Statistics-Report-Introduction.pdf>.
- 28 While this report uses the terms "Black" and "Latino", in this instance the terms "African-American" and "Hispanic" have been used to keep consistent with the report cited.
- 29 The study emphasized that "[i]n interpreting the citation disparities, however, it is important to keep in mind the difference between the conditional and unconditional liability of being cited. While Table 9 shows that the citation likelihood conditional on being stopped is less for African Americans than whites, Table 6 shows the unconditional likelihood of African Americans being cited was significantly higher than that of whites. Even after controlling for the local crime rate, African Americans are so much more likely to be stopped than whites, that their probability of being cited is higher." Ayres, *supra* note 11, at 7.
- 30 BondGraham, *supra* note 9.
- 31 Racial disparities in liquid assets are compounded when one encounters a racially skewed justice system. A recent study in Los Angeles showed that Black families only had \$200 in liquid asserts, Mexicans had only \$0, other Latinos had only \$7. Malany De La Cruz-Viesca et al., *The Color of Wealth in Los Angeles* 25 (2016), available at http://www.aasc.ucla.edu/besol/Color_of_Wealth_Report.pdf.
- 32 See, e.g., *DMV Point System in California*, Cal. Dep't of Motor Veh., <http://www.dmv.org/ca-california/point-system.php>.
- 33 Farida Jhabvala Romero, *Driving with Suspended License Top Crime in Menlo Park, Many Lose Cars*, Peninsula Press, June 17, 2015, available at <http://peninsulapress.com/2015/06/17/driving-suspended-license-top-crime-in-menlo-park-california/>.
- 34 Am. Civil Liberties Union of N. Cal., *supra* note 5, at 4.
- 35 California is comprised of 58 counties, each with its own traffic court. Each county has between 1 and 46 branches of the superior court, adding up to nearly 500 different courthouses in the state. Each county has one or more law enforcement agencies that are empowered to issue traffic citations. The California Highway Patrol is a state-wide agency that has jurisdiction to issue traffic citations anywhere in the state. Within the 58 counties,

- there are 482 municipalities. Each city has its own municipal code, its own police force, and its own authority to prosecute infractions. See generally Judicial Council of Cal., *supra* note 27.
- 36 See Cal. Veh. Code § 5204(a).
- 37 *Id.* § 273159(a).
- 38 See Cal. Penal Code §§ 653.20-653.28.
- 39 *Id.* § 640(c)(1).
- 40 Californians are no longer faced with merely the base fine, but are now responsible for penalty assessments and surcharges that more than triple the original fine. On top of those fees, there are add-on fees for numerous state and county funds. See Lawyers’ Committee for Civil Rights of the Bay Area et al., *supra* note 2, at 9.
- 41 See Cal. Veh. Code § 40508(a).
- 42 Cal. Penal Code § 1214.1.1
- 43 In California, third party collections agencies like GC Services or Alliance One are known to provide misleading information about debt. Press Release, Attorney General Kamala D. Harris Issues Consumer Alert on Debt Collectors Misleading Consumers about Traffic Tickets and Infractions Amnesty Program (Oct. 28, 2015), available at <https://oag.ca.gov/news/press-releases/attorney-general-kamala-d-harris-issues-consumer-alert-debt-collectors>.
- 44 See Cal. Veh. Code § 40509.5.
- 45 *Id.*
- 46 See Lawyers’ Committee for Civil Rights of the Bay Area et al., *supra* note 2, at 13. Typically, someone will find out about the FTA/FTP when he or she gets a notice in the mail saying that his or her driver’s license has been suspended. At that point, to lift the license suspension, the person can pay the full balance on the ticket or, in some counties, set a “court date” (arraignment) to be seen by a judge. To contest the ticket at the arraignment, he must pay the entire fine up front. In either situation, he or she must pay the entire amount owed to get his or her license reinstated. *Id.* at 12.
- 47 See generally Adie Tomer et al., Brookings Institute, *Missed Opportunity: Transit and Jobs in Metropolitan American* (2011), available at http://www.brookings.edu/~media/research/files/reports/2011/5/12-jobs-and-transit/0512_jobs_transit.pdf.
- 48 See Tanvi Misra, *Mapping Gentrification and Displacement in San Francisco*, The Atlantic: City Lab (Aug. 31, 2015), available at <http://www.citylab.com/housing/2015/08/mapping-gentrification-and-displacement-in-san-francisco/402559/>.
- 49 Daniel Everett, *San Francisco Housing Squeeze Disparately Impacts African-Americans*, S.F. Bay View (Feb. 21, 2014), available at <http://sfbayview.com/2014/02/san-francisco-housing-squeeze-disparately-impacts-african-americans/>.
- 50 PolicyLink & U. of S. Cal. Program for Env. and Regional Equity, *An Equity Profile in the San Francisco Bay Area 23* (2015), available at http://www.policylink.org/sites/default/files/documents/bay-area-profile/BayAreaProfile_21April2015_Final.pdf.
- 51 See, e.g., Cal. Veh. Code § 12527.
- 52 See, e.g., *Becoming an IHSS Provider*, Cal. Ass’n of Public Authorities for In-Home Supportive Services, <http://www.capaihss.org/faqs.htm#become>.
- 53 See Lawyers’ Committee for Civil Rights of the Bay Area et al., *supra* note 2.
- 54 It would only be unlawful if the applicant had a physical disability and was otherwise able to work, which would constitute disability discrimination.
- 55 A study by the National Bureau of Economic Research found that in a controlled experiment where identical resumes were sent out to prospective employers, some with names that were stereotypically “Black” names and others with stereotypically “White” names, those with

- Black-sounding names were 50% less likely to get a call back from employers. Marianne Bertrand & Sendhil Mullainathan, Nat'l Bureau of Econ. Research, Are Emily and Greg More Employable than Lakisha and Jamal? A Field Experiment on Labor Market Discrimination (2003), available at <http://www.nber.org/digest/sep03/w9873.html>.
- 56 Vera Institute of Justice, *Incarceration's Front Door: The Misuse of Jails in America* (2015).
- 57 Cal. Veh. Code §§ 13352(a)(4), 13352.4(c).
- 58 See, e.g., Cal. Penal Code § 987.5.
- 59 Cal. Veh. Code § 14601.1(b)(1).
- 60 Cal. Veh. Code § 42003(a) allows a driver to pay off traffic fines by doing jail time, but does not mention the substantial add-on fees that come with every ticket. Some courts do not allow people to pay fees through jail time, yet do not make it clear to defendants that the fees will remain after he or she spends time in jail.
- 61 A body of literature concludes that the psychological effect of incarceration is substantial, even among those experiencing relatively short-term confinement in a jail. See, e.g., Mika'il DeVeaux, *The Trauma of the Incarceration Experience*, 48 *Harv. C.R.-C.L. L. Rev.* 257, 258 (2013); Hans Toch, *Men in Crisis: Human Breakdowns in Prison* 149 (2007).
- 62 See, e.g., Bruce Western, *The Impact of Incarceration on Wage Mobility and Inequality*, 67 *Am. Soc. Rev.* 526 (2002).
- 63 See, e.g., Julian P. Cristia, *Rising Mortality and Life Expectancy Differentials by Lifetime Earnings in the United States* (2009).
- 64 Epp, *supra* note 13, at 135.
- 65 The Associated Press, *Justice Department: States Should Not Jail Poor People Over Fine Nonpayment*, NBC News, March 14, 2016, available at <http://www.nbcnews.com/news/us-news/department-justice-states-should-not-jailed-over-fine-nonpayment-n537796>.
- 66 Epp, *supra* note 13, at 140.
- 67 U.S. Dep't of Justice, *supra* note 2, at 17.
- 68 Jack Glaser, *The Efficacy and Effect of Racial Profiling: A Mathematical Modeling Approach* 33 (2004), available at http://ist-socrates.berkeley.edu/~glaserj/glaser_profiling_math_model_o61504.pdf.
- 69 See *supra* note 16; *supra* note 8. Black and Latino drivers are more likely than White drivers to be patted down, frisked, searched, and told to exit their vehicles after they are stopped. See Geoffrey P. Alpert et al., *Los Angeles Pedestrian and Motor Vehicle Post-Stop Data Analysis Report* (2006), available at http://www.analysisgroup.com/uploadedfiles/content/insights/cases/lapd_data_analysis_report_07-5-06.pdf.
- 70 U.S. Dep't of Justice, *supra* note 2, at 17.
- 71 See Lagos, Marisa, S.F. Supervisors' Analyst Recommends Smaller, Cheaper Jail, SFGate.com (Jan. 23, 2014), available at <http://www.sfgate.com/politics/article/S-F-supervisors-analyst-recommends-smaller-5167447.php>. See also Eaglin, Jessica, *California Quietly Continues to Reduce Mass Incarceration*, Brennan Center for Justice (Feb. 17, 2015), available at <https://www.brennancenter.org/blog/california-quietly-continues-reduce-mass-incarceration> (describing California's shifting tide away from mass incarceration in the state).
- 72 See Judicial Council, *California Rules of Court 4.105* (adopted Jun. 8, 2015), available at http://www.courts.ca.gov/documents/2015-07-08_2015-06-08_mtg_rule-4_105.pdf.
- 73 While this section discusses license suspensions due to failures to appear in traffic court or pay fines and fees, license suspensions are also used to collect other court debt, such as child support. See Family Code §17520. Also, while license suspension may be appropriate when ordered

by a court ruling on a safety-related Vehicle Code violation resulting in a car accident, license suspension should not be imposed on low-income people who are simply unable to pay for property or personal damages arising from an accident

- 74 Dixon v. Love, 431 US 105, 113-14 (1977).
- 75 Civil Rights Div., U.S. Dep't of Justice, Dear Colleague Letter (March 14, 2016), available at <https://www.justice.gov/crt/file/832461/download>.
- 76 Suspended/revoked working group, american association of motor vehicle administrators (aamva), best practices guide to reducing suspended drivers 4 (Feb. 2013), available at <http://www.aamva.org/WorkArea/DownloadAsset.aspx?id=3723>.
- 77 The debt relief portion of the Amnesty Program is currently restricted to those with fines incurred before January 1, 2013 and who have never made a payment on their debt. Many counties require a payment to apply for amnesty, effectively shutting out many low-income people living hand-to-mouth with income of only 30-40% of the Federal Poverty Line. In some counties, the Amnesty program is managed by private collections agencies, often employing questionable, even illegal, collection methods. As described in Appendix 2, the Amnesty cut-off date should be extended to January 1, 2016 to account for the large number of people who have gotten their licenses suspended in the last three years. All administrative fees should be waived for low-income people. Courts should permit the performance of community service in lieu of payment under the Amnesty Program. The restrictions on victim restitution and open warrants should be eliminated. Lastly, collections agencies should not be permitted to ask any Amnesty Program participant about any other court-ordered debt.
- 78 See Moran, supra note 25.
- 79 One example of this is the Southern Coalition for Social Justice, a North Carolina-based civil rights nonprofit, which launched a website drawing on public records to publish up-to-date stop, search, and use-of-force data – broken down by race and ethnicity. Ian A. Mance, SCSJ Launches Searchable Website of NC Police Data, <https://www.southerncoalition.org/scsj-launches-searchable-website-of-nc-police-data/>.
- 80 This is in line with recommendations made by the U.S. Department of Justice in its report on Ferguson. U.S. Dep't of Justice, supra note 2, at 90. Measures to reduce bias can include (1) requiring police departments to provide an implicit bias training, (2) requiring police departments to develop a racial impact statement to analyze policies, procedures and practices, and (3) requiring departments to develop plans with targets.
- 81 The City of Durham, North Carolina adopted a written consent-only search policy in late 2014 in response to data which showed “racial bias and racial profiling” in their policing practices. A neighboring city, Fayetteville, adopted a similar policy and found traffic stops reduced by 50% and searches went down by 60%. Jorge Valencia, Can Vehicle Search Consent Forms Diminish Racial Bias? Ask Fayetteville, NC, WUNC, Sept. 18, 2014, available at <http://wunc.org/post/can-vehicle-search-consent-forms-diminish-racial-bias-ask-fayetteville-nc#stream/o>.
- 82 It is not novel to require that an agency achieve threshold reductions. For example, California was ordered by a federal court to reduce the state's prison population. See Respa, Robin, California prison reforms have reduced inmate numbers, not costs, Reuters.com, Jan. 6, 2016, available at <http://www.reuters.com/article/us-california-prison-budget-insight-idUSKBN0UKoJ520160106>.
- 83 ZIP Code Tabulation Areas, U.S. Census, <https://www.census.gov/geo/reference/zctas.html>.
- 84 Note that not all the recommendations under this section would not be necessary if the Legislature retroactively applies a new policy to end all use of license suspension for collection of court-ordered debt, pursuant to Recommendation A.1, above.
- 85 See Cal. Gov't Code §§ 25257-25259.95.



EXHIBIT K

**MOTOR VEHICLES
AFFORDABILITY AND FAIRNESS TASK FORCE**

FINAL REPORT

February 2006

Presented to

Governor Jon S. Corzine

and

The New Jersey State Legislature

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ACKNOWLEDGEMENTS

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The members of the Task Force would like to thank **Jon Carnegie**, Assistant Director of the Alan M. Voorhees Transportation Center at Rutgers, The State University of New Jersey, and Secretary to the Task Force and **Andrea Lubin**, Project Manager at the Voorhees Transportation Center who provided insightful research and skillful administrative support throughout the Task Force's tenure.

In addition, the Task Force would like to thank the following subject matter experts, invited guests and administrative support staff without whose help the work of the Task Force could not have been completed:

NJ Motor Vehicle Commission:

Donald Borowski
Kim Borowski
Mick Byers
Melissa Demko
Wayne Dirlam
Jack Donnelly
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Lee Jackson
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Sgt. Lazzaro Mazza , Paterson Police Department
Stephen Monson, NJ Deputy Attorney General
Adara Porter, Senator Shirley Turner's Office

Finally, the Task Force would also like to thank the members of the public who took the time to provide testimony and/or written comments to the Task Force and those individuals who participated in roundtable discussions and interviews conducted by the Motor Vehicle Commission and the Voorhees Transportation Center on behalf of the Task Force.

EXECUTIVE SUMMARY

Background and Introduction

The Motor Vehicles Affordability and Fairness Task Force was created by New Jersey statute, N.J.S.A. 39:2A-30 (L.2003,c.13,s.30). The charge of the Task Force as defined by that statute is as follows:

...to study the impact of the current point system and non-driving related suspension of driving privileges, in particular, the Merit Rating Plan Surcharges, on the driving public and make recommendations for the reform of the surcharge suspension program to increase motorist safety. In addition, the task force shall examine 'The Parking Offenses Adjudication Act,' P.L.1985, c.14 (C.39:4-139.2 et seq.) and municipal court processes related thereto, as well as court actions on surcharge assessments and license suspensions related to nonpayment of fines or tickets as well as motor vehicle moving violations.

The Task Force convened for the first time on February 25, 2005. At that first meeting, New Jersey Motor Vehicle Commission (MVC) Chief Administrator Sharon Harrington was named chair of the Task Force and Jon Carnegie, assistant director of the Alan M. Voorhees Transportation Center at Rutgers University was named Task Force secretary. In addition, three Task Force subcommittees were formed as follows:

- Subcommittee 1: Parking Offenses Adjudication Act (POAA) and other non-driving related offenses
- Subcommittee 2: Point system & other driving related offenses
- Subcommittee 3: Insurance Surcharge Program

Including its first meeting, the full Task Force met four times during 2005/2006. In addition, each of the Task Force subcommittees met four times to examine and discuss the specific topics under their purview.

The Task Force understands that driving and registering a vehicle in New Jersey is a privilege and that every citizen has a duty to abide by the laws of the State. Similarly, the Task Force recognizes the important public safety purpose served by suspending the driving privileges of those that fail to live up to their obligation to drive safely. However, after a year of investigation, the Task Force has concluded that the current system of license suspension in New Jersey, as it has grown and evolved over the years, has de-emphasized motorist safety as the primary reason for suspension. Instead, the system results in license suspensions, most frequently, for reasons unrelated to promoting highway safety. Further, the Task Force finds that license

suspensions often have serious, albeit unintended, consequences especially for low income drivers. These consequences include loss of employment and/or income; higher insurance premiums; as well as a variety of psychological and social impacts.

As detailed in this report, the Task Force finds that key elements of the current system need reform. Specifically:

- The courts and MVC need to be given more flexibility and greater discretion to address the unique circumstances of each case, especially for suspensions resulting from financial reasons.
- There is a need for greater public education regarding license suspension laws and the potential direct and indirect consequences of license suspension.
- License suspension notification procedures and documents need to be improved to ensure notifications are received and to communicate better the importance of addressing suspension issues; and
- Social service agencies and employment counselors need to be educated regarding the license restoration process and resources available to help their clients regain driving privileges.

In addition, there was substantial discussion at Task Force meetings that led to a recommendation that the State consider creating a restricted-use license program to help those drivers who, for financial reasons, are unable to pay court-ordered installment plans, child support orders, and MVC insurance surcharges in order to gain their full driving privileges back.

Driver's License Suspension in New Jersey

New Jersey has approximately six million licensed drivers. The vast majority of these drivers remain violation and suspension free throughout their driving years. **Only a small percentage of drivers (five percent) have their driving privileges suspended or revoked at any given time.** Forty three percent of New Jersey drivers reside in urban areas, while 38 percent live in suburban areas and 19 percent live in rural parts of the State (see figure ES2). Most New Jersey drivers live in middle income areas. Only about 17 percent of all licensed drivers in the State live in lower income zip codes and 12 percent live in high income areas (see figure ES3).

Contrary to the legislative declaration that accompanied the Task Force legislation, it does not appear that there has been an upward trend in the number of license suspensions being ordered or confirmed by the MVC. An analysis of time series data indicates that over the past ten years the number of suspensions has fluctuated but has remained relatively constant at approximately 800,000 +/- per year. This figure represents the total of individual suspension actions taken, NOT the number

of drivers subject to those actions. For example, it is common for an individual driver to have several active suspension orders on his/her record at a given time. So, the number of suspended drivers at any given time is far less than the number of suspensions ordered or confirmed each year.

Driver's license suspension was originally conceived as a sanction used to punish "bad drivers." The logical nexus between driving behavior and sanction was clear. However, today in New Jersey, most license suspensions are not imposed to punish habitual bad driving. The reasons for driver's license suspension are diverse, complex and sometimes interrelated. Reasons include those that are clearly **driving related** (e.g., DUI, point accumulation, reckless driving, and driving while suspended); those that are clearly **not driving related** (e.g., compliance reasons such as failure to pay child support or failure to appear in court for a non-driving offense and suspensions imposed for drug-related offenses not involving the operation of a motor vehicle); and those that are for **compliance reasons indirectly related to driving behavior or motor vehicle use**. These include: failing to appear in court to pay/satisfy a parking ticket or moving violation; failing to maintain proper auto insurance; and failing to pay MVC insurance surcharges that stem from a driving related infraction.

Most suspended drivers (64 percent) have more than one active suspension. Less than six percent of all suspended drivers are suspended for purely driving-related reasons. The vast majority of drivers are suspended not for habitual "bad driving," but for a variety of compliance reasons stemming from one or more motor vehicle infraction, parking tickets, or failing to maintain proper insurance. Only a small percentage of drivers, less than five percent, are suspended for purely non-driving, non-motor vehicle related reasons. It is noteworthy that most suspended drivers (59 percent) have zero motor vehicle violation points. However, it should also be noted that some serious driving offenses, such as DUI and driving while suspended do not result in the assessment of motor vehicle points. Instead, in most cases, these violations carry substantial fines and mandatory suspension periods.

A detailed analysis of suspension statistics and survey data specific to New Jersey indicates that suspended drivers tend to be younger male drivers. Furthermore, **a disproportionate number of suspended drivers reside in urban and low-income areas** when compared to the distribution of all New Jersey licensed drivers. Although only 43 percent of New Jersey licensed drivers reside in urban areas (see figure ES1), 63 percent of suspended drivers live there (see figure ES2). At the same time only 16.5 percent of New Jersey licensed drivers reside in lower income zip codes (see figure ES3), while 43 percent of all suspended drivers live there (see figure ES4).

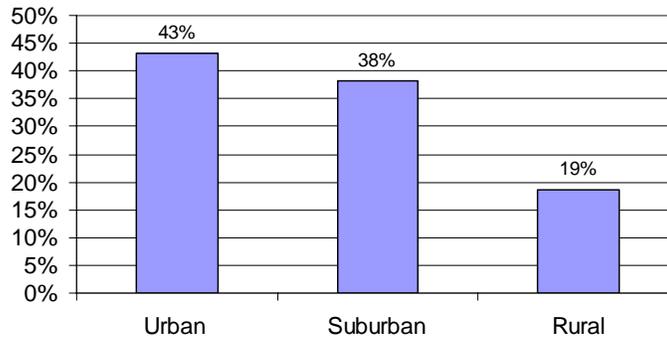


Figure ES1 – Distribution of New Jersey licensed drivers by population density

Source: Driver’s License Suspension, Impacts and Fairness Study, Carnegie forthcoming

Notes: Density calculation based on zip code data from 2000 US Census - Urban = >800 persons/sq. mi; Suburban = 200-800 persons/sq. mi; Rural = < 200 persons/sq. mi.

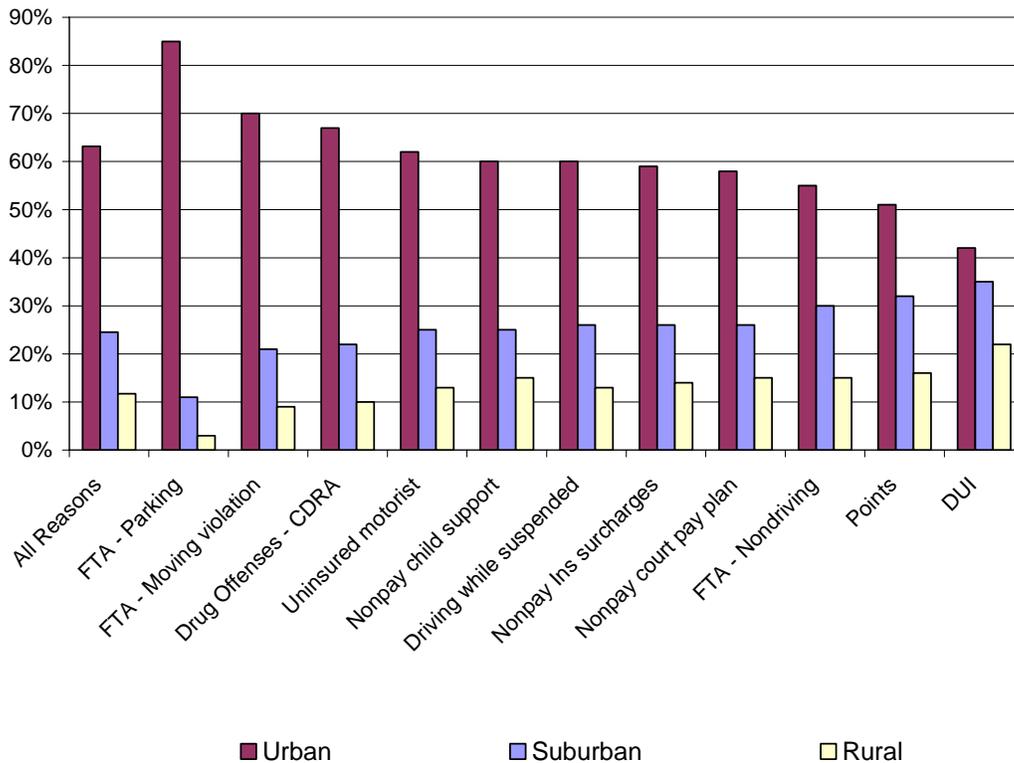


Figure ES2 – Distribution of suspended drivers by population density (May 2004)

Source: Driver’s License Suspension, Impacts and Fairness Study, Carnegie forthcoming

Notes: FTA - Failure to Appear in a court of law; Suspended drivers include currently suspended drivers who have had their driving privileges withdrawn at least one time for the stated reason; Density calculation based on zip code data from 2000 US Census - Urban = >800 persons/sq. mi; Suburban = 200-800 persons/sq. mi; Rural = < 200 persons/sq. mi.

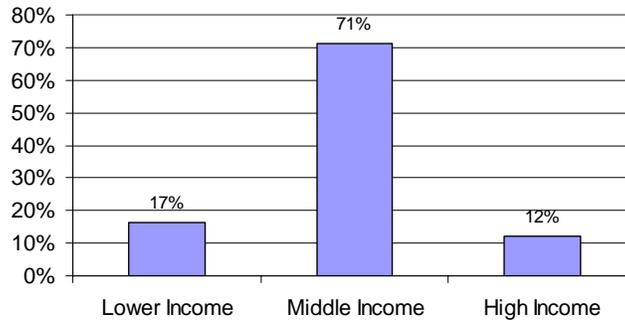


Figure ES3 – Distribution of New Jersey licensed drivers by income class

Source: Driver’s License Suspension, Impacts and Fairness Study, Carnegie forthcoming

Notes: Income classifications based on zip code data from 2000 US Census – Lower income areas defined as having an average annual household income less than \$40,000, middle income areas have an average household income between \$40,000 and \$85,000, high income areas have an average household income greater than \$85,000.

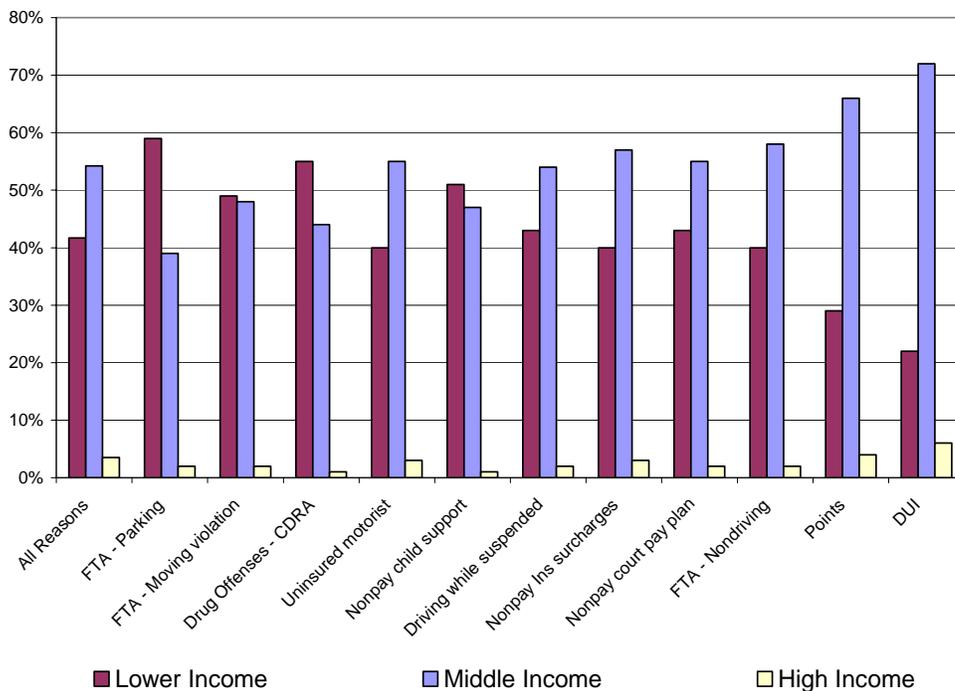


Figure ES4 – Distribution of suspended drivers by income class (May 2004)

Source: Driver’s License Suspension, Impacts and Fairness Study, Carnegie forthcoming

Notes: FTA - Failure to Appear in a court of law; Suspended drivers include currently suspended drivers who have had their driving privileges withdrawn at least one time for the stated reason; Income classifications based on zip code data from 2000 US Census – Lower income areas defined as having an average annual household income less than \$40,000, middle income areas have an average household income between \$40,000 and \$85,000, high income areas have an average household income greater than \$85,000.

This may be due to a variety of reasons. For example, most parking infractions occur in urban areas because urban areas have more parking restrictions than suburban and rural areas. As such, urban residents have a greater chance of violating parking laws. Similarly, the street and highway network in urban areas is more dense, with higher levels of traffic, more intersections, stop signs, traffic lights, and slow speed zones than suburban and rural areas. Generally, there is also a greater law enforcement presence in urban communities. Consequently, there are more opportunities to violate traffic laws and urban residents may be at greater risk of being observed violating traffic laws. Finally and perhaps most obviously, low income residents are more concentrated in the State's urban areas. This population may be less able to pay fines, fees and surcharges given their more limited financial resources.

The Impacts of Driver's License Suspension

The obvious and most direct impact of license suspension is loss of personal mobility. However, ***suspension may also have collateral and/or unintended consequences such as job loss, difficulty in finding employment, and reduced income.*** Consequences can also include other financial impacts, such as ***increased insurance premiums*** and other costs associated with suspension; as well as ***psychological and social impacts such as loss of freedom, increased stress, and family strain.*** In addition, ***suspension can also have broader economic and societal impacts such as limiting the labor force for specific industries*** such as automobile sales and services, home health care aides and the construction trades. Jobs in each of these industries depend on semi-skilled workers with a valid driver's license.

According to a recent survey of suspended drivers conducted by researchers at Rutgers University, many respondents with a history of license suspension experienced employment impacts resulting from their suspension (Carnegie forthcoming):

- ***42 percent of survey respondents with a history of suspension lost their jobs when they had their driving privileges suspended.*** Job loss was experienced across all income and age groups; however it was most significant among low-income and younger drivers.
- ***45 percent of those that lost their job because of a suspension could not find another job.*** This was true across all income and age groups but most pronounced among low-income and older drivers.
- ***Of those that were able to find another job, 88 percent reported a decrease in income.*** This was true in all income and age groups but most significant among low-income drivers.

In addition, most survey respondents with a history of suspension also reported experiencing psychological and social impacts associated with license suspension:

-
- 85 percent of those with a history of suspension noted that they “often” or “sometimes” thought about the suspension when not intending to.
 - 72 percent reported that any reminder of their suspension brought back negative feelings about it.
 - 69 percent felt ashamed of their suspension; and 68 percent noted they were embarrassed to tell anyone about their suspension.
 - 81 percent reported experiencing a loss of freedom.
 - 83 percent experienced increased stress.
 - 74 percent reported that suspension placed a strain on family, friends and colleagues.
 - 46 percent reported lacking a form of identification.

A number of individuals providing testimony and/or comments noted that license suspension can have economic effects that go beyond impacts to the individual and family. They suggested that limitations on an individual’s mobility, such as that which occurs after license suspension, can limit the labor force available to fill jobs in some areas for certain types of jobs. For example:

- License suspension can limit the labor force available to fill jobs in key industries, such as home health care aides, motor vehicle sales and services, and the construction trades, which require a valid license as a condition of employment.
- In addition, many employers use possession of a valid driver’s license as a pre-qualifying “screening” question. This may unnecessarily limit the available labor force when driving a motor vehicle is not integral to job responsibilities.

The following other potential economic impacts were noted:

- Fewer drivers may result in fewer automobile sales and less automobile related purchases for gas, service and insurance, which in turn results in decreased tax revenue for the State.
- Drivers with suspended licenses that are unable to secure gainful employment or who are forced to take jobs that pay less may require public assistance payments, which is a cost to the State and its taxpayers. The costs to the State may also include lost income tax revenue from lower rates of employment and lower wages.

Restricted use driver's license programs

Conditional or restricted-use driver's licenses are available in 39 states and the District of Columbia. These licenses allow some or all suspended/revoked drivers to receive limited driving privileges during the time they are suspended. Program eligibility varies widely from state to state. Some states offer restricted-use licenses to drivers suspended for compliance reasons, but most states limit the use of restricted-use licenses to drivers with time delimited suspensions, such as those imposed for a first time DUI offense, for point accumulation and for other traffic violations after a specified minimum period of suspension is served. Most often, the waiting period ranges from 30 to 90 days, although a few states require all conditional license applicants to serve half of their suspension/revocation period prior to being considered eligible for the license.

In most states, conditional or restricted-use licenses are not available to drivers suspended/revoked for multiple DUI offenses, negligent vehicular homicide, or habitual offenders. Furthermore, in most states, drivers suspended for compliance reasons are not eligible.

Permitted travel and associated restrictions related to conditional use licenses also vary by state. Some limit travel for employment purposes, while others are more lenient and allow travel for many other reasons, including medical purposes, school, child/elder care, "homemaker" duties and travel to and from religious services. Penalties for violating program restrictions most typically involve the cancellation of the restricted-use license and reinstatement of the original suspension or revocation. Some states also extend the original suspension/revocation period, between several months to double the original period.

A recent survey of New Jersey drivers found that more than three-quarters of survey respondents supported the creation of a restricted-use license program for at least some suspended drivers under certain circumstances. Although support was greatest among drivers with a history of suspension, 69 percent of those drivers that have never been suspended expressed support for such a license (Carnegie, forthcoming).

Task Force Recommendations

The following recommendations were developed by the Task Force taking into consideration the data and information provided to the Task Force and its subcommittees by subject matter experts and outside researchers, public testimony and comment received as part of its outreach activities and deliberative discussions that took place at each of its meetings. The recommendations are intended to address the affordability and fairness of license suspension in New Jersey while balancing the need to maintain the deterrent and coercive effects license suspension provides as well as being sensitive to the potential revenue impacts of certain proposals. The

recommendations presented here have been abridged for quick reference. More detailed recommendations appear in section five of the report.

1. Provide judges with more discretion when establishing time payment orders.
2. Make payment of court-administered fines and time payment orders easier for drivers.
3. Amend the Parking Offenses Adjudication Act to permit suspension of vehicle registration as an alternative to license suspension.
4. Provide courts with greater discretion to allow payment plans in excess of 12 months for those failing to pay child support arrears and support initiatives to increase compliance with child support payments using driver's license suspension as a remedy of last resort.
5. Amend N.J.S.A 39:3-40 to provide courts with greater discretion regarding the imposition of additional mandatory suspension time when drivers are convicted of driving while suspended for non-driving reasons. Consider whether the current fine amounts defined in the statute are appropriate given the nature of each offense.
6. Make payment of outstanding MVC insurance surcharges and restoration fees easier and more affordable for low income drivers.
7. Conduct a revenue impact study to determine if lowering current surcharge amounts would increase overall collection rates and maintain or increase overall revenue from the insurance surcharge program.
8. Rename the insurance surcharge program to reflect its current purpose as a driver responsibility assessment.
9. Increase public awareness and understanding of the insurance surcharge program and the potential consequences of not paying the surcharges.
10. Develop informational materials to increase public awareness and understanding of the potential consequences of motor vehicle violations, including: fine amounts (for frequent violations), point accumulation, insurance surcharges and potential license suspension.
11. Conduct a comprehensive review of New Jersey's current point system and driver improvement programs to determine the effectiveness of the programs relative to ensuring highway safety.
12. Address issues that contribute to license suspensions for failing to maintain insurance.

-
13. Regulate and/or limit insurance premium increases that are based on license suspensions for non-driving reasons.
 14. Consider creating a restricted-use license program for drivers suspended for financial reasons.
 15. Change license suspension notification documents to make them easier to understand and include supplemental education materials to communicate the seriousness of license suspension and its potential consequences.
 16. Improve communication with the public and increase awareness among drivers facing license suspension that MVC has an administrative hearing process available to address the individual circumstances of their suspensions.
 17. Undertake a sustained and systemized effort to provide social service agencies, employment counseling agencies, One-Stop Career Centers, Department of Corrections personnel, parole officers and support staff at transitional facilities with the information, training and tools they need to more effectively assist clients to address license suspension and restoration issues.
 18. Elevate the importance of dealing with license restoration issues as part of the Department of Corrections discharge planning process.
 19. Increase awareness among county social service agencies that public assistance funds (e.g., TANF and other federal programs permitting the use of funds for transportation purposes) can be used to pay surcharges, fees and fines associated with license suspension as a means to promote employment opportunities among eligible recipients and increase collections.
 20. Amend existing laws, policies and procedures governing address change notification to increase the accuracy of MVC mailing address data.
 21. Monitor the License Restoration Program of the Essex County Vicinage and evaluate its effectiveness as a potential model for other jurisdictions.

Implementing these recommendations will require the participation and sustained commitment of many organizations, agencies and individuals. Section six of this report provides a framework for implementation by identifying potential implementation partners and specifying which entities might take a leadership and/or supporting role in advancing specific recommendations.

SECTION ONE: REPORT OUTLINE AND BACKGROUND

Report Outline

Section one of this report provides background on the Task Force and briefly describes the public outreach activities undertaken by the Task Force over the past year. Section two provides an overview of driver's license suspension in New Jersey, including a description of the various reasons for suspension and detailed statistics that document patterns of suspension in terms of age, gender and residence location. Section three describes the collateral and unintended consequences that result from license suspension as documented through survey research, public testimony and comment received by the Task Force, and input received through roundtable discussions and interviews conducted on behalf of the Task Force. Section four provides an overview of restricted use license programs used in other states. Section five presents the Task Force's detailed recommendations for addressing the affordability and fairness of license suspension in New Jersey. Finally, section six describes a framework for implementing the Task Force recommendations by identifying the agencies and organizations that could play a leadership or supporting role in advancing specific proposals.

Background

On April 25, 2002, former Governor James E. McGreevey signed Executive Order Number 19, which established the "Fix DMV" Commission. The twelve-member Commission was charged with conducting a comprehensive review of the Division of Motor Vehicles to determine what reform efforts would enable the Division to operate as a more secure, efficient and customer-focused Division. Once formed, the Commission was given 120 days to complete its analysis and prepare a report detailing its recommendations.

On November 7, 2002 the Commission issued its final report. The report focused on the urgent need to meet or exceed customer satisfaction and expectations and to improve the Division's security. The need for structural and organizational changes, as well as technological modernizations, including implementation of digital driver licenses and an overhaul of the DMV computer system, were also recommended.

On January 28, 2003, Governor McGreevey signed "The Motor Vehicle Security and Customer Service Act" into law. The law abolished the New Jersey Division of Motor Vehicles (DMV) and replaced it with the semi-autonomous New Jersey Motor Vehicle Commission (MVC), in but not of the New Jersey Department of Transportation. In addition, the law required a series of reforms designed to carry out the "Fix DMV" Commission's recommendations related to improved customer service, modernization of MVC technology, enhanced security, including the implementation of digital licensing, and improved efficiency.

The law also called for the creation of the Motor Vehicles Affordability and Fairness Task Force. As detailed below, the Task Force was charged with investigating "...the impact of the current point system and non-driving related suspension of driving privileges, in particular, the Merit Rating Plan Surcharges, on the driving public and make recommendations for the reform of the surcharge suspension program to increase motorist safety."

Task Force Mission and Charge

The Motor Vehicles Affordability and Fairness Task Force was created by New Jersey statute, N.J.S.A. 39:2A-30 (L.2003,c.13,s.30) and was intended to be comprised of nineteen members, at least nine of whom are public members. In total, seventeen individuals served on the Task Force.

The charge of the Task Force as defined by that statute is as follows:

...to study the impact of the current point system and non-driving related suspension of driving privileges, in particular, the Merit Rating Plan Surcharges, on the driving public and make recommendations for the reform of the surcharge suspension program to increase motorist safety. In addition, the task force shall examine 'The Parking Offenses Adjudication Act,' P.L.1985, c.14 (C.39:4-139.2 et seq.) and municipal court processes related thereto, as well as court actions on surcharge assessments and license suspensions related to nonpayment of fines or tickets as well as motor vehicle moving violations.

The Task Force was also charged with developing recommendations regarding the following specific issues:

1. The rapid growth in the number of driver's license suspensions;
2. The identification and regulation of drivers to deter unlawful and unsafe acts;
3. The establishment of a mechanism to assist low-income residents that are hard pressed to secure the restoration of driving privileges;
4. The reform of the parking ticket suspension system and "The Parking Offenses Adjudication Act;" and
5. Increasing the collection of outstanding surcharges.

The law further specified that the study shall include, but not be limited to, investigating issues of motor vehicle safety, insurance, finance and socioeconomic conditions. The Task Force shall review and analyze studies examining the social impacts of driver's

license and registration suspensions. The Task Force shall also review and analyze studies and statistics regarding surcharges and suspensions to develop recommendations for reform.

The Task Force shall develop recommendations for public and private strategies and recommendations for legislative or regulatory action, if deemed appropriate, to address these issues. The recommendations shall include suggestions for the development of public information campaigns to educate and inform motorists about driver's license and registration suspensions, and methods of lessening financial and social burdens on motorists.

The Task Force's recommendations shall be aimed at developing and implementing an amnesty policy and a reform of the surcharge suspension. The Task Force shall review the impact of suspension of driving privileges upon businesses and individuals dependent upon having a valid driver's license for gainful employment and to conduct commerce in this State.

Task Force Organization

As noted above, seventeen members were designated and/or appointed to serve on the Task Force. The Task Force convened for the first time on February 25, 2005. At that first meeting, MVC Chief Administrator Sharon Harrington was named chair of the Task Force and Jon Carnegie, assistant director of the Alan M. Voorhees Transportation Center at Rutgers University, was named Task Force secretary. In addition, three Task Force subcommittees were formed as follows:

- Subcommittee 1: Parking Offenses Adjudication Act (POAA) and other non-driving related offenses
- Subcommittee 2: Point system & other driving related offenses
- Subcommittee 3: Insurance Surcharge Program

Including its first meeting, the full Task Force met four times during 2005/2006. In addition, each of the Task Force subcommittees met four times to examine and discuss the specific topics under their purview.

Public Outreach

The Task Force sponsored four public forums in June and July 2005 to receive testimony from the general public and interested parties on the impacts of license suspension and solicit ideas regarding potential remedies to address those impacts. The hearings were held at transit accessible locations in Newark, New Brunswick, Camden and Atlantic City. Thirty five participants provided testimony. In addition, 89

individuals sent comments to the Task Force via an email address advertised on the MVC website and by regular mail.

To supplement the input received from the public, the Task Force conducted two roundtable discussions and six telephone interviews with law enforcement officers, workforce development professionals, legal aid counselors, parole officers and representatives from relevant industry sectors and social service organizations. The roundtable discussions and interviews were conducted in September and October 2005. Highlights from the public comments received are included in section four. A complete summary of public testimony and comments and meeting reports from the roundtable discussions and interviews are included in Appendix E.

SECTION TWO: DRIVER'S LICENSE SUSPENSION IN NEW JERSEY

New Jersey has approximately six million licensed drivers. The vast majority of these drivers remain violation and suspension free throughout their driving years. Only a small percentage of drivers (five percent) have their driving privileges suspended or revoked at any given time.

In New Jersey, driving and registering a motor vehicle are considered privileges, not rights, which may be removed ("suspended") for reasonable grounds. New Jersey utilizes the term suspension, instead of revocation, to denote a temporary, rather than permanent, withdrawal of the privilege(s). Driver's license suspensions are distinguished broadly in New Jersey by the following factors:

1. Whether the suspension(s) is imposed by court action or by the MVC (administrative);
2. Whether the suspension(s) is for a finite or indefinite period of time. The latter term indicates that the suspension period is dependent upon compliance with some requirement or payment;
3. Whether the suspension(s) is mandatory (e.g., DUI penalties) or discretionary (e.g., point system with option for a hearing at MVC); and
4. What privilege(s) are affected by the suspension(s): driving, registration, driving & registration, or specific endorsements on commercial licenses (e.g., carrying school-age children).

When a driver's license is suspended by court action, the MVC's role involves record-keeping and confirmation to the customer only. When the MVC suspends a driver's license, the Commission is responsible for giving notice of the proposed suspension and for providing procedural due process in the form of pre-hearing conferences at the MVC and hearings before the Office of Administrative Law.

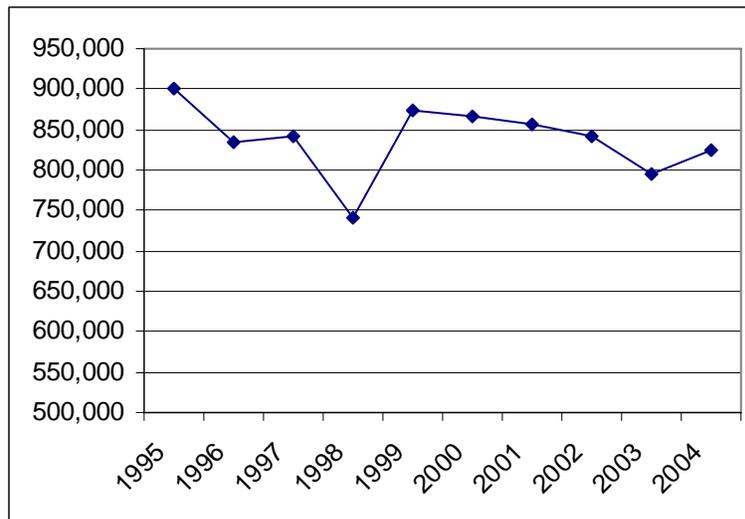
Overview of New Jersey Suspension Statistics

Over the past ten years, a yearly average of approximately 838,000 suspensions have been ordered and/or confirmed by MVC (see table 1 and figure 1). The number of annual suspensions has ranged from a high of approximately 900,000 in 1995 to a low of approximately 740,000 in 1998. These figures represent totals of individual suspension actions taken, NOT the number of drivers subject to those actions. For example, it is common for an individual driver to have several active suspension orders on his/her record at a given time. It is valuable to note that overall, at any given time, approximately five percent of New Jersey's approximately six million licensed drivers are suspended.

Table 1 - Number of suspensions ordered or confirmed by MVC annually

Year	Suspension Orders
2004	825,320
2003	795,258
2002	841,097
2001	856,816
2000	867,065
1999	874,866
1998	740,710
1997	842,105
1996	833,905
1995	902,033

Source: NJ Motor Vehicle Commission



Source: NJ Motor Vehicle Commission

Figure 1. Ten year history of suspensions ordered or confirmed by MVC

Characteristics of suspended drivers in New Jersey

The following suspended driver statistics were developed as part of the *Driver's License Suspension, Impacts, and Fairness Study* (Carnegie forthcoming), conducted by the Alan M. Voorhees Transportation Center at Rutgers University for the New Jersey Motor Vehicle Commission (MVC) and New Jersey Department of Transportation. Researchers derived the statistics using data sampled from the MVC driver history database in May 2004. For the purpose of the study, "active" suspended drivers were defined as New Jersey drivers possessing a current (not expired) driver's license and those with driver's licenses that expired after May 2001 who had one or more suspension orders recorded on their driver history record (Carnegie forthcoming).

Age and gender profile of suspended drivers

In May 2004, there were 289,600 suspended New Jersey drivers (see table 2). This represents slightly less than five percent of the State's approximately six million licensed drivers. As shown in table 2, the vast majority of suspended drivers in New Jersey are male (70 percent); and most (59 percent) are between the ages of 25 and 44.

A review of driver's license suspension statistics in other states reveals that suspension rates in New Jersey are slightly less than the rates observed in other states (see table 3). Furthermore, a review of driver's license suspension studies conducted in other states indicates that suspended drivers in those states tend to also be male and between the ages of 25 and 44 (Carnegie forthcoming).

Table 2 - Number of suspended drivers by gender and age group (May 2004)

Age Group	Male Drivers		Female Drivers		All Drivers	
	Number	Percent	Number	Percent	Number	Percent
16-17	194	0.1%	52	0.1%	246	0.1%
18-24	35,046	17.2%	12,875	14.9%	47,921	16.5%
25-34	69,082	34.0%	28,062	32.5%	97,144	33.5%
35-44	51,958	25.6%	22,098	25.6%	74,056	25.6%
45-54	26,778	13.2%	11,942	13.8%	38,720	13.4%
55-64	10,269	5.1%	4,662	5.4%	14,931	5.2%
65-84	7,657	3.8%	4,867	5.6%	12,524	4.3%
85+	2,322	1.1%	1,736	2.0%	4,058	1.4%
Total	203,306	100.0%	86,294	100.0%	289,600	100.0%

Source: Driver's License Suspension, Impacts and Fairness Study, Carnegie forthcoming

Table 3 – Suspension rates in other states

State	# of Licensed Drivers	# of Suspended Drivers	Rate
Alabama	480,000	27,213	6%
Arkansas	1,900,000	101,500	5%
Connecticut	2,300,000	134,000	6%
Delaware	570,000	78,660	14%
Idaho	1,000,000	70,000	7%
Illinois	8,400,000	258,511	3%
Iowa	2,000,000	57,000	3%
Kansas	1,900,000	103,000	5%
Minnesota	3,600,000	163,500	5%
Missouri	3,500,000	320,344	9%
Montana	450,000	31,931	7%
Nebraska	1,300,000	53,539	4%
New Jersey	6,100,000	290,000	5%
North Dakota	457,000	27,000	6%
Ohio	8,728,546	611,064	7%
Oklahoma	2,300,000	81,040	4%
Pennsylvania	8,300,000	600,000	7%
Tennessee	4,200,000	246,000	6%
Texas	15,000,000	430,000	3%
Washington	4,300,000	364,000	8%
Wisconsin	3,700,000	403,586	11%
Wyoming	455,000	15,000	3%
Average			6%

Source: Driver's License Suspension, Impacts and Fairness Study, Carnegie forthcoming

Incidence of multiple suspensions and suspended drivers with points

In addition to age and gender, researchers at Rutgers examined the incidence of multiple suspensions among New Jersey suspended drivers and the number of suspended drivers with motor vehicle moving violation points. As shown in table four, it is quite common for suspended drivers in New Jersey to have more than one suspension. Almost two thirds (64 percent) of suspended drivers have two or more active suspensions and almost one quarter (21 percent) have 10 or more active suspensions.

As described more fully later in this section, the MVC monitors driving behavior by means of a point system under which drivers are assessed points for motor vehicle moving violations. The accumulation of points is used as an indicator of “bad” driving behavior. It is interesting to note that most suspended drivers in New Jersey (59 percent) have zero points (see table 5). The vast majority (85 percent) have six points

or fewer, the threshold used by MVC to trigger advisory notification of potential corrective actions to be taken to address bad driving behavior.

Table 4 - Incidence of multiple suspensions among suspended drivers (May 2004)

No. of Suspensions	No. of drivers	Percent
1	105,020	36%
2	37,603	13%
3	22,575	8%
4	16,772	6%
5	13,166	5%
6	10,865	4%
7	9,249	3%
8	7,819	3%
9	6,673	2%
10	5,863	2%
11	4,989	2%
12	4,583	2%
13	3,959	1%
14	3,658	1%
15 or more	36,806	13%
Total	289,600	100%

Source: Driver's License Suspension, Impacts and Fairness Study, Carnegie forthcoming

Table 5 - Point accumulation by suspended drivers (May 2004)

No. of points	No. of drivers	Percent
0 points	170,407	59%
1-6 points	74,087	26%
7-12 points	25,970	9%
> 12 points	19,136	7%
Total	289,600	100%

Source: Driver's License Suspension, Impacts and Fairness Study, Carnegie forthcoming

Geographic profile of suspended drivers in New Jersey

Rutgers researchers also utilized MVC data to examine geographic patterns of suspension using residence location data. Residence information for suspended drivers was mapped and aggregated by zip code to determine if suspension patterns varied in different parts of the State. Suspension rates for each zip code were calculated by dividing the number of suspended drivers by the number of licensed drivers in each zip code to control for the density of licensed drivers in urban versus suburban and rural areas. Suspension rates for each zip code were then associated with population density and household income data from Census 2000 to facilitate an analysis of suspension patterns (Carnegie forthcoming).

As shown in the table 6, approximately 43 percent of the State's licensed drivers reside in urban areas. Approximately 46 percent reside in middle income zip codes; and approximately 16.5 percent reside in lower income areas. However, as shown in table 7, a significantly higher percentage of suspended drivers live in urban (63 percent) and low income (42 percent) areas.

Table 6 - Distribution of NJ licensed drivers by area type and income class (May 2004)

	Licensed Drivers			% of total
	Male	Female	Total	
Statewide	3,042,560	3,130,632	6,173,192	100%
By Population Density ¹				
Urban (>800 p/sq mi)	1,322,677	1,335,069	2,657,746	43.1%
Suburban (200-800 p/sq mi)	1,155,525	1,207,671	2,363,196	38.3%
Rural (<200 p/sq mi)	564,358	587,892	1,152,250	18.7%
By HH Income Class ²				
High (>\$85,000)	367,170	381,658	748,828	12.1%
Middle High (\$65,001 - \$85,000)	767,114	798,038	1,565,152	25.4%
Middle (\$40,001 - \$65,000)	1,402,046	1,439,537	2,841,583	46.0%
Low (\$20,000 - \$40,000)	492,436	496,546	988,982	16.0%
Low-Low(<\$20,000)	13,794	14,853	28,647	0.5%

Source: Driver's License Suspension, Impacts and Fairness Study, Carnegie forthcoming

Notes: 1- density calculation based on zip code data from 2000 US Census;

2 - income classifications based on zip code data from 2000 US Census

Special Note: 1,788 records could not be matched to zip code reference file

Table 7 - Distribution of suspended drivers by area type and income class (May 2004)

	Suspended Drivers			% of total
	Male	Female	Total	
Statewide	203,306	86,294	289,600	100.0%
By Population Density ¹				
Urban (>800 p/sq mi)	127,960	55,047	183,007	63.2%
Suburban (200-800 p/sq mi)	50,290	20,538	70,828	24.5%
Rural (<200 p/sq mi)	23,753	10,224	33,977	11.7%
Unknown *	1,303	485	1,788	0.6%
By HH Income Class ²				
High (>\$85,000)	7,129	2,952	10,081	3.5%
Middle High (\$65,001 - \$85,000)	25,238	10,288	35,526	12.3%
Middle (\$40,001 - \$65,000)	85,184	36,255	121,439	41.9%
Low (\$20,000 - \$40,000)	79,646	34,172	113,818	39.3%
Low-Low(<\$20,000)	4,806	2,142	6,948	2.4%

Source: Driver's License Suspension, Impacts and Fairness Study, Carnegie forthcoming

Notes: 1- density calculation based on zip code data from 2000 US Census;

2 - income classifications based on zip code data from 2000 US Census

Special Note: 1,788 records could not be matched to zip code reference file

Table 8 - Suspension rates by area type and income class (May 2004)

	Suspension Rates ¹		
	Male	Female	Total
Statewide	7%	3%	5%
By Population Density ²			
Urban (>800 p/sq mi)	10%	4%	7%
Suburban (200-800 p/sq mi)	4%	2%	3%
Rural (<200 p/sq mi)	4%	2%	3%
Unknown *			
By HH Income Class ³			
High (>\$85,000)	2%	1%	1%
Middle High (\$65,001 - \$85,000)	3%	1%	2%
Middle (\$40,001 - \$65,000)	6%	3%	4%
Low (\$20,000 - \$40,000)	16%	7%	12%
Low-Low(<\$20,000)	35%	14%	24%

Source: Driver's License Suspension, Impacts and Fairness Study, Carnegie forthcoming

Notes: 1 – Suspension rates were calculated by dividing the number of suspended drivers by the number of licensed drivers in each zip code. The rates reported in this table represent the ratio of suspended drivers to licensed drivers;

2- density calculation based on zip code data from 2000 US Census;

3 - income classifications based on zip code data from 2000 US Census;

Special Note: 1,788 records could not be matched to zip code reference file

As shown in table 8, researchers found that suspension rates among certain classes of drivers are disproportionately high. For example, 35 percent of male drivers residing in low-low income zip codes have suspended licenses, compared to the Statewide average of seven percent for all male drivers. Although there are only 4,806 suspended male drivers residing in low-low income zip codes, the disparity between income classes is significant. Also noteworthy is the finding that drivers living in urban areas (population density greater than 800 persons/mi²) have suspension rates more than two times higher than their suburban and rural counterparts, seven percent versus three percent.

When reviewing the data presented in table 8, it is important to note that the MVC driver history database does not include specific demographic data on individual drivers. As such, the reader should be careful when interpreting the data with regard to income. No direct relationship can be drawn between individual suspended drivers and their income level. The data must be interpreted in the aggregate. Suspension rates reported in the table represent the ratio of suspended drivers to licensed drivers in any given zip code. (Carnegie forthcoming).

Reasons for Suspension

The MVC utilizes event codes to denote suspensions on driver history records. There are far fewer “reasons” for suspensions in New Jersey than there are “event codes.” For example, there are at least seven event codes used to denote drivers suspended for accumulating motor vehicle violation points.

Specifically, there are over 600 suspension event codes, but approximately twelve underlying “reasons” for suspension that account for the vast majority (90 percent) of suspensions ordered or confirmed each year. Overall, the two categories of suspensions with the highest annual volume are failure to pay MVC insurance surcharges, followed by failure to appear in court to answer/pay parking tickets. Table 9 presents the average number of suspensions ordered or confirmed by MVC each year for the top twelve “reasons” for suspension.

Table 9 - Average number of suspensions ordered/confirmed by MVC annually – Top twelve “reasons”

Reason for suspension	Number of suspension orders	Percent of total
1. Failure to pay MVC insurance surcharge	228,000	28%
2. Failure to appear in court to satisfy a parking summons (Parking Offenses Adjudication Act)	140,000	17%
3. Failure to appear in court to satisfy a summons (moving violations, municipal ordinances)	121,000	15%
4. Failure to comply with a court ordered installment plan or to satisfy other requirements of a court sentence (rehabilitation program, community service, court surcharges or assessments)	70,000	8%
5. Driving while suspended	47,000	6%
6. Failure to comply with a child support order	25,000	3%
7. Operating a vehicle under the influence of alcohol or drugs	25,000	3%
8. Uninsured motorist – Insurance cancelled or court ordered suspension for driving an uninsured motor vehicle	25,000	3%
9. Accumulation of points from moving violations/persistent violator	22,000	3%
10. Drug related offenses under the Comprehensive Drug Reform Act	20,500	2%
11. Failure to make good on dishonored checks submitted to courts and/or MVC for fees	9,000	1%
12. Serious moving violations (reckless driving, leaving the scene of accident, high speed)	6,000	1%

Source: NJ Motor Vehicle Commission

As recognized in table 9, in New Jersey, driver’s license suspensions are imposed for both driving and non-driving related reasons. Some of the non-driving related reasons for license suspension, such as drug offenses and failure to pay child support, were instituted by the State in response to Federal statutory requirements.

New Jersey Point System

The MVC monitors driving behavior by means of a point system. The current point system has been in effect since March 1, 1977. As shown in table 10, points are given to drivers for various moving violations. Ninety percent of New Jersey's licensed drivers have zero points on their driving records. Approximately one half of one percent has six points, the threshold for MVC advisory action/notice. Less than one half of one percent has twelve or more points, which places them at the level for MVC action in terms of suspension or mandatory Driver Improvement Program (DIP) attendance.

As noted earlier, the MVC utilizes "event codes" to record violations, suspensions and other MVC and court actions on driver history records. There are a total of 1,795 individual event codes. Of these, 332 are used to denote violations events. Of the latter, there are 100 codes for point-carrying violations, and 232 codes for non-point violations. In July 2000, the New Jersey Legislature passed legislation (N.J.S.A. 39:4-97.2, effective July 24, 2000) creating a new traffic violation, unsafe operation of a motor vehicle, for which no points are assessed for first and second offenses. The law makes it unlawful to operate a motor vehicle in an "...unsafe manner likely to endanger a person or property." This law change, which created the non-point carrying "unsafe driving" offense, provided an increased opportunity for prosecutors and the courts to downgrade point-carrying violations into penalties that only carry a fine. In 2004, the law was amended to add a \$250 surcharge to the fines, fees and other charges already assessed when convicted of unsafe driving pursuant to N.J.S.A. 39:4-97.2

In terms of non-point violations, the most numerous violations entered on driver history records include the following, in descending order of volume:

- Unsafe driving, 39:4-97.2, (150-200,000/yr)
- Fictitious plates, 39:3-33, (65,000/yr)
- Unlicensed driving, 39:3-10, (52,000/yr)
- Operate while suspended, 39:3-40, (41,000/yr)
- Obstructing passage, 39:4-67, (25,000/yr)
- DUI, 39:4-50a, (24,000/yr)
- Uninsured vehicle, 39:6B-2, (10,000)

In 2003 and 2004 the annual percentages of point and non-point violations have held steady at around 45 percent point and 55 percent non-point violations as reported to MVC by the courts. However, since the year 2000, when the unsafe driving violation took effect, the percentage of non-point violations increased from 46 percent to 56

percent of total violations, and the percentage of point violations decreased from 54 percent to 44 percent of total.

Points are reduced for unbroken twelve month periods of violation-free driving and for attending mandatory State-run DIP, Probationary Driver Programs (PDP) and voluntary Defensive Driving Programs (DDP) approved by MVC. The DIP is designed as a three-hour classroom session managed by the MVC. The target audience for the program is experienced drivers who have accumulated twelve or more points under the MVC point system. There is a \$100 "school" fee for participating in the Program (payable to MVC) and there are fifteen "school" sites located throughout New Jersey offering the Program.

Drivers who have accumulated 12-14 points in a period greater than two years are offered the program on their scheduled suspension notice as an option to suspension. Other drivers may go to school in lieu of part or all of a proposed point suspension as a result of a pre-hearing settlement conference, an administrative law judge's decision that is affirmed by the MVC, or a final MVC decision. Drivers who fail to attend the program as scheduled are suspended for the period specified in their original scheduled suspension notice, settlement agreement or hearing decision.

The PDP is a four hour classroom program managed by the MVC for new drivers who have accumulated four or more points for two violations committed within a two year period after their first driver exam permit is issued. The fee for participating in the program is \$100, payable to MVC. PDPs are held at the same sites as the DIPs. If the offender fails to complete the program, he/she is suspended indefinitely until the course is completed and restoration fee paid.

Drivers who have completed the DIP or PDP receive a point reduction credit of three points against any points on their driving record. These credits may only be received once in any given two year period. Drivers are also warned they are subject to license suspension for any motor vehicle violation committed within one year after completing the course, with the precise suspension period dependent upon how soon the violation is committed following program completion.

Table 10 - New Jersey Point Schedule

N.J.S.A. Section	Offense	Points
	<i>NJ Turnpike, Garden State Parkway and Atlantic City Expressway</i>	
27:23-29	Moving against traffic	2
27:23-29	Improper passing	4
27:23-29	Unlawful use of median strip	2
	<i>All roads and highways</i>	
39:3-20	Operating constructor vehicle in excess of 45 mph	3
39:4-14.3	Operating motorized bicycle on a restricted highway	2
39:4-14.3d	More than one person on a motorized bicycle	2
39:4-35	Failure to yield to pedestrian in crosswalk	2
39:4-36	Failure to yield to pedestrian in crosswalk; passing a vehicle yielding to pedestrian in crosswalk	2
39:4-41	Driving through safety zone	2
39:4-52 and 39:5C-1	Racing on highway	5
39:4-55	Improper action or omission on grades and curves	2
39:4-57	Failure to observe direction of officer	2
39:4-66	Failure to stop vehicle before crossing sidewalk	2
39:4-66.1	Failure to yield to pedestrians or vehicles while entering or leaving highway	2
39:4-66.2	Driving on public or private property to avoid a traffic sign or signal	2
39:4-71	Operating a motor vehicle on a sidewalk	2
39:4-80	Failure to obey direction of officer	2
39:4-81	Failure to observe traffic signals	2
39:4-82	Failure to keep right	2
39:4-82.1	Improper operating of vehicle on divided highway or divider	2
39:4-83	Failure to keep right at intersection	2
39:4-84	Failure to pass to right of vehicle proceeding in opposite direction	5
39:4-85	Improper passing on right or off roadway	4
39:4-85.1	Wrong way on a one-way street	2
39:4-86	Improper passing in no passing zone	4
39:4-87	Failure to yield to overtaking vehicle	2
39:4-88	Failure to observe traffic lanes	2
39:4-89	Tailgating	5
39:4-90	Failure to yield at intersection	2
39:4-90.1	Failure to use proper entrances to limited access highways	2
39:4-91-92	Failure to yield to emergency vehicles	2
39:4-96	Reckless driving	5
39:4-97	Careless driving	2
39:4-97a	Destruction of agricultural or recreational property	2
39:4-97.1	Slow speed blocking traffic	2
39:4-97.2	Driving in an unsafe manner (pts assessed for the third or subsequent violation(s) w/in 5 year period.)	4
39:4-98 and 39:4-99	Exceeding maximum speed 1-14 mph over limit	2
	Exceeding maximum speed 15-29 mph over limit	4
	Exceeding maximum speed 30 mph or more over limit	5
39:4-105	Failure to stop for traffic light	2
39:4-115	Improper turn at traffic light	3
39:4-119	Failure to stop at flashing red signal	2
39:4-122	Failure to stop for police whistle	2
39:4-123	Improper right or left turn	3
39:4-124	Improper turn from approved turning course	3
39:4-125	Improper U-turn	3
39:4-126	Failure to give proper signal	2
39:4-127	Improper backing or turning in street	2
39:4-127.1	Improper crossing of railroad grade crossing	2
39:4-127.2	Improper crossing of bridge	2
39:4-128	Improper crossing of railroad grade crossing by certain vehicles	2
39:4-128.1	Improper passing of school bus	5
39:4-128.4	Improper passing of frozen dessert truck	4
39:4-129	Leaving the scene of an accident - No personal injury	2
39:4-129	Leaving the scene of an accident - Personal injury	8
39:4-144	Failure to observe stop or yield signs	2
39:5D-4	Moving violation out of State	2

Drivers who complete a voluntary DDP approved by MVC receive a point reduction credit of two points against any points on their driving record. DDP credit is given for one program every five years.

As previously noted, an average of 22,000 license suspensions are ordered annually for accumulation of points (see table 9). Another 6,000 are ordered for serious moving violations. In May 2004, approximately 17,000 suspended drivers had at least one active suspension for accumulating points or other driving-related reasons. This excludes those suspended for driving while under the influence of alcohol or drugs (DUI). Of those, less than 10 percent (1,452) had only one active suspension for point accumulation, reckless driving or failing to complete a Probationary Driver Program with no other suspensions for other reasons. It is noteworthy that drivers suspended for purely driving-related reasons account for less than six percent of all suspended drivers (Carnegie forthcoming).

Table 11 - Suspension rates by area type and income – Point accumulation and other driving-related reasons, excluding DUI (May 2004)

	Distribution of licensed drivers	Distribution of Suspended Drivers ¹				Suspension Rates ²		
		Male	Female	Total	% of total	Male	Female	Total
Statewide		15,312	1,908	17,220		0.5%	0.1%	0.3%
By Population Density ³								
Urban (>800 p/sq mi)	43%	8,033	814	8,847	51%	0.6%	0.1%	0.3%
Suburban (200-800 p/sq mi)	38%	4,810	681	5,491	32%	0.4%	0.1%	0.2%
Rural (<200 p/sq mi)	19%	2,348	394	2,742	16%	0.4%	0.1%	0.2%
Unknown ⁴		121	19	140	1%			
<i>TOTAL</i>	100%	15,312	1,908	17,220	100%			
By HH Income Class ⁵								
High (>\$85,000)	12%	636	107	743	4%	0.2%	0.0%	0.1%
Middle High (\$65,001 - \$85,000)	25%	2,536	354	2,890	17%	0.3%	0.0%	0.2%
Middle (\$40,001 - \$65,000)	46%	7,498	1,013	8,511	49%	0.5%	0.1%	0.3%
Low (\$20,000 - \$40,000)	16%	4,360	396	4,756	28%	0.9%	0.1%	0.5%
Low-Low(<\$20,000)	0.5%	161	19	180	1%	1.2%	0.1%	0.6%
Unknown ⁴		121	19	140	1%			
<i>TOTAL</i>	100%	15,312	1,908	17,220				

Source: Driver's License Suspension, Impacts and Fairness Study, Carnegie forthcoming

Notes: 1 - Suspended drivers include currently suspended drivers who have had their driving privileges withdrawn at least one time for the stated reason. Includes point accumulation (PTPA+ PTPB+ PTPC+ PTPD), reckless driving (0496), failure to complete probationary driver program (FCPD) & persistent violator (PVPS); 2 - Ratio of suspended drivers to licensed drivers; 3 - Density calculation based on zip code data from 2000 US Census; 4 - Records could not be matched to zip code reference file; 5 - Income classifications based on zip code data from 2000 US Census

Special Note: 1,788 records could not be matched to zip code reference file

Table 11 presents the distribution of suspended drivers and suspension rates for those drivers suspended for point accumulation or selected other driving-related reasons (excluding DUI). As shown in the table, the distribution of drivers suspended for driving reasons is somewhat higher in urban areas than suburban and rural areas when compared to the distribution of all New Jersey licensed drivers. The same is true for lower income zip codes. However, suspension rates for driving reasons are generally similar in urban, suburban and rural areas when compared to the Statewide rate of 0.3 percent. Suspension rates for driving reasons are slightly higher in lower income zip codes are slightly less than twice that of rates in higher income areas (Carnegie forthcoming).

Operating a vehicle under the influence of drugs or alcohol

Under New Jersey law, a person who operates a motor vehicle, with a blood alcohol concentration (BAC) of 0.08 percent or above is considered to be driving under the influence (N.J.S.A. 39:4-50). Drivers convicted of driving under the influence are subject to serious fines and penalties, including court fines and fees, MVC surcharges and fees, license suspension, imprisonment, community service and participation in intoxicated driver/alcohol education programs. Mandatory driver's license suspension for DUI offenses is required by federal law.

In New Jersey, license suspensions for DUI offenses are ordered by the courts and confirmed administratively by MVC. Suspension periods range from three months for a first time DUI offense where the driver's BAC is 0.08 percent or higher but less than 0.10 percent, to 20 years when a driver is convicted of a third offense of DUI in a school zone or crossing. A complete schedule of DUI-related fines, fees and penalties is included in Appendix F.

As reported in table 9, approximately 25,000 DUI suspensions are confirmed by MVC each year. This represents three percent of total annual suspensions. In May 2004, approximately 32,000 suspended drivers had at least one active suspension for operating a vehicle under the influence of alcohol or drugs. As shown in table 12, the distribution of drivers suspended for DUI was very similar to the distribution of licensed drivers in urban, suburban and rural areas, slightly lower in higher income areas and slightly higher in lower income zip codes. Similarly, there is little variation in suspension rates by area type and income classification when comparing different groups to each other or to Statewide suspension rates for DUI offenses (Carnegie forthcoming)

Table 12 - Suspension rates by area type and income – Operating a motor vehicle under the influence of alcohol or drugs (DUI) (May 2004)

	Distribution of licensed drivers	Distribution of Suspended Drivers ¹				Suspension Rates ²		
		Male	Female	Total	% of total	Male	Female	Total
Statewide		26,764	5,182	31,946		0.9%	0.2%	0.5%
By Population Density ³								
Urban (>800 p/sq mi)	43%	11,589	1,898	13,487	42%	0.9%	0.1%	0.5%
Suburban (200-800 p/sq mi)	38%	9,305	1,958	11,263	35%	0.8%	0.2%	0.5%
Rural (<200 p/sq mi)	19%	5,658	1,269	6,927	22%	1.0%	0.2%	0.6%
<i>Unknown</i> ⁴		212	57	269	1%			
TOTAL	100%	26,764	5,182	31,946	100%			
By HH Income Class ⁵								
High (>\$85,000)	12%	1,467	310	1,777	6%	0.4%	0.1%	0.2%
Middle High (\$65,001 - \$85,000)	25%	4,991	1,042	6,033	19%	0.7%	0.1%	0.4%
Middle (\$40,001 - \$65,000)	46%	14,118	2,971	17,089	53%	1.0%	0.2%	0.6%
Low (\$20,000 - \$40,000)	16%	5,820	791	6,611	21%	1.2%	0.2%	0.7%
Low-Low(<\$20,000)	0.5%	156	11	167	1%	1.1%	0.1%	0.6%
<i>Unknown</i> ⁴		212	57	269	1%			
TOTAL	100%	26,764	5,182	31,946	100%			

Source: Driver's License Suspension, Impacts and Fairness Study, Carnegie forthcoming

Notes: 1 - Suspended drivers include currently suspended drivers who have their driving privilege withdrawn for a DUI offense (0450); 2 - Ratio of suspended drivers to licensed drivers; 3 - Density calculation based on zip code data from 2000 US Census; 4 - Records could not be matched to zip code reference file; 5 - Income classifications based on zip code data from 2000 US Census

Special Note: 1,788 records could not be matched to zip code reference file

Driving while suspended or revoked

New Jersey law establishes strict penalties for driving while suspended or revoked (N.J.S.A. 39:3-40). Depending on the offense and the reason for the original suspension, drivers convicted of driving while suspended or revoked are subject to fines ranging from \$500 to \$3,000, up to 180 days imprisonment, and mandatory license suspension for periods ranging from up to six months to 30 months in addition to the period of the original suspension. Table 14 provides a schedule of mandatory minimum and maximum fines and penalties for driving while suspended/revoked.

Approximately 47,000 suspensions for driving while suspended/revoked are confirmed by MVC each year. This accounts for about six percent of all annual suspensions. In May 2004, 58,726 suspended drivers had at least one active suspension for this reason. Table 13 presents the distribution of suspended drivers and suspension rates for those suspended for driving while suspended/revoked. As shown in the table, the distribution of drivers suspended for this reason is significantly higher in urban and lower income areas than in suburban and rural areas when compared to the distribution of all licensed

drivers. Although less than half of the State's licensed drivers reside in urban areas, 60 percent of drivers suspended for driving while suspended live in urban zip codes.

The same is true for lower income zip codes. Although drivers living in lower income zip codes make up only 16.5 percent of all licensed drivers in the State, 43 percent of drivers suspended for driving while suspended reside in low income areas. This pattern can also be seen when reviewing suspension rates by area type and income class. Suspension rates for driving while suspended or revoked for urban residents are two times higher than suspension rates for this reason among suburban and rural residents. In low income areas, suspension rates are 1.5 to five times higher than the Statewide average for both male and female drivers (Carnegie, forthcoming).

Table 13 - Suspension rates by area type and income – Driving while suspended or revoked (May 2004)

	Distribution of licensed drivers	Distribution of Suspended Drivers ¹				Suspension Rates ²		
		Male	Female	Total	% of total	Male	Female	Total
Statewide		48,136	10,590	58,726		1.6%	0.3%	1.0%
By Population Density ³								
Urban (>800 p/sq mi)	43%	29,193	6,146	35,339	60%	2.2%	0.5%	1.3%
Suburban (200-800 p/sq mi)	38%	12,328	2,811	15,139	26%	1.1%	0.2%	0.6%
Rural (<200 p/sq mi)	19%	6,320	1,578	7,898	13%	1.1%	0.3%	0.7%
Unknown ⁴		295	55	350	1%			
TOTAL		48,136	10,590	58,726	100%			
By HH Income Class ⁵								
High (>\$85,000)	12%	990	235	1,225	2%	0.3%	0.1%	0.2%
Middle High (\$65,001 - \$85,000)	25%	4,820	1,110	5,930	10%	0.6%	0.1%	0.4%
Middle (\$40,001 - \$65,000)	46%	20,770	4,923	25,693	44%	1.5%	0.3%	0.9%
Low (\$20,000 - \$40,000)	16%	20,096	4,019	24,115	41%	4.1%	0.8%	2.4%
Low -low(<\$20,000)	0.5%	1,165	248	1,413	2%	8.4%	1.7%	4.9%
Unknown ⁴		295	55	350	1%			
TOTAL		48,136	10,590	58,726	100%			

Source: Driver's License Suspension, Impacts and Fairness Study, Carnegie forthcoming

Notes: 1 - Suspended drivers include currently suspended drivers who have their driving privilege withdrawn for a driving while suspended (0340); 2 - Ratio of suspended drivers to licensed drivers; 3 - Density calculation based on zip code data from 2000 US Census; 4 - Records could not be matched to zip code reference file; 5 - Income classifications based on zip code data from 2000 US Census

Special Note: 1,788 records could not be matched to zip code reference file

Table 14 - Schedule of fines and penalties for driving while suspended/revoked

Original reason for suspension	Suspension of license and/or registration	Court Fine	Prison
General provisions [N.J.S.A. 39:3-40]			
1 st Offense	Up to 6 months	\$500	n/a
2 nd Offense	Up to 6 months	\$750	Up to 5 days
3 rd Offense or subsequent	Up to 6 months	\$1,000	10 days
Driving without insurance [N.J.S.A. 39:3-40 (f)(1)]			
1 st Offense	12-30 months	\$1,000	Up to 90 days
2 nd Offense	12-30 months	\$1,250	Up to 90 days
3 rd Offense or subsequent	12-30 months	\$1,500	10 - 90 days
DUI; Refusal to submit to a breath/chemical test; Habitual offender [N.J.S.A. 39:3-40 (f) (2)]			
1 st Offense	12-30 months	\$1,000	Up to 90 days
2 nd Offense	12-30 months	\$1,250	10-90 days
3 rd Offense or subsequent	12-30 months	\$1,500	10-90 days
DUI or refusal to submit to a breath/chemical test while in a school zone or crossing; [N.J.S.A. 39:3-40 (f) (3)]			
1 st Offense	12-30 months	\$1,000	60-90 days
2 nd Offense	12-30 months	\$1,250	120-150 days
3 rd Offense or subsequent	12-30 months	\$1,500	180 days
Non-payment of MVC insurance surcharge [39:3-40 (g)]			
1 st Offense	Up to 6 months	\$500	n/a
2 nd Offense	Up to 6 months	\$750	Up to 5 days
3 rd Offense or subsequent	Up to 6 months	\$1,000	10 days
<u>Note:</u> An additional fine of \$3,000 is collected by MVC if the total surcharge imposed is not paid prior to court appearance.			
Failure to appear in court or pay a parking judgment [N.J.S.A. 39:3-40 (i)]	n/a	Up to \$100	

Source: N.J.S.A. 39:3-40

Insurance Surcharge Program

In 1983, the New Jersey Legislature enacted the New Jersey Merit Rating Plan (N.J.S.A. 17:29 A-35), which required MVC to assess “insurance” surcharges based on certain motor vehicle offenses. According to the statute, motorists accumulating six or more points in a three year period are subject to a surcharge of \$150 for the first six points and \$25 for each additional point thereafter. Currently, New Jersey is one of only four States in the Nation with such a surcharge program. The other states include New York, Texas, and Michigan.

Surcharges are levied each year for three years and are in addition to any court-imposed fines and/or penalties. Point totals are based on the date the violation was posted, not when the violation occurred. Point system reductions received for participation in a DIP, PDP or through annual point reductions for violation-free driving do not apply to the surcharge program.

In addition to point-related surcharges, the statute also requires MVC to impose surcharges for certain other offenses. Table 15 lists the offenses which are subject to surcharge, annual surcharge amounts and the total surcharges to be paid at the end of the three year surcharge period.

Table 15 - Offenses subject to insurance surcharge

Offense	Annual Surcharge	Total Surcharge
Driving Under the Influence (DUI) and/or refusal to submit to chemical test (1 st & 2 nd offense)	\$1,000	\$3,000
DUI – 3 rd offense in three year period	\$1500	\$4,500
Unlicensed driver	\$100	\$300
No insurance (Moped)	\$100	\$300
Driving while suspended	\$250	\$750
No liability insurance	\$250	\$750

Source: NJ Motor Vehicle Commission

Note: Surcharges apply each year for three years.

All new surcharges must be paid within 12 months of assessment either in full or as part of a payment plan. If a driver fails to make surcharge payments or fails to pay the full surcharge amount within 12 months, MVC will suspend all driving privileges indefinitely and file judgment action in the State Superior Court. Actions may include a lien against real property, garnishment of wages, or other similar actions.

MVC provides drivers with surcharge balances of \$2,299 or less the option to enroll in a six-twelve month installment payment plan. Drivers with surcharge balances of \$2,300 or more are offered installment payment plans up to 24 months. MVC has no discretion to extend payment plans beyond 24 months until after judgment action has been filed in Superior Court. After judgment has been filed, MVC can offer payment plans as requested by the offender for time periods ranging from 36-48 months or longer, depending on the circumstance. Current payment plans range from one month to more than 90 months. As shown in table 16, 45 percent of drivers with surcharge balances owe less than \$1,000. At the same time, almost 25,000 drivers or six percent, owe more than \$10,000.

For a driver to satisfy a surcharge suspension, he/she must pay 10 percent of the suspended amount. Interest continues to accrue on judgments only, even while participating in a payment plan. The interest rate this year is one percent. The driver must also pay MVC a \$100 license restoration fee. It is critical to note that if the surcharge is not in judgment, failure to adhere to a payment plan can result in new fees, interest and possible re-suspension. If the surcharge is in judgment, failure to adhere to a payment plan can result in additional interest and possible re-suspension.

Table 16 - Number of drivers with outstanding surcharge balances (September 2005)

Surcharge balance	Number of drivers	Percent of total
Less than \$1,000	199,482	45%
\$1,000 - \$3,000	111,319	25%
\$3,001 - \$5,000	59,523	13%
\$5,001 - \$7,500	30,214	7%
\$7,501 - \$10,000	15,691	4%
Greater than \$10,000	24,943	6%
Total	441,172	100%

Source: NJ Motor Vehicle Commission

When enacted in 1983, the original purpose of the NJ Merit Rating Plan insurance surcharges was to provide revenue for the New Jersey Automobile Full Insurance Underwriting Association (a.k.a. - Joint Underwriters Association or JUA). In 1994, the Legislature directed that the surcharge revenues be used to pay debt service on a \$705 million bond issue sold to eliminate the debt of the Market Transition Facility (MTF) to be paid off in 2011. In July 2003, surcharge revenues were also directed to pay \$160 million in "Fix DMV" bonds (2011-2015). In July 2004, it was determined that as of 2007, revenue would be directed to the 2004 series A Bonds (\$807m).

In calendar year 2004, the MVC billed more than \$136 million in surcharges (see table 17). Of that amount, \$123,863,221 was collected. Average collection rates over the first year of billing are approximately 36 percent. As shown in table 18, collection rates are highest for point-related surcharges (71 percent) and lowest for surcharges assessed for other non-point reasons. Currently, 441,484 New Jersey drivers owe approximately \$1.2 billion dollars in outstanding surcharge principal and interest.

Table 17 - Surcharge amounts billed in 2004

Reason	Amount
Points	\$19,978,100
DUI	\$61,526,500
Other non-point reasons	\$54,780,300
TOTAL	\$136,284,900

Source: NJ Motor Vehicle Commission

Table 18 - Average surcharge collection rates

Reason	Collection Rate
Points	71%
DUI	35%
Other non-point reasons	25%
AVERAGE	36%

Source: NJ Motor Vehicle Commission

In September 2003, MVC offered a 60 day amnesty program. All drivers with surcharges, except those with surcharges resulting from DUI convictions, were eligible to participate. During this period, MVC waived all costs and interest if the participant paid the principal surcharge amount in full. The program yielded 74,139 payments totaling \$17,469,008.35 on amnesty-eligible accounts. Total surcharge collections during this period were \$38,440,636.69.

As highlighted earlier in the report, the top “reason” for driver’s license suspension in New Jersey is failure to pay MVC insurance surcharges. On average, 228,000 license suspensions are ordered for this reason annually. This represents 28 percent of all suspensions ordered or confirmed by MVC each year. In May 2004, more than 132,000 drivers with active suspensions had at least one suspension for failing to pay MVC insurance surcharges. Of those, slightly more than 10 percent (14,132 drivers) had only one suspension for this reason and no other suspensions for other reasons.

As shown in table 19, the distribution of drivers suspended for failing to pay MVC insurance surcharges is significantly higher in urban areas than in suburban and rural areas. While 43 percent of all New Jersey licensed drivers reside in urban zip codes, 59 percent of drivers suspended for failing to pay surcharges live there. Even more significant is the fact that although only 16.5 percent of licensed drivers reside in lower income zip codes, a full 40 percent of those suspended for failing to pay MVC insurance surcharges live there.

These patterns are similarly apparent when reviewing suspension rates among different groups of drivers. Suspension rates for non-payment of insurance surcharges are two times higher in urban areas than suburban and rural parts of the State. In lower income areas, suspension rates are two to four times higher than the Statewide average for both male and female drivers (Carnegie, forthcoming).

Table 19 - Suspension rates by area type and income – Non-payment of MVC insurance surcharges (May 2004)

	Distribution of licensed drivers	Suspended Drivers ¹			Suspension Rates ²			
		Male	Female	Total	% of total	Male	Female	Total
Statewide		103,097	29,558	132,655		3.4%	0.9%	2.1%
By Population Density ³								
Urban (>800 p/sq mi)	43%	61,929	16,809	78,738	59%	4.7%	1.3%	3.0%
Suburban (200-800 p/sq mi)	38%	26,847	8,035	34,882	26%	2.3%	0.7%	1.5%
Rural (<200 p/sq mi)	19%	13,580	4,507	18,087	14%	2.4%	0.8%	1.6%
<i>Unknown</i> ⁴		741	207	948	1%			
<i>TOTAL</i>		103,097	29,558	132,655	100%			
By HH Income Class ⁵								
High (>\$85,000)	12%	2,894	807	3,701	3%	0.8%	0.2%	0.5%
Middle High (\$65,001 - \$85,000)	25%	12,299	3,554	15,853	12%	1.6%	0.4%	1.0%
Middle (\$40,001 - \$65,000)	46%	45,538	13,914	59,452	45%	3.2%	1.0%	2.1%
Low (\$20,000 - \$40,000)	16%	39,574	10,544	50,118	38%	8.0%	2.1%	5.1%
Low-Low(<\$20,000)	0.5%	2,051	532	2,583	2%	14.9%	3.6%	9.0%
<i>Unknown</i> ⁴		1,303	485	1,788	1%			
<i>TOTAL</i>		103,659	29,836	133,495	101%			

Source: Driver's License Suspension, Impacts and Fairness Study, Carnegie forthcoming

Notes: 1 - Suspended drivers include currently suspended drivers who have their driving privilege withdrawn for a non-payment of insurance surcharge (ISNP); 2 - Ratio of suspended drivers to licensed drivers; 3 - Density calculation based on zip code data from 2000 US Census; 4 - Records could not be matched to zip code reference file; 5 - Income classifications based on zip code data from 2000 US Census

Special Note: 1,788 records could not be matched to zip code reference file

The Parking Offenses Adjudication Act (POAA)

According to the New Jersey Administrative Office of the Courts (AOC), in fiscal year 2005 (July 1, 2004 to June 30, 2005), municipal jurisdictions in New Jersey issued more than 2.9 million parking tickets. Fines, which are established by municipal ordinance, range from \$17 to \$130 with most under \$50.

The vast majority of parking tickets are paid without court action. The Parking Offenses Adjudication Act, N.J.S.A. 39:4-139.2 et seq., was enacted in January 1985 and became effective in July of the same year. The law authorized municipal court judges to suspend driving privileges when an individual cited for a parking offense fails to pay the fine and then fails to appear in court to pay or satisfy the ticket. Therefore, under the law, parking offense suspensions originate in the municipal court system.

As shown in figure 2, the POAA has been very effective in reducing the number of outstanding parking tickets pending over 60 days. In 1990, there were almost 4.4

million parking tickets that remained unpaid longer than two months. That number dropped precipitously through the 1990's as more municipal court systems became automated. In 2004, the number of parking tickets pending over 60 days was less than 400,000.

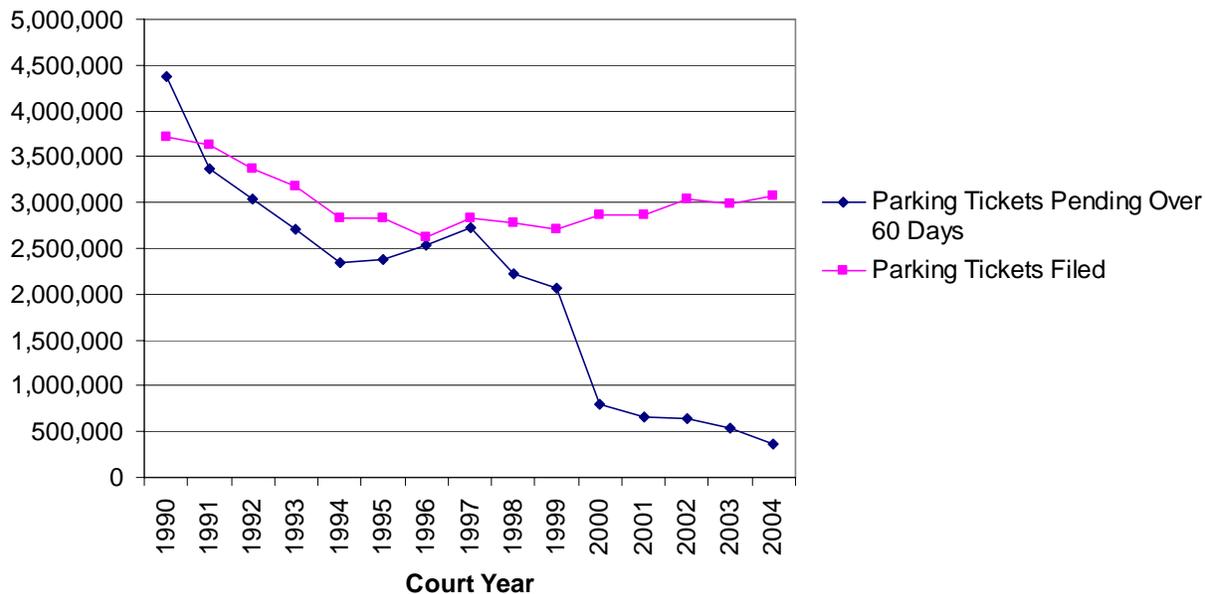


Figure 2 – Parking tickets pending over 60 days

Source: NJ Administrative Office of the Courts

Following issuance of the parking ticket itself, the court system is responsible for issuing notices to alert defendants to their outstanding ticket(s) and the potential suspension of the driver license privileges if the ticket(s) are not answered or paid. The preliminary court-issued notice is a Failure-to-Appear or "FTA" notice, which is issued if a defendant fails to pay the ticket or appear in court to dispute the ticket by the return date specified on the ticket. A proposed suspension notice, or "PSUS" notice, is then issued if the defendant fails to respond to the "FTA" notice. Finally, a judge signs a bench order suspending the defendant's driving privileges, which is mailed by the court to the defendant as well. Appendix D includes a flow chart of the notification process and copies of court notices.

The court then transmits suspension details to the MVC electronically via the Automated Traffic System, which links MVC with the 536 municipal courts. When the court-ordered suspension is posted to the defendant's driver history record, a notice confirming the suspension is prepared and mailed to the defendant by MVC. The confirming notice provides details concerning the court(s) and ticket(s), and explains how to regain driving

privileges by satisfying the outstanding tickets and paying MVC a \$100 license restoration fee.

Traffic and parking tickets can be paid in-person in the municipality where the ticket was issued or by using the njmcdirect.com ticket information website maintained and operated by AOC. According to AOC, approximately eighteen percent of all eligible tickets are paid on-line via the njmcdirect.com website. In addition, it is critical to note that the law requires that offenders who are indigent or receiving public benefits be allowed to pay fines on an installment basis for a period not to exceed 12 months. According to court officials, payment plans for those that cannot pay the full amount are common, but cannot be arranged unless a defendant appears in court.

In May 2004, 68,614 suspended drivers had at least one active suspension for failing to appear in court to answer/satisfy a parking ticket. One third, or 22,738, were suspended for only parking offenses. Of those, 14,290 had only one POAA suspension and no other suspensions for other reasons; and 8,448 had more than one POAA suspension but no other suspensions for other reasons. This represents about eight percent of all active suspended drivers.

Table 20 shows suspension rates and the distribution of drivers suspended under POAA. Patterns of POAA suspension are even more pronounced than those observed for suspensions due to non-payment of insurance surcharge. The distribution of drivers suspended for parking offenses in urban areas is significantly higher than in suburban and rural areas. Although 43 percent of licensed drivers reside in urban zip codes, 85 percent of drivers suspended for parking offenses live there. Even more significant, 59 percent of those suspended for parking offenses live in lower income areas, while only 16.5 percent of licensed drivers reside there. It is worth noting that parking restrictions are far more common in urban areas. Consequently, urban residents have a greater chance of receiving a summons for parking violations than suburban and rural residents.

These patterns are similarly apparent when reviewing suspension rates among different groups of drivers. For urban drivers of both genders, suspension rates due to parking offenses are more than twice that of the Statewide average rates and are seven to ten times greater than residents living in suburban and rural areas. For lower income residents, suspension rates are more than ten times higher than Statewide rates for both male and female drivers (Carnegie, forthcoming).

Table 20 - Suspension rates by area type and income – Parking Offenses Adjudication Act (POAA) (May 2004)

	Distribution of licensed drivers	Suspended Drivers ¹				Suspension Rates ²		
		Male	Female	Total	% of total	Male	Female	Total
Statewide		39,271	29,343	68,614		1.3%	0.9%	1.1%
By Population Density ³								
Urban (>800 p/sq mi)	43%	33,555	25,079	58,634	85%	2.5%	1.9%	2.2%
Suburban (200-800 p/sq mi)	38%	4,468	3,270	7,738	11%	0.4%	0.3%	0.3%
Rural (<200 p/sq mi)	19%	1,085	899	1,984	3%	0.2%	0.2%	0.2%
<i>Unknown</i> ⁴		163	95	258	0%			
<i>TOTAL</i>		39,271	29,343	68,614	100%			
By HH Income Class ⁵								
High (>\$85,000)	12%	888	530	1,418	2%	0%	0%	0%
Middle High (\$65,001 - \$85,000)	25%	2,951	2,126	5,077	7%	0%	0%	0%
Middle (\$40,001 - \$65,000)	46%	12,307	9,403	21,710	32%	1%	1%	1%
Low (\$20,000 - \$40,000)	16%	21,560	16,023	37,583	55%	4%	3%	4%
Low-Low(<\$20,000)	0.5%	1,402	1,166	2,568	4%	10%	8%	9%
<i>Unknown</i> ⁴		163	95	258	0%			
<i>TOTAL</i>		39,271	29,343	68,614	100%			

Source: Driver's License Suspension, Impacts and Fairness Study, Carnegie forthcoming

Notes: 1 - Suspended drivers include currently suspended drivers who have their driving privilege withdrawn in accordance with the Parking Offenses Adjudication Act (POAA); 2 - Ratio of suspended drivers to licensed drivers; 3 - Density calculation based on zip code data from 2000 US Census; 4 - Records could not be matched to zip code reference file; 5 - Income classifications based on zip code data from 2000 US Census

Special Note: 1,788 records could not be matched to zip code reference file

Failure to Comply with a Child Support Order

The law mandating license suspension for failing to comply with a child support order was enacted originally in March 1996 and amended in March 1998 (N.J.S.A. 2A:17-56.41a). The genesis of the law can be traced to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, which required states to have statutes suspending the driver's license of those who owed outstanding child support.

The law allows for suspension under the following conditions: failure to pay child support for a period of 6 months or more; failure to provide health coverage for the child for 6 months; or if the obligor fails to respond to a subpoena related to a paternity test or child support action. An obligor has 30 days from the postmark date of the notice to take the required action or make a request for a court hearing. It is critical to note that if the suspension will result in a significant hardship, a 12-month payment plan can be arranged with the court once 25 percent of the arrearages are paid.

In New Jersey, a suspension for failing to comply with a child support order becomes effective by operation of law upon the issuance of a child support-related warrant. The suspension may be terminated when the person who owes child support pays the amount due or otherwise satisfies the court's child support order, and pays the MVC license restoration fee. Recent statistics indicate that there were 24,613 suspensions for failing to comply with a child support order in 2004 and 25,506 in 2003.

Table 21 - Suspension rates by area type and income – Failure to comply with a child support order (May 2004)

	Distribution of licensed drivers	Suspended Drivers ¹			% of total	Suspension Rates ²		
		Male	Female	Total		Male	Female	Total
Statewide		21,763	2,131	23,894		0.7%	0.1%	0.4%
By Population Density ³								
Urban (>800 p/sq mi)	43%	13,358	1,058	14,416	60%	1.0%	0.1%	0.5%
Suburban (200-800 p/sq mi)	38%	5,265	632	5,897	25%	0.5%	0.1%	0.2%
Rural (<200 p/sq mi)	19%	3,044	430	3,474	15%	0.5%	0.1%	0.3%
Unknown ⁴		96	11	107	0%			
TOTAL		21,763	2,131	23,894	100%			
By HH Income Class ⁵								
High (>\$85,000)	12%	274	30	304	1%	0.1%	0.0%	0.0%
Middle High (\$65,001 - \$85,000)	25%	1,702	182	1,884	8%	0.2%	0.0%	0.1%
Middle (\$40,001 - \$65,000)	46%	8,405	912	9,317	39%	0.6%	0.1%	0.3%
Low (\$20,000 - \$40,000)	16%	10,546	934	11,480	48%	2.1%	0.2%	1.2%
Low-Low(<\$20,000)	0.5%	740	62	802	3%	5.4%	0.4%	2.8%
Unknown ⁴		96	11	107	0%			
TOTAL		21,763	2,131	23,894	100%			

Source: Driver's License Suspension, Impacts and Fairness Study, Carnegie forthcoming

Notes: 1 - Suspended drivers include currently suspended drivers who have their driving privilege withdrawn for failing to comply with a child support order (FPCS); 2 - Ratio of suspended drivers to licensed drivers; 3 - Density calculation based on zip code data from 2000 US Census; 4 - Records could not be matched to zip code reference file; 5 - Income classifications based on zip code data from 2000 US Census

Special Note: 1,788 records could not be matched to zip code reference file

In May 2004, almost 24,000 suspended drivers had at least one suspension for failing to comply with a child support order. Of those, about 13 percent or 3,053 drivers had only one active suspension for this reason with no other suspensions for any other reason. As was the case with POAA suspensions and suspension for failing to pay insurance surcharge, a disproportionate number of drivers suspended for failing to comply with a child support order reside in urban and lower income areas (see table 21).

Once again, while 43 percent of licensed drivers reside in urban zip codes, 60 percent of drivers suspended for failing to pay child support live there. Fifty one percent of those suspended for child support reasons live in lower income areas, while only 16.5

percent of all licensed drivers reside there. Failure to pay child support suspension rates for drivers residing in lower income areas are ten times higher than the Statewide average for all drivers suspended for failing to pay child support (Carnegie, forthcoming).

Failure to Maintain Insurance

New Jersey became a compulsory insurance state in January 1973. A motor vehicle may not be registered or, if already registered, may not be operated, unless it is covered by specified limits of liability insurance coverage (N.J.S.A. 39:6B-1). If convicted of violations of the compulsory insurance statute, uninsured drivers/owners are suspended by the courts pursuant to the provisions of N.J.S.A. 39:6B-2. The current penalty for a first offense includes a mandatory one-year license suspension, a fine, and a period of community service. An MVC insurance surcharge is also imposed upon such offenders.

In addition, MVC enforces the law by means of the Uninsured Motorist Identification and Notification System (UMIS), administered by the New Jersey Office of Information Technology. Every month, insurance companies report auto insurance policies canceled or not renewed because of non-payment of policy premiums. The companies also report new business, replacement coverage, and reinstatement of policies without breaks in coverage.

One time each month, this clearinghouse identifies to MVC the vehicles affected by canceled policies not replaced by new coverage. MVC edits this data to determine if the target vehicles have been taken off the road, re-registered out-of-state, reported stolen or sold, or have lapsed registrations, and plates surrendered. Any target vehicle with current registration and plates is linked to its owner who receives a notice of scheduled suspension allowing 30 days to produce proof of current insurance or surrender of registration and plates. If the owner complies, the action is canceled. If there is no response, the owner's registration privilege is suspended indefinitely and MVC schedules the suspension of driving privileges effective in 30 days. Once both driving and registration privileges are suspended, they will not be restored until the owner complies with the above-mentioned requirements and pays MVC a \$100 restoration fee for each privilege affected.

UMIS has been in operation since 1992, and since that time, over one million initial scheduled suspensions have been issued. Recent statistics indicate that court ordered suspensions for operating an uninsured vehicle numbered 9,047 in 2004 and 9,718 in 2003. MVC initiated 46,559 and 58,509 suspensions for failing to maintain proper insurance in calendar years 2004 and 2003 respectively.

In May 2004, 53,252 suspended drivers had active suspensions for failing to maintain proper insurance. Of those, 14,698 or 28 percent had only one active suspension for

this reason and no other suspensions for any other reason. Table 22 shows suspension rates and the distribution of drivers suspended for failing to maintain proper insurance. Drivers suspended for this reason are more heavily concentrated in urban and low-income areas than licensed drivers as a whole. Again, more than 60 percent of drivers suspended for insurance reasons reside in urban areas. Forty percent reside in lower income zip codes.

Table 22 - Suspension rates by area type and income – Failure to maintain proper insurance (May 2004)

	Distribution of licensed drivers	Suspended Drivers ¹			% of total	Suspension Rates ²		
		Male	Female	Total		Male	Female	Total
Statewide		34,641	18,611	53,252		1.1%	0.6%	0.9%
By Population Density ³								
Urban (>800 p/sq mi)	43%	21,860	11,082	32,942	62%	1.7%	0.8%	1.2%
Suburban (200-800 p/sq mi)	38%	8,391	4,796	13,187	25%	0.7%	0.4%	0.6%
Rural (<200 p/sq mi)	19%	4,204	2,638	6,842	13%	0.7%	0.4%	0.6%
Unknown ⁴		186	95	281	1%			
<i>TOTAL</i>		34,641	18,611	53,252	100%			
By HH Income Class ⁵								
High (>\$85,000)	12%	1,131	606	1,737	3%	0.3%	0.2%	0.2%
Middle High (\$65,001 - \$85,000)	25%	4,311	2,324	6,635	12%	0.6%	0.3%	0.4%
Middle (\$40,001 - \$65,000)	46%	14,712	8,413	23,125	43%	1.0%	0.6%	0.8%
Low (\$20,000 - \$40,000)	16%	13,524	6,799	20,323	38%	2.7%	1.4%	2.1%
Low-Low(<\$20,000)	0.5%	777	374	1,151	2%	5.6%	2.5%	4.0%
Unknown ⁴		186	95	281	1%			
<i>TOTAL</i>		34,641	18,611	53,252	100%			

Source: Driver's License Suspension, Impacts and Fairness Study, Carnegie forthcoming

Notes: 1 - Suspended drivers include currently suspended drivers who have their driving privilege withdrawn for failing to maintain proper insurance (06B2+ICRG+ICLC); 2 - Ratio of suspended drivers to licensed drivers; 3 - Density calculation based on zip code data from 2000 US Census; 4 - Records could not be matched to zip code reference file; 5 - Income classifications based on zip code data from 2000 US Census

Special Note: 1,788 records could not be matched to zip code reference file

Similar to the patterns observed for other primarily money-related reasons for suspension, there appears to be a relationship between suspension rates for failing to maintain proper insurance and income. Failure to maintain insurance suspension rates for drivers residing in lower income zip codes are almost seven times higher than the Statewide average rates for that offense (Carnegie forthcoming).

Comprehensive Drug Reform Act (CDRA)

The New Jersey Code of Criminal Justice (N.J.S.A. 2C:35-16) previously required mandatory driver's license suspension for those convicted of an offense involving a controlled dangerous substance (CDS) or drug paraphernalia. This law was enacted in 1987 in response to a federal law requiring states to enact license suspension for drug offenses as a condition of continuing to receive certain federal funds (e.g., Temporary Aid to Needy Families and others).

Federal requirements in this regard allow states several options for compliance. These include: 1) require driver's license suspension in all CDS cases; 2) require driver's license suspension in CDS cases unless there are "compelling circumstances warranting an exception"; and 3) certification by the Governor and the State Legislature that they are opposed to enacting such a law. Until January 5, 2006, New Jersey law required drivers' license suspension in all CDS cases. On January 5, 2006, the New Jersey Legislature passed an amendment to N.J.S.A. 2C:35-16 authorizing courts to refrain from imposing driver's license suspension on defendants convicted of CDS offenses if "compelling circumstances" exist.

Table 23 - Suspension rates by area type and income – Drug offenses under the Comprehensive Drug Reform Act (May 2004)

	Distribution of licensed drivers	Suspended Drivers ¹			% of total	Suspension Rates ²		
		Male	Female	Total		Male	Female	Total
Statewide		28,174	4,878	33,052		0.9%	0.2%	0.5%
By Population Density ³								
Urban (>800 p/sq mi)	43%	19,097	3,181	22,278	67%	1.4%	0.2%	0.8%
Suburban (200-800 p/sq mi)	38%	6,157	1,152	7,309	22%	0.5%	0.1%	0.3%
Rural (<200 p/sq mi)	19%	2,788	525	3,313	10%	0.5%	0.1%	0.3%
Unknown ⁴		132	20	152	0%			
TOTAL		28,174	4,878	33,052	100%			
By HH Income Class ⁵								
High (>\$85,000)	12%	416	66	482	1%	0.1%	0.0%	0.1%
Middle High (\$65,001 - \$85,000)	25%	2,081	413	2,494	8%	0.3%	0.1%	0.2%
Middle (\$40,001 - \$65,000)	46%	9,824	1,945	11,769	36%	0.7%	0.1%	0.4%
Low (\$20,000 - \$40,000)	16%	14,447	2,190	16,637	50%	2.9%	0.4%	1.7%
Low-Low(<\$20,000)	0.5%	1,274	244	1,518	5%	9.2%	1.6%	5.3%
Unknown ⁴		132	20	152	0%			
TOTAL		28,174	4,878	33,052	100%			

Source: Driver's License Suspension, Impacts and Fairness Study, Carnegie forthcoming

Notes: 1 - Suspended drivers include currently suspended drivers who have their driving privilege withdrawn for convictions under the Comprehensive Drug Reform Act (CDRA); 2 - Ratio of suspended drivers to licensed drivers; 3 - Density calculation based on zip code data from 2000 US Census; 4 - Records could not be matched to zip code reference file; 5 - Income classifications based on zip code data from 2000 US Census

Special Note: 1,788 records could not be matched to zip code reference file

The MVC serves a purely administrative function regarding CDRA suspensions. MVC actions are limited to confirming suspension ordered by the courts. In 2003 and 2004, MVC confirmed 23,131 and 20,567 CDRA suspensions respectively. In May 2004, 33,052 suspended drivers had at least one active CDRA suspension. Of those, 4,199 or 12 percent had only one CDRA suspension and no other suspensions for any other reason.

Table 23 shows suspension rates and the distribution of drivers with CDRA suspensions. Once again, drivers suspended for this reason are more heavily concentrated in urban and low-income areas. Sixty seven percent of drivers suspended for drug offenses reside in urban areas. Fifty five percent reside in lower income zip codes. CDRA suspension rates for drivers residing in lower income zip codes are seven to ten times higher than the Statewide average rates (Carnegie forthcoming).

Failure to appear in court

As noted earlier in this report, driver's license suspension as a result of failing to appear in court (FTA) for reasons other than parking offenses is the third most frequent suspension ordered or confirmed by MVC each year. FTA suspensions can occur for both motor vehicle moving violations and for other violations of municipal ordinances.

The process for suspensions related to failure to appear in court for moving violations is generally as follows: The offender is ordered to appear in court. If s/he fails to appear, the judge can issue an arrest warrant. This course of action is rarely pursued. More typically, a Failure to Appear Notice (FTA) is generated and sent to the offender. If s/he fails to address the FTA within 30 days, the courts send the FTA to MVC who initiate the administrative suspension process. MVC provides FTA moving violation offenders 60 days to resolve the issue.

In terms of suspension for failure to appear for a non-traffic matter such as a local ordinance violation, a warrant is most typically issued; however, if the court has the license number of the offender, suspension can also be ordered. The MVC serves a purely administrative function regarding FTA suspensions for non-driving reasons. Its actions are limited to confirming suspension ordered by the courts. In 2004, MVC confirmed 15,316 suspensions ordered by the courts because defendants failed to appear to answer a summons for non-driving reasons other than parking offenses.

In 2004, MVC imposed 105,971 suspensions ordered against drivers who failed to appear in court to answer a summons for a moving violation. In May 2004, 119,733 suspended drivers had at least one suspension for failing to appear in a court of law to answer/satisfy a summons issued for a motor vehicle moving violation. This represents 41 percent of all drivers with active suspensions. While drivers suspended for FTA on a moving violation are not technically being suspended as a direct result of their driving

behavior, it is important to note that the underlying reason for them being called to court is because they violated a traffic law.

Table 24 - Suspension rates by area type and income – Failure to appear in court to answer a summons for a motor vehicle moving violation (May 2004)

	Distribution of licensed drivers	Suspended Drivers ¹			% of total	Suspension Rates ²		
		Male	Female	Total		Male	Female	Total
Statewide		90,011	29,722	119,733		3.0%	0.9%	1.9%
By Population Density ³								
Urban (>800 p/sq mi)	43%	63,180	20,439	83,619	70%	4.8%	1.5%	3.1%
Suburban (200-800 p/sq mi)	38%	18,541	6,263	24,804	21%	1.6%	0.5%	1.0%
Rural (<200 p/sq mi)	19%	7,851	2,888	10,739	9%	1.4%	0.5%	0.9%
<i>Unknown</i> ⁴		439	132	571	0%			
<i>TOTAL</i>		90,011	29,722	119,733	100%			
By HH Income Class ⁵								
High (>\$85,000)	12%	1,978	650	2,628	2%	0.5%	0.2%	0.4%
Middle High (\$65,001 - \$85,000)	25%	8,556	2,860	11,416	10%	1.1%	0.4%	0.7%
Middle (\$40,001 - \$65,000)	46%	34,255	11,676	45,931	38%	2.4%	0.8%	1.6%
Low (\$20,000 - \$40,000)	16%	41,751	13,378	55,129	46%	8.5%	2.7%	5.6%
Low-Low(<\$20,000)	0.5%	3,032	1,026	4,058	3%	22.0%	6.9%	14.2%
<i>Unknown</i> ⁴		439	132	571	0%			
<i>TOTAL</i>		90,011	29,722	119,733	100%			

Source: Driver's License Suspension, Impacts and Fairness Study, Carnegie forthcoming

Notes: 1 - Suspended drivers include currently suspended drivers who have their driving privilege withdrawn for failing to appear in a court of law to answer/satisfy a summons issued for a motor vehicle moving violation (FSFA);

2 - Ratio of suspended drivers to licensed drivers; 3 - Density calculation based on zip code data from 2000 US Census; 4 - Records could not be matched to zip code reference file; 5 - Income classifications based on zip code data from 2000 US Census

Special Note: 1,788 records could not be matched to zip code reference file

Table 24 shows suspension rates and the distribution of drivers suspended for FTA for moving violations. As shown in the table, the distribution of drivers suspended for this reason is disproportionately high in urban and lower income areas. While 46 percent of licensed drivers live in urban areas, 70 percent of those suspended for FTA on moving violations reside there. Similarly, only 16.5 percent of the State's licensed drivers reside in lower income zip codes, while 49 percent of drivers suspended for FTA on moving violations live there.

These patterns are also evident when reviewing suspension rates for this offense. Suspension rates for drivers residing in urban areas are three times higher than for drivers living in suburban and rural areas. Suspension rates for drivers residing in lower income zip codes are seven times higher than residents living in higher income areas (Carnegie, forthcoming).

Table 25 - Suspension rates by area type and income – Failure to appear in court to answer a summons issued for other non-driving reasons, excluding POAA (May 2004)

	Distribution of licensed drivers	Suspended Drivers ¹				Suspension Rates ²		
		Male	Female	Total	% of total	Male	Female	Total
Statewide		19,104	6,181	25,285		0.6%	0.2%	0.4%
By Population Density ³								
Urban (>800 p/sq mi)	43%	10,516	3,326	13,842	55%	0.8%	0.2%	0.5%
Suburban (200-800 p/sq mi)	38%	5,654	1,809	7,463	30%	0.5%	0.1%	0.3%
Rural (<200 p/sq mi)	19%	2,833	1,014	3,847	15%	0.5%	0.2%	0.3%
<i>Unknown</i> ⁴		101	32	133	1%			
<i>TOTAL</i>		19,104	6,181	25,285	100%			
By HH Income Class ⁵								
High (>\$85,000)	12%	390	125	515	2%	0.1%	0.0%	0.1%
Middle High (\$65,001 - \$85,000)	25%	2,166	669	2,835	11%	0.3%	0.1%	0.2%
Middle (\$40,001 - \$65,000)	46%	8,964	2,851	11,815	47%	0.6%	0.2%	0.4%
Low (\$20,000 - \$40,000)	16%	7,157	2,377	9,534	38%	1.5%	0.5%	1.0%
Low-Low(<\$20,000)	0.5%	326	127	453	2%	2.4%	0.9%	1.6%
<i>Unknown</i> ⁴		101	32	133	1%			
<i>TOTAL</i>		19,104	6,181	25,285	100%			

Source: Driver's License Suspension, Impacts and Fairness Study, Carnegie forthcoming

Notes: 1 - Suspended drivers include currently suspended drivers who have their driving privilege withdrawn for failing to appear in a court of law to answer/satisfy a summons issued for non-driving reason other than POAA (COFA); 2 - Ratio of suspended drivers to licensed drivers; 3 - Density calculation based on zip code data from 2000 US Census; 4 - Records could not be matched to zip code reference file; 5 - Income classifications based on zip code data from 2000 US Census

Special Note: 1,788 records could not be matched to zip code reference file

In May 2004, 25,285 suspended drivers had at least one suspension for failing to appear in a court to answer/satisfy a summons issued for violations of municipal ordinance other than moving violations and parking (i.e., FTA for non-driving reasons). This figure represents approximately nine percent of all drivers with active suspensions.

Table 25 shows suspension rates and the distribution of drivers suspended for FTA for non-driving reasons. As shown in the table, the distribution of drivers suspended for FTA associated with non-driving offenses is once again higher in urban and lower income areas. While 46 percent of licensed drivers live in urban areas, 55 percent of those suspended for FTA on non-moving violations reside there. Similarly, only 16.5 percent of the State's licensed drivers reside in lower income zip codes, while 40 percent of drivers suspended for FTA on non-moving violations live there. Suspension rates for drivers residing in urban areas are 1.6 times higher than for drivers living in suburban and rural areas. Suspension rates for drivers residing in lower income zip

codes are almost four times higher than for residents living in higher income areas (Carnegie forthcoming).

Failure to comply with a court-ordered installment plan

In accordance with N.J.S.A. 39:4-203.1, any defendant convicted of a traffic or parking offense shall, upon a satisfactory showing of indigency or participation in a government-based income maintenance program, be permitted by the court to pay the fine in installments. According to the statute, the courts have authority to set the amount and frequency of each installment, as long as the final installment is due no later than 12 months from the date of conviction.

In accordance with N.J.S.A. 39:4-203.2, if the defendant fails to comply with any of the terms of the installment order, the court may, in addition to any other penalties it may impose, order the suspension of the defendant's driver's license. Each year, the MVC confirms an average of 70,000 suspensions ordered by the courts for defendants that fail to make payments on court ordered installment plans. In terms of overall annual volume, this is the fourth most frequent reason for suspension. In May 2004, more than 75,000 suspended drivers had at least one active suspension for this reason.

As shown in table 26, the distribution of drivers suspended for failing to comply with a court ordered installment plan is higher in urban and lower income areas than the distribution of licensed drivers in these areas. While 58 percent of drivers suspended for failing to make payments on an installment plan reside in urban areas, only 43 percent of the State's licensed drivers live there. Similarly, 43 percent of drivers suspended for this reason live in lower income zip codes. Only 16.5 percent of licensed drivers live in lower income areas.

Suspension rates for drivers suspended for failing to comply with a court ordered installment plan living in urban areas are two times higher than for those living in suburban and rural areas; and rates for those living in lower income zip codes are more than 4 times higher than for those living in higher income areas.

Table 26 - Suspension rates by area type and income – Failure to comply with a court ordered installment payment plan (May 2004)

	Distribution of licensed drivers	Suspended Drivers ¹				Suspension Rates ²		
		Male	Female	Total	% of total	Male	Female	Total
Statewide		58,135	17,042	75,177		1.9%	0.5%	1.2%
By Population Density ³								
Urban (>800 p/sq mi)	43%	34,303	9,611	43,914	58%	2.6%	0.7%	1.7%
Suburban (200-800 p/sq mi)	38%	15,279	4,632	19,911	26%	1.3%	0.4%	0.8%
Rural (<200 p/sq mi)	19%	8,217	2,708	10,925	15%	1.5%	0.5%	0.9%
<i>Unknown</i> ⁴		336	91	427	1%			
<i>TOTAL</i>		58,135	17,042	75,177	100%			
By HH Income Class ⁵								
High (>\$85,000)	12%	1,075	306	1,381	2%	0.3%	0.1%	0.2%
Middle High (\$65,001 - \$85,000)	25%	5,794	1,658	7,452	10%	0.8%	0.2%	0.5%
Middle (\$40,001 - \$65,000)	46%	25,663	7,943	33,606	45%	1.8%	0.6%	1.2%
Low (\$20,000 - \$40,000)	16%	24,043	6,737	30,780	41%	4.9%	1.4%	3.1%
Low-Low(<\$20,000)	0.5%	1,224	307	1,531	2%	8.9%	2.1%	5.3%
<i>Unknown</i> ⁴		336	91	427	1%			
<i>TOTAL</i>		58,135	17,042	75,177	100%			

Source: Driver's License Suspension, Impacts and Fairness Study, Carnegie forthcoming

Notes: 1 - Suspended drivers include currently suspended drivers who have their driving privilege withdrawn for failing to with a court ordered installment payment plan (FCIO); 2 - Ratio of suspended drivers to licensed drivers; 3 - Density calculation based on zip code data from 2000 US Census; 4 - Records could not be matched to zip code reference file; 5 - Income classifications based on zip code data from 2000 US Census

Special Note: 1,788 records could not be matched to zip code reference file

SECTION THREE: THE IMPACTS OF DRIVER'S LICENSE SUSPENSION

As described in detail in section two, driver's license suspension is used as both a sanction to punish undesirable behavior(s), such as driving under the influence of drugs or alcohol and as a tool to encourage compliance with socially desirable behavior, such as paying fines and surcharges and making child support payments. While it is obvious that the threat of license suspension is intended to have deterrent as well as coercive effects, the actual suspension of someone's driving privileges may have collateral and unintended consequences. This section describes some of the collateral and unintended consequences that result from license suspension as documented through survey research, public comment received by the Task Force, and input received through roundtable discussions and interviews conducted on behalf of the Task Force.

Suspended driver survey

In December 2004, researchers at Rutgers University conducted a survey of suspended drivers. The purpose of the survey was to develop a more detailed demographic profile of suspended drivers, to document the collateral and unintended impacts of license suspension, and to gauge public opinion regarding restricted-use license programs. Areas of questioning included: suspension history; impacts of suspension on employment, income, job performance, travel behavior; costs of suspension and ability to pay; psychological impacts; opinions regarding various aspects of restricted-use license programs; and personal characteristics related to race, gender, income, education, and familial status.

Surveys were mailed to 5,000 New Jersey drivers who were currently or had previously been suspended, as well as to 2,500 drivers who had never been suspended. Three hundred eighty drivers with a history of suspension and more than 700 drivers who were never suspended returned the survey (Carnegie forthcoming).

The following is a summary of key findings from the survey:

- More than half (51 percent) of the survey respondents with a history of suspension were or had been suspended for non-driving related reasons.
- Survey respondents with a history of suspension were more likely to be low income (household income less than \$30,000); younger (under 55 years of age); single; less educated; and non-white. In addition, drivers with a history of suspension were more likely to live in urban areas and to have children under the age of 18 living at home. While no causal relationships between these variables and suspension were confirmed by the survey analysis, when controlled for the effect of other independent variables, each of these variables remained highly correlated with license suspension.

These findings are consistent with the patterns of suspension observed as part of the analysis of detailed suspension statistics presented in section 2.

- The following employment effects on suspended drivers were documented by the survey (see tables 27 and 28):
 - 42 percent of survey respondents with a history of suspension lost their jobs when they had their driving privileges suspended. Job loss was experienced across all income and age groups; however it was most significant among low-income and younger drivers.
 - 45 percent of those that lost their job because of the suspension could not find another job. This was true across all income and age groups but most pronounced among low-income and older drivers.
 - Of those that were able to find another job, 88 percent reported a decrease in income. This was true in all income groups and age groups but most significant among low-income drivers.
 - More than half (58 percent) of those with a history of suspension reported that the suspension negatively impacted their job performance. This was true across all income and age groups.

Table 27 – Economic impacts of license suspension across income groups

Economic Impact	Low Income (Under \$30,000) (N=102)	Middle Income (\$30,000 to \$100,000-) (N=174)	High Income (Over \$100,000) (N=52)
Job status: Not able to keep job after suspension	64%	33%	17%
Job search: Unable to find new job after suspension (if not able to keep job after suspension)	51%	37%	13%
Income: negatively affected income (if not able to keep job after suspension)	96%	87%	86%
Job performance: Suspension negatively affected job performance	66%	50%	60%
Insurance costs: Not able to pay increased insurance costs	65%	48%	21%
Other costs:			
Experienced other costs related to suspension	64%	61%	51%
Not able to pay other costs?	90%	68%	33%

Source: Driver's License Suspension, Impacts and Fairness Study, Carnegie forthcoming

- Other economic impacts included the following (see tables 27 and 28):
 - More than half of those with a history of suspension reported that they could not afford the increased cost of auto insurance resulting from their suspension. This was true across all income groups but was much more of a problem for low-income and younger drivers, and much less of a problem for higher income and older drivers.
 - Two-thirds of respondents with a history of suspension reported experiencing other costs (in addition to increased costs for insurance) resulting from their suspension. Approximately three-quarters of these respondents indicated they could not afford the additional costs. Again, this was true across all income and age groups but the impacts were greatest among low-income drivers. Examples of other costs cited by survey respondents include: MVC insurance surcharges, license reinstatement fees, court fees, legal fees, costs associated with obtaining alternative transportation during the time of suspension, and costs associated with participating in alcohol education programs.

Table 28 – Economic impacts of license suspension across age groups

Economic Impact	18-24 years	25-54 years	55 and up
Job status: Not able to keep job after suspension	62%	39 %	39%
Job search: Unable to find new job after suspension (if not able to keep job after suspension)	29%	39%	90%
Income: negatively affected income (if not able to keep job after suspension)	89%	90%	75%
Job performance: Suspension negatively affected job performance	59%	58%	55%
Insurance costs: Not able to pay increased insurance costs	79%	49%	35%
Other costs:			
Experienced other costs related to suspension	63%	59%	64%
Not able to pay other costs?	82%	75%	60%

Source: Driver’s License Suspension, Impacts and Fairness Study, Carnegie forthcoming

- Most survey respondents with a history of suspension also reported experiencing psychological and social impacts associated with license suspension:
 - 85 percent of those with a history of suspension noted that they “often” or “sometimes” thought about the suspension when not intending to.
 - 72 percent reported that any reminder of their suspension brought back negative feelings about it.

- 69 percent felt ashamed of their suspension; and 68 percent noted they were embarrassed to tell anyone about their suspension.
 - 81 percent reported experiencing a loss of freedom.
 - 83 percent experienced increased stress.
 - 74 percent reported that suspension placed a strain on family, friends and colleagues.
 - 46 percent reported lacking a form of identification.
- Controlling for the effects of income and age, male drivers with a history of suspension were 2.6 times more likely to lose their jobs because of the suspension than female drivers.
 - Male drivers were also more likely to experience negative psychological and social impacts from suspension compared to female drivers. However, there were no significant differences observed between the two groups in terms of finding a new job, income performance after suspension, or experiencing other economic effects such as increased costs of insurance and other suspension-related costs.
 - Although race was highly correlated with having a history of suspension, there were no significant differences between whites and non-whites relative to employment, economic, psychological or social impacts of suspension.
 - Residential location was also highly correlated with having a suspension history; however, with one exception, there were no significant differences observed between drivers living in urban, suburban or rural areas relative to the impacts of suspension. The one exception involved suspended drivers living in rural areas. This group was more likely to report that their suspension put a strain on family, friends and colleagues.

Public testimony and comments

Many of the survey findings reported above were confirmed by individuals that provided public testimony or comments to the Task Force. The following is a summary of findings from the testimony/comments received:

- License suspension has many personal and family impacts. For example, suspended drivers, regardless of the reason for their suspension, reported experiencing numerous difficulties meeting personal and family responsibilities

during the time they were suspended. Many emphasized the necessity of being able to drive in order to meet the needs of daily life.

- The suspension of a spouse or close relative living at home can have a significant impact on the entire family, including children and other dependents who typically rely upon the suspended driver to meet their daily transportation needs for purposes related to school, medical appointments and other essential trips. As one individual remarked, it was she who felt the burden and impacts most of her spouse's license suspension, since she had to take on numerous additional duties for her spouse and children during the suspension period.
- The economic impacts associated with license suspension, particularly for low-income individuals were frequently reported. These impacts were noted even by individuals who requested and received payment plans. Those who testified explained that meeting payment plan requirements can be overwhelming when having to make difficult choices between paying rent and utilities, buying food, and making required payments. For example, even a relatively low monthly payment requirement can be too burdensome for individuals on public assistance.
- Auto insurance costs increase as a result of license suspension. This was true whether drivers were suspended for driving or non-driving reasons. Many of those that testified or provided comments explained that following license restoration they were still unable to drive legally because they could not afford the increased cost of auto insurance.
- A number of those that testified or provided comments described a "vicious cycle" created by license suspension. For example, after being suspended, a driver is unable to secure or maintain employment. Consequently, they cannot pay their fines, fees and surcharges. This in turn leads to more fines and further difficulty in having driving privileges restored. This cycle was referenced by both suspended drivers as well as those representing broader interests, such as the Newark/Essex Construction Careers Program; First Occupational Center; Volunteers of America; Atlantic City Department of Health and Human Services; and the Alliance to End Homelessness in Mercer County.
- A number of individuals providing testimony and/or comments noted that license suspension can have economic effects that go beyond impacts to the individual and family. They suggested that limitations on an individual's mobility, such as that which occurs after license suspension, can limit the labor force available to fill jobs in some areas for certain types of jobs. For example:
 - License suspension can limit the labor force available to fill jobs in key industries, such as home health care, motor vehicle sales and services, and

the construction trades, which require a valid license as a condition of employment.

- In addition, many employers use possession of a valid driver's license as a pre-qualifying "screening" question. This may unnecessarily limit the available labor force when driving a motor vehicle is not integral to job responsibilities.
- The following other potential economic impacts were noted:
 - Fewer drivers may result in less automobile related purchases for gas, service and insurance, which in turn results in decreased tax revenue for the State.
 - Drivers with suspended licenses that are unable to secure gainful employment or who are forced to take jobs that pay less may require public assistance payments, which is a cost to the State and its taxpayers.
 - Various drivers suspended for DUI reasons, as well as members of their families, testified regarding the unique hardships resulting from the long duration of DUI suspensions. Several individuals testified that the prolonged period of suspension has impeded their ability to become functioning members of society. Others suggested that it was unfair that suspension laws do not provide for "time off for good behavior," which could provide an incentive to continue controlling their addiction problems as well as help them secure better employment.
 - In addition, a number of individuals testified regarding the hardships associated with suspensions for failing to pay child support. Specifically, they noted that license suspension limits employment options, which in turn limits a person's ability to meet outstanding support obligations. This creates barriers to family reunification.
 - Finally, a number of individuals provided testimony and comments regarding the unique challenges facing parolees and inmates exiting the prison system. This population faces many obstacles related to driver's license suspension, including an immediate need for photo identification for employment and other general purposes. In addition, many individuals have accumulated significant fines/debt related to their license suspensions during their incarceration. They cannot afford to repay the debt or even make small payments when released because they are often faced with conflicting financial needs.

SECTION FOUR: RESTRICTED-USE DRIVER'S LICENSE PROGRAMS

In 2004, researchers at Rutgers University completed an inventory of state practices related to license suspension and the use of restricted-use license programs in other states. Researchers found that conditional or restricted-use driver's licenses are available in 39 states and the District of Columbia. These licenses allow some or all suspended/revoked drivers to receive limited driving privileges during the time they are suspended. Table 29 provides a detailed summary of the restricted use license programs used in other states.

In all cases, the programs were created by statute. In addition, administrative code/regulations also help to guide implementation of the programs in approximately half of the states. The programs in some states are relatively new, such as Hawaii and Arkansas, which established hardship/restricted license programs in 2002 and 1996 respectively. However, in most states the programs have been in place for several decades.

Program eligibility varies widely from state to state. Most states offer restricted-use licenses to drivers for time delimited suspensions, such as those imposed for a first-time DUI offense, for point accumulation and for other traffic violations after a specified minimum period of suspension is served. Most often, the waiting period ranges from 30 to 90 days, although a few states require all conditional license applicants to serve half of their suspension/revocation period prior to being considered eligible for the license.

In most states, conditional or restricted-use licenses are not available to drivers suspended/revoked for multiple DUI offenses, negligent vehicular homicide, habitual offenders and for failure to render aid. Furthermore, in most states, drivers suspended for compliance reasons are not eligible. Drivers suspended for failing to maintain insurance are eligible in California, New York, Pennsylvania, Alaska and the District of Columbia. In addition, certain states, such as New York, Minnesota, Nebraska, Wisconsin and Wyoming permit those suspended for failing to pay child support to receive a conditional license. Finally, there are a few states, including Washington, South Dakota and Arizona that permit the issuance of a conditional use license when a driver is suspended for failure to pay fines and/or failure to appear in court.

Permitted travel and associated restrictions related to conditional use licenses also vary by state. Some limit travel for employment purposes while others are more lenient and allow travel for many other reasons including for medical purposes, school, child/elder care, "homemaker" duties and travel to and from religious services.

All states with conditional or restricted-use license programs reported that enforcement of license restrictions is primarily limited to law enforcement personnel during the conduct of day to day traffic law enforcement. Some states also require participants to

periodically return to court to demonstrate continued compliance; require employers to notify the motor vehicle agency if the conditions of a participant's employment change; or conduct follow-up audits to verify a participant's employment status.

Penalties for violating program restrictions most typically involve the cancellation of the license and reinstatement of the original suspension or revocation. Some states also extend the original suspension/revocation period, between several months to double the original period. Tennessee noted that if a participant is convicted of violating program restrictions, a fine is levied but the license is not rescinded. Oregon reported that those who violate program restrictions may lose the hardship/probationary license and are not eligible for another such license for a period of one year. Colorado reported that those who are convicted of violating program restrictions lose the license and are not eligible for a conditional license for any subsequent suspensions. Finally, program violators in New York lose their conditional or restricted license and the period during which they held the license is not credited when computing their compliance with the originally specified suspension/revocation period.

Most states considered their conditional license programs to be "effective." Officials in Iowa specifically noted that their program has reduced the number of habitual offenders. The State of Washington noted that while they do not have a procedure in place to track the effectiveness of the program, only a small number of occupational/limited licenses are ever cancelled.

Wisconsin is the only state to report having completed a comprehensive evaluation of their occupational licensing program. In 2003, they issued a report that concluded the program was successful because program participants were generally satisfied with various aspects of the program and experts familiar with the use of Wisconsin's occupational licenses agreed that the occupational licenses reduced unemployment and helped families avoid serious hardships. In addition, an analysis of motor vehicle violation and crash data revealed that occupational license holders tended to receive fewer citations and be involved in fewer accidents in the year after using occupational licenses than in the year before using such licenses (Wisconsin Department of Transportation 2003).

A recent survey of New Jersey drivers found that more than three-quarters of survey respondents supported the creation of a restricted-use license program for at least some suspended drivers under certain circumstances. Although support was greatest among drivers with a history of suspension, 69 percent of those drivers that have never been suspended expressed support for such a license. More than half of the respondents thought that persons suspended for "money-related reasons" such as failing to pay insurance surcharges should be eligible to receive a restricted use license. Fewer respondents supported allowing those suspended for failing to pay child support (39 percent) and failing to appear in court (28 percent) to receive such a license.

The overwhelming majority (96 percent) of those respondents that supported the creation of a restricted-use license favored using the license for employment purposes. Three-quarters (75 percent) supported use of the license for medical purposes. About two-thirds supported using the license for school purposes (68 percent) and for child/elder care (65 percent). Slightly more than half (57 percent) supported using the license for rehabilitation and counseling purposes and slightly less than half (46 percent) supported use of the license for personal/family needs (Carnegie, forthcoming).

Table 29: Summary of Restricted-use License Programs

	Alaska	Arizona	Arkansas	California	Colorado	Connecticut	Delaware	District of Columbia	Georgia	Hawaii	Idaho	Illinois	Iowa	Kansas	Louisiana	Michigan	Minnesota
Background and Eligibility																	
<i>Differentiate b/w suspension & revocation</i>	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<i>Title of mitigation program</i>	Limited Driver License	Restricted Driving Privilege	Restricted Driver License	Restricted Driving Permit	Conditional/Job-related Probationary License	Employment Permit	Conditional/ Occupational Driver License	Limited Occupational License	Limited License	Hardship/Restricted License	Restricted Driver License	Restricted Driving Permit	Temporary Restricted License	Restricted License	Restricted License	Restricted License	Work/School Limited License
<i>Statute & administrative code reference for program</i>	AS 28.15.201 and AAC Title 13, Chapt 4-8	ARS 28-3159 and AAC R17-4-402	AS Title 5, Chapter 65 Section 120	CVC Section 13352.5	CRS 42-2-126	CSL Title 14-37a-1 and Regs 14-37a	DC 21-2-27 Section 302.2733(a)(4) and Regs. 45	DCMR Title 18, Section 310	GC 40-5-64	HRC 286-109	IC 18-002(A), 49-325, 49-326 and AC 39.02.70	Chapt. 625 ILCS 5/6-205 (c), 206 (c)3, 206.1	IC Chapt. 321.215 and Regs. 761-615	KS Chapt. 8 Sec. 292	LRC 32.415.1	MCL 257.323c, 257.319(17)	MS Chapt. 171.30
<i>*Types of offenses eligible for program</i>	1st DUI 1st & 2nd Failure to maintain insurance	1st DUI Point violations ▼Some compliance issues	DUI offenders 1st Refusal to submit Point violations	DUI offenders Repeated traffic convictions Failure to maintain insurance	1st DUI Point violations	1st DUI 1st refusal to submit Point violations	1st & 2nd DUI Repeated traffic convictions Reckless driving	Point violations ▼Some compliance issues	1st & 2nd DUI Point violations	1st DUI Point violations	1st DUI Reckless driving Point violations Leaving the scene	1st & 2nd DUI Repeated traffic convictions	1st & 2nd DUI Habitual traffic offenders 1st Drag racing	DUI convictions Habitual traffic violators Reckless driving	DUI convictions Refusal to submit Reckless driving ▼Some compliance issues	1st DUI offenders 1st Refusal to submit Habitual traffic offenders	DUI & Refusal to submit Habitual traffic offenders Child support
<i>*Types of offenses not eligible for program</i>	Refusal to submit ▼Compliance issues	2nd or more DUI Refusal to submit Habitual offenders ▼Some compliance issues	2nd or more Refusal ▼Compliance issues	Refusal to submit ▼Compliance issues	2nd or more DUI Revoked licenses ▼Compliance issues	DWLS Reckless driving Leaving the scene ▼Compliance issues	Habitual traffic offenders ▼Compliance issues	DUI Reckless driving Leaving the scene	3rd DUI ▼Compliance issues	2nd or more DUI ▼Compliance issues	Refusal to submit Vehicular manslaughter ▼Compliance issues	▼Compliance issues	3rd or more DUI ▼Compliance issues	▼Compliance issues	▼Some compliance issues	2nd or more DUI 2nd or more Refusal ▼Compliance issues	Fleeing law enforcement ▼Compliance issues
<i>Mandatory minimum waiting period for program eligibility</i>	1st DUI - 30 days	1st DUI - 3 months	2nd & 3rd DUI - 1 year	1st DUI - 30 days	1st DUI - 30 days	Refusal - 3 months	1st DUI - 3 months 2nd DUI - 1 year	None	2nd DUI - 1 year	1st DUI - 30 days	1st DUI - 30 days	1st DUI - 30 days Under 21 DUI - 1 year 2nd or more DUI - 1 year	1st DUI - 30 days 2nd DUI - 1 year	1st DUI - 30 days 2nd or more DUI - 1 year	2nd & 3rd DUI - 1 year	1st DUI - 30 days	1st DUI - 15 days 2nd or more DUI - 90 days Refusal - 180 days
Enrollment Process & Requirements																	
<i>Application</i>	Yes	No	No	Yes	No	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	No	Yes	No	Yes - Child Support
<i>Application and/or license fee</i>	\$100 - DUI only	N/A	No fee	\$15	\$5	No fee	\$10	N/A	\$25	N/A	\$35	\$8 each	\$20	No fee	\$50	N/A	N/A
<i>In-person/phone interview</i>	No	No	Yes	No	Yes	No	No	No	No	Courts	No	Yes	No	No	Courts	No	Yes
<i>Entity determining program(s) acceptance</i>	Agency & Courts	Agency only	Agency & Courts	Agency only	Agency only	Agency only	Agency only	Agency only	Agency only	Courts only	Agency & Courts	Agency only	Agency & Courts	Agency & Courts	Courts only	Agency & Courts	Agency only
<i>Appeals process</i>	Yes	Yes	Yes	No	Yes	No	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
<i>Ignition Interlock Device (IID)</i>	No vendors	No	Yes - 2nd or more DUI	Court Discretion	Court Discretion	No	Yes - 2nd DUI	No	Yes - 2nd DUI	No	Court Discretion	No	Yes - 2nd or more DUI	Yes - 2nd or more DUI	Court Discretion	No	No
Permitted Travel																	
<i>Employment</i>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
<i>Education (self and/or dependent)</i>		X	X	X			X	N/A	X	X	X	X	X	X	X	X	X
<i>Substance abuse treatment</i>			X					N/A	X	X	X	X	X	X	X	X	X
<i>Medical (self and/or dependent)</i>	X		X		X		X	N/A	X		X	X	X	X	X	X	
<i>Essential needs</i>				X	X		X	N/A			X		X				X
New Document Issued																	
<i>Surrender license</i>	X	X	X	X	X	X	X		X	X	X	X	X	X	X	X	
<i>License or permit w/ restrictions</i>	X	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X
<i>Authorization letter</i>								X					X	X	X		
<i>Photo ID</i>	X												X				
Driving Restrictions																	
<i>Purpose</i>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
<i>Geography</i>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
<i>Hours of operation</i>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Notification Of Eligibility																	
<i>No notification</i>		X				X			X	X							
<i>Mail from agency</i>	X		X	X	X	X	X				X	X	X	X	X		X
<i>Courts</i>																X	
<i>Information on website</i>	X					X		X									X
Program Administration																	
<i>Licensed drivers</i>	480,000	3.8 million	1.9 million	22 million	N/A	2.3 million	570,000	N/A	6.1 million	787,820	1 million	8.4 million	2 million	1.9 million	3 million	7.1 million	3.6 million
<i>Suspended/revoked drivers</i>	27,213	N/A	101,500	N/A	N/A	134,000	78,660	N/A	N/A	N/A	70,000	258,511	5,700	103,000	N/A	not tracked	163,500
<i>Program participants</i>	485	N/A	N/A	N/A	N/A	6,000	253	N/A	16,000	N/A	1,200	9,213	4,200	N/A	N/A	not tracked	16,560
Peer Advice/Comment	Conditional permits should go to first time offenders only and the program should be based on statute.	N/A	Statutes determining participant eligibility must be clear and explicit.	Design and administer the program with clear rules/restrictions.	N/A	Expressed mixed feelings, but noted the value and importance of the program, especially due to the lack of statewide transportation options.	Long-term suspensions/revocations are not effective. Impose severe burdens on offenders & offenders are less likely to pay fines/fees.	N/A	N/A	N/A	Programs should be based upon statute and administrative rules allowing for administrative ease by providing objectivity.	Automation of the restricted permit process is necessary. Should also be designed in a dynamic and flexible manner so it can adjust to potential legislative changes.	Their program is effective in reducing number of habitual offenders and the program's eligibility is expanding over time.	N/A	N/A	Issuance of a restricted license should be based on state statute and on the type and prior frequency of the conviction in question.	Eligibility criteria must be clear and law enforcement/courts should be involved with program. Advertising program is beneficial.

Notes:

* - List not extensive, refer to full report

N/A - Information not available

▼ - Compliance issues include failure to pay fines and forfeitures, failure to appear, failure to maintain insurance, and child support

◊ - States also offering a payment reinstatement plan

Table 29: Summary of Restricted-use License Programs

	Missouri	Montana	Nebraska	Nevada	New York	North Carolina	North Dakota	Ohio	Oklahoma	Oregon	Pennsylvania	South Dakota	Tennessee	Texas	Virginia	Washington	Wisconsin	Wyoming	
Background and Eligibility																			
<i>Differentiate b/w Suspension & Revocation</i>	Yes	Yes	Yes	Yes	Yes	No	Yes	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
<i>Type of mitigation program</i>	Limited Driving Privilege	Restricted/Probationary License	Medical Hardship License & Employment Drive Permit	Restricted Driver License	Conditional Use License & Restricted Use License	Limited Privilege License	Work/School Permit Program	Limited Driving Privileges	Modified License	Hardship/Probationary License	Occupational Limited License	Work/School Permit Program	Restricted License	Essential Needs License	Restricted License	Occupational and Limited Driver License	Occupational License	Probationary/Job Related License	
<i>Statute & administrative code reference for program</i>	MRS Title 19, Chapt. 302 Sec. 010 & 309	MCS 61-2-206 and ARM 23.2.122	NS 60-4.130.1; 60-4.130.2; 60-4.129; 60-4.130	NRS 483.490, 483.270, 483.390 and NAS Chapt. 483.200	NYCL RUL-Article 21A Sect. 530 and Regs. Part 134-CUL & Part 135-RUL	NCGS 20-179.3	NDCC 39-06.1-10.1 and Regs. 37.03	ORC 4510.021	OS Chapt 47-6-113 and OAC Title 595, Subchapt. 7, Sect. 10-7-15	ORS 813.500, 807.240 & 270 & OAC 735-064-0020	PCS Title 75, Chapt. 15-53 and PAC Chapt. 86.1-3	SDS 32-12-49.4 and SDC 61.19	TS Title 55, Chapt. 50, Sec. 502	TS 521.241; 521.242 and TAC Chapt. 15	CV Title 18.2-271.1	RCW 46.20.391; 46.20.394	WS 343.10(2)(a)1 and WAC Chapt.117	WS Title 31, Chapt. 7, Sec. 105 and WDOT 4182, Sec. 20	
<i>*Types of offenses eligible for program</i>	DUI offenders Point violations Reckless driving	1st DUI Reckless driving Repeated traffic violations	1st DUI Point violations Child support	1st DUI Repeated traffic violations	DUI offenders Repeated traffic convictions ▼Some compliance issues	1st DUI 1st Refusal to submit Point violations	DUI offenders Point violations	DUI offenders Refusal to submit Point violations	DUI violators Reckless driving Point violations	1st & 2nd DUI 1st & 2nd Refusal Repeat traffic violations Habitual offenders	1st DUI 1st & 2nd Refusal Repeated traffic convictions ▼Some compliance issues	1st & 2nd DUI 1st & 2nd Refusal Point violations ▼Compliance issues	1st & 2nd DUI Point violations ▼Some compliance issues	DUI offenders Point violations	DUI offenders Reckless driving Repeat traffic convictions	1st DUI ▼Compliance issues	DUI offenders Habitual traffic convictions Child support 1st Drag racing	1st DUI Point violations Child support	
<i>*Types of offenses not eligible for program</i>	Habitual traffic offenders 2nd or more refusal ▼Compliance issues	2nd or more DUI Refusal to submit ▼Compliance issues	2nd or more DUI Refusal to submit ▼Compliance issues	Habitual traffic offenders 2nd or more DUI ▼Compliance issues	Leaving the scene Refusal to submit ▼Some compliance issues	2 or more DUI Leaving the scene ▼Compliance issues	Refusal to submit Revoked licenses ▼Compliance Issues	4th DUI 4th Refusal ▼Compliance Issues	Vehicular homicide ▼Compliance issues	Vehicular homicide Underage DUI ▼Compliance issues	2nd or more DUI Revoked licenses ▼Some compliance issues	Child support 3rd or more DUI 3rd Refusal Fleeing law	▼Some compliance issues	▼Compliance issues	Refusal to submit Vehicular homicide ▼Compliance issues	Refusal to submit 2nd or more DUI Habitual traffic offenders	Underage DUI ▼Compliance issues	2nd or more DUI Refusal to submit ▼Compliance issues	
<i>Mandatory minimum waiting period for program eligibility</i>	1st DUI - 30 days 2nd DUI - 1 year	None	1st DUI - 30 days	1st DUI - 45 days	None	1st DUI - 30 days 1st refusal - 6 months	DUI - 30 days Point violations-7 days	1st DUI - 15 days 2nd DUI - 30 days 3rd DUI - 6 months	2nd or more DUI - 1 year	1st DUI - 30 days 2nd DUI - 90 days 1st Refusal- 90 days	1st DUI - 60 days 1st Refusal - 1 year Certain DWLS - 3 months	None	2nd DUI - 1 year	2nd or more DUI - 90 days to 1 year	2nd DUI - 1 year 3rd DUI - 3 year	1st DUI - 30 days	2nd DUI - 60 days 3rd or more DUI- 90 days	None	
Enrollment Process & Requirements																			
<i>Application</i>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	
<i>Application and/or license fee</i>	No fee	N/A	\$45	N/A	\$75	N/A	N/A	No	\$150	\$50	\$50	N/A	\$67	\$10	N/A	\$25	\$40	\$15	
<i>In-person/phone interview</i>	No	No	No	No	No	No	No	No	Yes - DUI or Points	No	No	No	No	Yes - DUI	No	No	No	No	
<i>Entity determining program(s) acceptance</i>	Agency & Courts	Agency & Courts	Agency & Courts	Agency only	Agency only	Courts only	Agency only	Courts only	Agency & Courts	Agency & Courts	Agency only	Agency & Courts	Agency & Courts	Agency & Courts	Agency & Courts	Agency only	Agency only	Agency only	
<i>Appeals process</i>	Yes	No	Yes	Yes	No	No	No	No	Yes	Yes	Yes	Yes	Yes - Cts No - DMV	Yes	Yes	Yes	Yes	Yes	
<i>Ignition Interlock Device (IID)</i>	Yes - 2nd or more DUI	Court Discretion	No	Court Discretion	Court Discretion	No	No vendors	Court Discretion	Yes - 2nd or more DUI	Yes	Yes - Refusal to submit	No	Yes - 2nd DUI	Court Discretion	Court Discretion 1st DUI & required - 2nd or more DUI	No	Yes - 2nd or more DUI	No vendors	
Permitted Travel																			
<i>Employment</i>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
<i>Education</i>	X	X		X	X	X	X	X	X		X	X	X	X	X	X	X	X	
<i>Substance abuse treatment</i>	X	X			X	X	X	X	X	X	X	X	X	X	X	X	X	X	
<i>Medical</i>	X		X	X	X	X	X	X	X	X	X				X	X		X	
<i>Essential needs</i>		X		X			X		X	X				X	X		X	X	
New Document Issued																			
<i>Surrender license</i>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
<i>License or permit w/ restrictions</i>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
<i>Authorization letter</i>					X			X		X	X		X	X	X				
<i>Photo ID</i>																			
Driving Restrictions																			
<i>Purpose</i>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
<i>Geography</i>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
<i>Hours of operation</i>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Notification Of Eligibility																			
<i>No notification</i>	X						X				X	X	X	X	X	X			
<i>Mail from Agency</i>		X	X	X	X				X								X	X	
<i>Courts</i>	X			X		X		X		X			X		X				
<i>Website</i>	X		X	X			X	X		X		X	X		X	X	X		
Program Administration																			
<i>Number of Licensed Drivers</i>	3.5 million	450,000	1.3 million	1.5 million	11 million	5.5 million	457,000	8,728,546	2.3 million	2.6 million	8.3 million	550,000	4.2 million	15 million	5 million	4.3 million	3.7 million	455,000	
<i>Number of suspended/revoked drivers</i>	320,344	31,931	53,539	N/A	N/A	N/A	27,000	611,064	N/A	81,040	N/A	600,000	N/A	246,000	430,000	13,200 for Points	364,000	403,586	15,000
<i>Number of program participants</i>	3,508	1,716 for DUI	738	1,499	60,297	6,000	747	N/A	3,269	5,897	N/A	240 by DMV	5,000	12,197	15,600-18,000 for DUI	36,400	29,445	3,000	
Peer Advice/Comment	Automated system is very successful. Program helps reduce the number of people driving while suspended by providing them with viable options.	Program helps achieve compliance while harsher sanctions make offenders more likely to violate their suspension/revocation.	N/A	Program is effective. A program's statutory language should be simple and eligibility made clear.	N/A	N/A	Regulations of program should be based upon statute and clear administrative rules.	Implementation of Limited Driving Privileges has been successful.	N/A	N/A	The program is difficult to enforce but is necessary due to lack of viable transit options.	If program is implemented by both agency and court, then a driver record sharing system must be in place between both entities.	Their suspended/ revoked driving population is often frustrated why most offenses other than DUI are not eligible for the restricted license.	To prevent fraud, occupational licenses should be issued as a photo license.	Program eligibility should be clear in statutes, but if it is too rigid, DMV flexibility is sacrificed.	N/A	Program successful and keeps people working. License revocations are overused and the Tax Intercept program should be used to collect unpaid fines.	Eligibility for any conditional license program should be very specific.	

Notes:

* - List not extensive, refer to full report

N/A - Information not available

▼ - Compliance issues include failure to pay fines and forfeitures, failure to appear, failure to maintain insurance, and child support

◊ - States also offering a payment reinstatement plan

SECTION FIVE: DETAILED RECOMMENDATIONS

The following recommendations were developed by the Task Force taking into consideration the data and information provided to the Task Force and its subcommittees by subject matter experts and outside researchers, public comment received as part of its outreach activities, and deliberative discussions that took place at each of its meetings. It is important to note that any changes to the State's suspension laws must consider what impact the change may have relative to the deterrent and coercive effects of suspension and the potential effects the proposed changes may have on State and municipal revenue.

Many of the State's suspension laws are tied to compliance provisions, unrelated to motorist safety, that generate significant revenue for State and municipal governments. The two most notable examples are license suspension for non-payment of the MVC insurance surcharge program and failure to appear in court to pay/satisfy a parking ticket under the Parking Offenses Adjudication Act. In the case of the MVC insurance surcharge program, revenue derived from the program has been used to secure bonded debt until the year 2034.

The Task Force recommendations are intended to address the affordability and fairness of license suspension in New Jersey while balancing the need to maintain the deterrent and coercive effects license suspension provides as well as being sensitive to the potential revenue impacts of certain proposals. The recommendations are numbered for reference purposes only and are listed in no particular order:

1. Provide judges with more discretion in establishing time payment orders.

- a. Amend N.J.S.A. 39:4-203.1 to provide the court with discretion to enter into court-administered installment payment plans in excess of 12 months. In addition, provide the court with the authority to a) suspend or vacate any unpaid portion of court fines and fees assessed as a result of a conviction for motor vehicle moving violation or parking offense if the individual is indigent or participates in a government-based income maintenance program; and/or b) order the person to perform community service or participate in any other program authorized by law in lieu of the unpaid portion of the assessment.

2. Make payment of court-administered fines and time payments easier for drivers.

- a. Enhance the AOC NJMCdirect website to allow offenders to pay court ordered time payments and to resolve tickets with outstanding warrants or suspensions on-line. Provide NJMCdirect computer kiosks at MVC service centers to facilitate one-stop resolution of suspension requirements. Include information on the njmcdirect website informing customers how they may resolve outstanding suspension issues with MVC. Over time, improve

integration between MVC and AOC communication systems to allow drivers to restore driving privileges that have been suspended for failure to appear in court on-line. It should be noted that this recommendation has joint policy implications for both MVC and AOC.

3. Amend the Parking Offenses Adjudication Act to permit suspension of vehicle registration as an alternative to license suspension.

Currently, the courts have only two remedies to address a driver's failure to appear in court in response to a parking summons – driver's license suspension and issuance of an arrest warrant. License suspension is the less severe and generally favored option. Given the potential impacts of license suspension on a driver's employment status and/or prospects, the courts should also have the option to suspend a vehicle registration. Accomodation should be made to exempt fleet vehicles.

4. Provide courts with greater discretion when adjudicating cases involving failure to comply with a child support order.

- a. Allow payment plans in excess of 12 months for those failing to pay child support arrears.
- b. To the extent permissible under Federal law, make license suspension for failing to comply with a child support order discretionary when "compelling circumstances" warrant an exception.
- c. Support initiatives to increase compliance with child support payments using driver's license suspension as a remedy of last resort.

5. Amend N.J.S.A. 39:3-40 to provide courts with greater discretion regarding the imposition of additional mandatory suspension time when drivers are convicted of driving while suspended for non-driving reasons. Consider whether the current fine amounts defined in the statute are appropriate given the nature of each offense.

6. Make payment of outstanding MVC insurance surcharges and restoration fees easier and more affordable for low income drivers.

- a. Provide MVC with discretion to waive the 10 percent principal payment threshold for license reinstatement based on the individual circumstances of each case.
- b. Provide MVC with greater discretion with regard to payment plan options for new surcharges. Currently, new surcharge balances must be paid within one year and only those with balances greater than \$2,300 can enter into payment plans that extend beyond 12 months. Payment plan options should be permitted for up to 48 months or longer depending on the individual

circumstances of each case. Payment plans of this length are now limited to those drivers that have judgments filed against them in Superior Court.

- c. Provide MVC with the authority to create periodic amnesty programs for drivers with surcharges. The program should be specific regarding who may participate based on the offense which resulted in the surcharge balance. Consideration should also be given to providing program options for those unable to pay the principal surcharge amount in full, as required as part of the MVC's 2003 amnesty program.
- d. Allow deferment of payments and assessment of penalties for a certain period of time if a driver is unemployed, incarcerated or has been suspended for an extended period of time. Any payment deferment policies should include protections to prevent abuse by habitual offenders.
- e. Provide MVC with the discretion to reduce and/or waive the \$100 license restoration fee for "compelling reasons" and/or allow drivers to pay the \$100 license restoration fee as part of a payment plan.
- f. Allow license restoration to be satisfied at more MVC service center locations. Currently, license restoration can only be accomplished at one of MVC's four regional service centers.

It should be noted that some of the above recommendations may have implications in terms of future MVC revenue.

- 7. Conduct a revenue impact study to determine if lowering current surcharge amounts would increase overall collection rates and maintain or increase overall revenue from the insurance surcharge program.**
- 8. Rename the Insurance Surcharge Program to reflect its current purpose as a driver assessment penalty.**

The Insurance Surcharge Program is no longer related to insurance. As such its current name is misleading and confuses the public. While private insurance companies appropriately charge greater premiums for drivers who have engaged in dangerous driving behavior, this program assesses a supplemental fee or penalty on drivers in addition to the fine associated with the original offense and in addition to any increased insurance premium they may be charged. The new name should more accurately reflect the program's current function.

- 9. Increase public awareness and understanding of the insurance surcharge program and the potential consequences and added costs of not paying the surcharges.**
 - a. Create and disseminate multi-lingual informational brochures, posters and other materials about the program written to a 4th grade literacy level. Include information on which offenses result in surcharges, surcharge amounts,

payment plan options, and the consequence of not paying. Information should be available via the Internet and at MVC service centers and should be clearly communicated as part of driver education programs. In addition, the information should be made available at schools, colleges, One-Stop Career Centers, court houses, municipal buildings and other public facilities.

- b. Develop a new point advisory notice to be sent to all drivers convicted of a point carrying offense. The notice should indicate that the accumulation of six or more points will result in the assessment of insurance surcharges.

10. Increase public awareness and understanding of the potential consequences of motor vehicle violations, including: fine amounts (for frequent violations), point accumulation, insurance surcharges and potential license suspension.

- a. Create and disseminate multi-lingual informational brochures, posters and other materials about the potential consequences of motor vehicle violations. The materials should be written to a 4th grade literacy level. Information should be available via the Internet and at MVC service centers and should be clearly communicated as part of driver education programs. In addition, the information should be made available at schools, colleges, One-Stop Career Centers, court houses, municipal buildings and other public facilities.
- b. Mail an informational notice including information on the consequences of motor vehicle violations to drivers accumulating four or more points.

11. Conduct a comprehensive review of New Jersey's current point system, program of administrative sanctions and driver improvement programs to determine the effectiveness of the programs relative to ensuring highway safety.

- a. Evaluate the effect of plea bargaining motor vehicle offenses on highway safety. Special emphasis should be given to assessing the impact of N.J.S.A. 39:4-97.2, which created a new traffic violation, unsafe operation of a motor vehicle, for which no points are assessed for first and second offenses. This statute is frequently used by municipal courts to downgrade point carrying moving violations as part of plea agreements.
- b. Examine the effect of various administrative actions taken by MVC (e.g., point advisory notices, mandatory driver improvement programs, notices of scheduled suspension, and license suspension) on recidivism rates and highway safety.
- c. Review MVC sponsored Driver Improvement Programs and Defensive Driver programs approved by MVC but offered by other organizations to rationalize program content, requirements and point reduction benefits.

- d. Investigate programs used in other states to monitor driver behavior to determine if they are more or less effective than New Jersey's current program.

12. Address issues that contribute to license suspensions for failing to maintain insurance.

- a. Amend N.J.S.A. 39:6B-2 to provide the courts with greater discretion when considering cases involving operation of an uninsured vehicle. MVC currently has discretion regarding license suspension when notification of insurance lapse occurs administratively. The courts should be provided with similar discretion in cases where proof of insurance can be provided at the time of trial.
- b. Increase awareness and understanding related to New Jersey's alternative motor vehicle insurance programs (i.e., "Dollar-a-day" and "Basic" insurance coverage) among the general public and workforce development professionals.

13. Regulate and/or limit insurance premium increases that are based on license suspensions for non-driving reasons.

A recent survey of suspended drivers and numerous comments from members of the public support the finding that suspended drivers are subject to increased insurance premiums. Premium increases occur when drivers are suspended for driving as well as non-driving reasons. The fairness of premium increases resulting from suspension for non-driving reasons is questionable. The Department of Banking and Insurance (DOBI) should investigate current industry practices in this regard to determine if premium increases are justified.

14. Consider creating a restricted-use license program for drivers suspended for financial reasons.

The Task Force recognizes that the best way to address the unintended consequences of license suspension is to avoid the suspension of driving privileges in the first place. As such, many of the Task Force recommendations are designed to reduce the number of suspensions by (a) increasing public awareness regarding how and why a driver's license may be suspended, (b) improving suspension notification procedures and documents to increase compliance with suspension-related requirements before the suspension occurs, and (c) providing the courts and MVC with more flexibility and greater discretion to address the economic and other unique circumstances of each driver's situation.

Although these recommendations may address affordability and fairness issues for many suspended drivers, members of the Task Force recognize that for some drivers, restoration of full driving privileges may still be limited by financial means. As a result, the task force recommends the State consider creating a restricted use license for drivers suspended for financial reasons. Under such a program, drivers

unable to pay court-ordered installment plans, child support orders, and MVC insurance surcharges should be given the opportunity to obtain a limited purpose, restricted-use license for employment, job-training/education and self/dependent medical purposes. Such a proposal is not intended for drivers whose licenses were suspended for dangerous driving. The restricted use license proposed here would improve the employment prospects for these drivers and thereby increase the likelihood that they will be able to meet their financial obligations in the future and improve the state's ability to collect outstanding fines and fees.

The task force recognizes that there are a number of issues to be taken into account in developing the specifics of a restricted use license proposal, including (a) the effectiveness of other recommendations in eliminating economic hardship as a reason for license suspension and (b) the administrative resources involved in creating such a program.

15. Change license suspension notification documents to make them easier to understand and include supplemental education materials to communicate the seriousness of license suspension and its potential consequences.

- a. Modify envelopes used to send suspension-related notifications to include elements that communicate the importance of the material enclosed.
- b. Include information with notices that conveys MVC's openness and willingness to assist its customers to address suspension issues.
- c. Communicate essential information at an appropriate literacy level, including the importance of contacting MVC to receive assistance in addressing suspension issues.
- d. Display clearly on all notices that multilingual assistance is available via the telephone.

16. Improve communication with the public and increase awareness among drivers facing license suspension that MVC has an administrative hearing process available to address the individual circumstances of their suspensions.

- a. Develop public information materials explaining the nature of the administrative hearing process, how to request a hearing and potential outcomes. For example, explain that legal representation is not needed at hearings and that the first step of the hearing process involves a pre-hearing conference with a MVC representative.
- b. Prepare all notices and public information materials at an appropriate literacy level. Information should be reviewed annually to confirm its continued accuracy and relevancy.

- c. Make clear that multilingual assistance is available upon request.

17. Undertake a sustained and systemized effort to provide social service agencies, employment counseling agencies, One-Stop Career Centers, Department of Corrections personnel, parole officers and support staff at transitional facilities with the information, training and tools they need to more effectively assist clients to address license suspension and restoration issues.

- a. Develop training curricula and materials and provide regular staff training opportunities for employment counselors and others engaged in providing services to low income individuals and inmates transitioning from prison.
- b. Simplify the process through which employment counselors and others engaged in providing services to low income individuals and inmates transitioning from prison may obtain driver history abstracts. According to MVC rule, government agencies are exempt from paying the \$10 abstract fee.

18. Elevate the importance of dealing with license restoration issues as part of the Department of Corrections discharge planning process.

- a. Provide guidance on license restoration issues and procedures to those working with the population exiting the prison system, so that those individuals can provide counseling on the topic both before and following inmate release.

19. Increase awareness among county administrators and social service agencies that public assistance funds (e.g., TANF and other federal programs permitting the use of funds for transportation purposes) can be used to pay surcharges, fees and fines associated with license suspension as a means to promote employment opportunities among eligible recipients. These funds are currently administered at the discretion of county human service agencies; however, very few counties use funds for these purposes.

- a. Inform employment counselors and other social service providers that surcharges can be assessed and paid as one-time assessments rather than every three years, which permits greater use of public assistance funds for license restoration purposes. The current exception to this practice is DUI surcharge assessments.

20. Amend existing laws, policies and procedures governing address change notification to increase the accuracy of MVC mailing address data.

- a. Implement a public education campaign designed to emphasize the law requiring drivers to notify MVC of address changes and communicating the potential consequences of not notifying MVC of address changes. If possible, develop incentives to encourage compliance with the law.
- b. MVC should work with the United States Postal Service to develop a protocol for transmitting notification of address change requests submitted to the postal service. Once a protocol is in place, MVC should develop a procedure for confirming address changes with the driver. As needed, MVC should work with legislators to amend applicable laws to facilitate implementation of the new procedure.

21. Monitor the License Restoration Program of the Essex County Vicinage and evaluate its effectiveness as a potential model for other jurisdictions.

SECTION SIX: A FRAMEWORK FOR IMPLEMENTATION

Section five of this report presents a series of twenty detailed recommendations addressing issues related to: court fines, fees, payment plans and discretion regarding license suspension; the Parking Offenses Adjudication Act; the MVC insurance surcharge program; the New Jersey Point system; public awareness and education; insurance issues; as well as training for social service providers and others engaged in assisting low income drivers and individuals transitioning from prison regarding license suspension and restoration issues.

Implementing the recommendations made in this report will require the participation and sustained commitment of many organizations, agencies and individuals. Potential implementation partners include members of the New Jersey Legislature; a variety of State agencies, including: the New Jersey Motor Vehicle Commission (MVC), New Jersey Administrative Office of the Courts(AOC), New Jersey Department of Human Services (NJ DHS); New Jersey Department of Labor and Workforce Development (DOL), New Jersey Department of Banking and Insurance(DOBI), New Jersey Department of Corrections (DOC); county government, municipalities; a variety of nonprofit and faith-based service and advocacy organizations, including but not limited to the New Jersey Institute for Social Justice, the New Jersey Automobile Dealers Association, the American Automobile Association (AAA), labor unions, and construction trade organizations; and members of the judiciary and legal services profession.

Table 30, presented on the following pages, provides a framework for implementation by identifying potential implementation partners and specifying which entities might take a leadership (identified with a ★) and/or supporting role (identified with a +) in advancing specific proposals.

Table 30 – Potential implementation partners

Recommendation	Potential Implementation Partners			
	MVC	AOC	NJ Legislature	Other
1. Provide judges with more discretion when establishing time payment orders		+	★	
2. Make payment of court-administered fines and time payments easier for drivers.		★		
3. Amend the Parking Offenses Adjudication Act to permit suspension of vehicle registration as an alternative to license suspension.		+	★	Municipal government
4. Provide courts with greater discretion to allow payment plans in excess of 12 months for those failing to pay child support arrears and support initiatives to increase compliance with child support payments using license suspension as a remedy of last resort.		+	★	Department of Human Services
5. Amend N.J.S.A. 39:3-40 to provide courts with greater discretion regarding the imposition of additional mandatory suspension time when drivers are convicted of driving while suspended for non-driving reasons. Consider whether the current fine amounts defined in the statute are appropriate given the nature of each offense.		+	★	
6. Make payment of outstanding MVC insurance surcharges and restoration fees easier and more affordable for low income drivers.	★		★	
7. Conduct a revenue impact study to determine if lowering current surcharge amounts would increase overall collection rates and maintain or increase overall revenue from the insurance surcharge program.	★			State Universities Department of Treasury

Table 30 (cont) – Potential implementation partner

Recommendation	Potential Implementation Partners			
	MVC	AOC	NJ Legislature	Other
8. Rename the insurance surcharge program to reflect its current purpose as a driver responsibility assessment.	+		★	
9. Increase public awareness and understanding of the insurance surcharge program and the potential consequences and added costs of not paying the surcharges.	★			
10. Develop informational materials to increase public awareness and understanding of the potential consequences of motor vehicle violations, including: fine amounts, point accumulation, insurance surcharges and potential license suspension.	★			
11. Conduct a comprehensive review of New Jersey's current point system and driver improvement programs to determine the effectiveness of the programs relative to ensuring highway safety.	★			State Universities
12. Address issues that contribute to license suspensions for failing to maintain insurance.		+	★	Department of Banking and Insurance
13. Regulate and/or limit insurance premium increases that are based on license suspensions for non-driving reasons.			★	Department of Banking and Insurance
14. Consider creating a restricted-use license program for drivers suspended for financial reasons.	+		★	Non-profit social service, employment & trade organizations
15. Change license suspension notification documents to make them easier to understand and include supplemental education materials to communicate the seriousness of license suspension and its potential consequences.	★			

Table 30 (cont) – Potential implementation partners

Recommendation	Potential Implementation Partners			
	MVC	AOC	NJ Legislature	Other
16. Improve communication with the public and increase awareness among drivers facing license suspension that MVC has an administrative hearing process available to address the individual circumstances of their suspensions.	★			
17. Undertake a sustained and systemized effort to provide social service agencies, employment counseling agencies, One-Stop Career Centers, Department of Corrections personnel, parole officers and support staff at transitional facilities with the information, training and tools they need to more effectively assist clients to address license suspension/restoration issues.	★			Department of Labor and Workforce Development Department of Human Services Department of Corrections State Parole Board Non-profit social service & advocacy organizations
18. Elevate the importance of dealing with license restoration issues as part of the Department of Corrections discharge planning process.	+			Department of Corrections State Parole Board Non-profit social service & advocacy organizations
19. Increase awareness among county social service agencies that public assistance funds can be used to pay surcharges, fees and fines associated with license suspension as a means to promote employment opportunities among eligible recipients.	+			County government Non-profit social service & advocacy organizations Dept. of Human Services Department of Labor and Workforce Development
20. Amend existing laws, policies and procedures governing address change notification to increase the accuracy of MVC mailing address data	★		★	U.S. Postal Service
21. Monitor the License Restoration Program of the Essex County Vicinage and evaluate its effectiveness as a model.	★	+		Essex County Non-profit social service & advocacy organizations

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EXHIBIT L



American Association of Motor Vehicle Administrators

reinstatement
privilege Sanction
Compliance
VIOLATIONS
behavior SAFETY
SUSPENSION



Reducing Suspended Drivers and Alternative Reinstatement Best Practices



November 2018

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American Association of Motor Vehicle Administrators

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Executive Summary

In 2013, the American Association of Motor Vehicle Administrators (AAMVA) published “Reducing Suspended Drivers Best Practices.” Since that publication, several jurisdictions have made driving privilege suspension policy changes. Some have been in effect long enough to realize measurable positive outcomes. Notwithstanding these changes, the topic of driving privilege suspension has remained in the public eye because of increased media and legislative attention, legal action, and other events.

As a result of these developments, in 2017, AAMVA created the Suspended Driver Alternative Reinstatement Working Group, hereinafter referred to as the Working Group, to update the 2013 document to include consideration of alternative reinstatement practices with emphasis on young drivers. This new document is titled “Reducing Suspended Drivers and Alternative Reinstatement Best Practices.”

The suspension of driving privileges has long been used to address poor driving behavior, and research has proven that it can be effective in reducing traffic crashes. Across North America, at any given time, approximately 7% of all drivers are suspended. However, what was originally intended as a sanction to address poor driving behavior is now used as a mechanism to gain compliance with non-highway safety obligations. Today, drivers are commonly suspended for reasons such as failure to pay a fine or to appear in court, non-driving-related drug violations, school truancy, library and parking fines, and so on.

When licenses are suspended for non-highway safety reasons, the suspension becomes less serious in the minds of law enforcement, the courts, and the

public. The National Cooperative Highway Research Program, Report 500, Volume 2, has estimated that as many as 75% of suspended drivers continue to drive, indicating license suspension is not the sole solution to gaining compliance. Data shows that drivers suspended for highway safety reasons are three times more likely to be involved in a crash than drivers suspended for non-highway safety reasons. With the expectation that limited highway safety resources should be focused on reducing the risk of dangerous drivers, using a driver’s license suspension for non-highway safety violations should be avoided.

The research outlined in Chapter 2 reveals that for the states studied, more than one third of all driving privilege suspensions are for non-highway safety reasons. If these non-safety suspension actions were eliminated, the consequent reduction in citations for driving while under suspension would partially alleviate clogged court dockets. These individuals would retain their driving privileges and improve their ability to earn a living and contribute to the economy. Eliminating non-safety suspension actions would also reduce the administrative burden on motor vehicle agencies (MVAs) and allow law enforcement to focus on drivers with safety-related suspensions.

For jurisdictions that want to explore legislative, administrative, and policy changes for alternatives to license suspension, Chapter 8 offers potential alternatives to suspension as well as alternative reinstatement practices for those who do have their driving privilege suspended. In addition, the report explores special considerations for young drivers in Chapter 9.

Although it is in the public's interest to keep unsafe drivers off the roads, broadly restricting licenses for reasons unrelated to an individual's ability to drive safely may do more harm than good by diverting law enforcement resources and compounding the costs of getting a license reinstated. In this report, it is

recommended that jurisdictions consider repealing laws requiring the suspension of driving privileges for non-highway safety reasons. They should also consider alternative reinstatement practices to allow individuals to more quickly reinstate their legal driving privilege when appropriate. These recommendations are of particular importance to younger drivers.

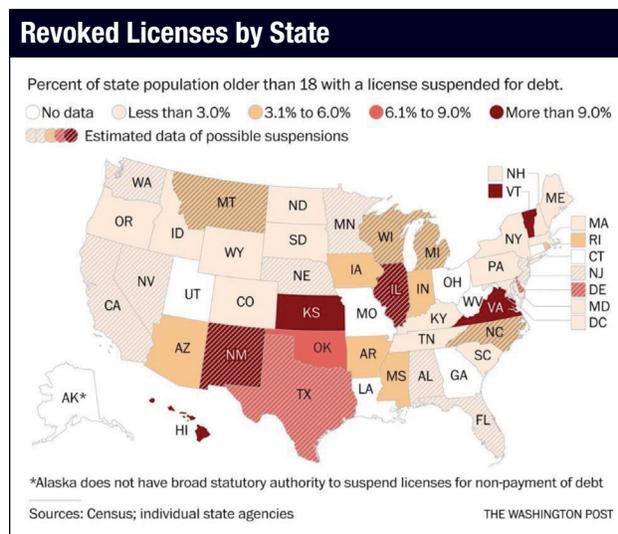
Chapter One Introduction

The three primary public safety goals for suspending driving privileges are to remove dangerous drivers from the road, to change driving behavior, and to punish unsafe drivers. A fourth goal subsequently emerged—to change non-highway safety-related behavior, such as underage drinking, truancy, vandalism, unlawful possession of firearms, and many more (a list based on survey responses may be found in Appendix D). However, there is reason to believe that this is not the most effective tactic to gain compliance with desired non-driving behaviors. Research indicates that approximately 75% of all suspended drivers continue to drive.¹ Moreover, 19% of all fatal crashes involve an unlicensed or suspended driver.² The addition of suspensions for non-highway safety-related reasons has, however, dramatically increased the number of suspended drivers on our roads, resulting in a tremendous burden on law enforcement, departments of motor vehicles, the courts, and local communities. Moreover, recent studies indicate there may be a disproportionate impact on certain populations.

According to a 2018 *Washington Post* article, more than 7 million people nationwide may have had their driver's licenses suspended for failure to pay court or administrative debt, a practice that advocates say unfairly punishes the poor. The total number nationwide could be much higher based on the population of states that did not or could not provide data. At least 41 states and the District suspend or revoke driver's licenses after drivers fail to pay traffic fines or appear in court when required.

¹ NCHRP Report 500, Volume 2, 2003.

² NHTSA Traffic Safety Facts, October 2014.



Highway Safety Suspensions

A driving privilege and the possession of a valid driver license is vitally important. Throughout the U.S. and Canada, on an increasingly frequent basis, driver licenses are suspended for non-highway safety-related violations. A suspension usually remains in place until proof of compliance is provided. After a person's license is suspended, the individual may be required to satisfy not only the original obligation but also fulfill additional requirements before driving privileges are reinstated (e.g., pay a reinstatement fee).

Under the auspices of AAMVA's 2013 Suspended and Revoked Working Group a research study titled "Enhanced Analysis of Suspended/Revoked Drivers Related to Crashes"³ was commissioned to analyze driver record data from eight geographically and demographically diverse states.

³ Robert Eger III, PhD "Enhanced Analyses of Suspended/Revoked Drivers Related to Crashes." Florida State University, 2011.

A total of 114,626 driver records were analyzed for highway safety and non-highway safety-related suspensions. The research identified significant driving behavior differences between drivers suspended as a result of driving reasons and those suspended for non-highway safety-related reasons. The study concluded that despite the seriousness of failure to comply or driving while suspended consequences, individuals do in fact continue to drive while suspended.

Drivers suspended for highway safety-related reasons are almost three times more likely to be involved in a crash than drivers suspended for non-highway safety related reasons.

The study validated the fact that violation recidivism and crash involvement vary between the two groups (those suspended for driving violations versus those suspended for non-driving reasons), and recidivism is more pronounced for individuals suspended for driving violations. Taking suspension action for dangerous driving behavior is appropriate. The research indicates the premise that imposing a driver license suspension as a penalty for non-highway safety-related offenses is ineffective.⁴

Currently, all 50 states, the District of Columbia, and many Canadian provinces have laws that either require or permit a court or other authority to withdraw driving privileges for non-highway safety reasons. To determine the prevalence of these suspensions, AAMVA completed a survey of its members in the summer of 2011. This survey was repeated in 2018 (39 jurisdictions responded

“Data supports that jurisdictions should seriously consider not suspending driving privileges for non-highway safety reasons.”—Spencer Moore, Commissioner, Georgia Department of Driver Services

to the 2018 survey). All indicated that they suspend for non-highway safety-related reasons.

Increased Suspension for Non-Highway Safety Reasons

Each year state, provincial, and territory governments impose new mandates for the suspension of driving privileges for various non-highway safety reasons. Many of these suspensions have no relationship to an individual’s ability to safely drive, their moving violation history, or any other factors related to the operation of a motor vehicle.

This significant increase in legislated non-highway safety-related suspensions has diluted the effectiveness of driving sanctions and increased the burden on law enforcement, driver licensing authorities, and the courts. Consequently, law enforcement, courts, and society in general view suspensions less seriously. In addition, suspensions for non-highway safety-related reasons disproportionately impact certain populations.

Impact on Suspended Drivers

Drivers who have been suspended for non-highway safety reasons often become trapped within the system. Some cannot afford the original fines and may lose their ability to drive legally as a result of a suspension. If the suspension was for a non-highway safety reason, the person, who may otherwise be a safe driver, loses his or her ability to drive to and from work, school, and other essential destinations that require driving. A suspension also results in increased financial obligations through new requirements such as reinstatement fees, court costs, and other penalties.

Although there is a clear societal interest in keeping unsafe drivers off the roads, broadly restricting licenses for reasons unrelated to an individual’s ability to drive safely may do more harm than good. This is especially true in areas that lack alternative means of transportation. Local communities, employers, and employees all experience negative consequences as a result of non-highway safety suspensions, including

⁴ Robert Eger III, PhD, Florida State University.

unemployment, lower wages, fewer employment opportunities and hiring choices, and increased insurance costs.⁵ People who are able to legally drive are more likely to have stable employment.⁶

Local communities, employers, and employees all experience negative consequences as a result of social non-conformity suspensions . . . People who are able to legally drive are more likely to have stable employment.

A 2006 report authored by the *Motor Vehicles Affordability and Fairness Task Force*, created by New Jersey statute, to study the impact of non-highway safety-related suspension of driving privileges, reflects these negative economic effects. In New Jersey, 42% of drivers lost their job after their driving privilege was suspended. Of these drivers, 45% were unable to find new employment. Of those who were able to find another job, 88% reported a decrease in income.⁷

Impact on Younger Drivers

Young drivers present a unique challenge to licensing authorities because of their immaturity and lack of experience in operating motor vehicles. In addition, many of these young drivers have not yet had financial management training or experience and have not developed a broader appreciation of the true costs and responsibilities required for motor vehicle ownership and responsible operation. Even with a good understanding of the financial requirements associated with obtaining a license and of vehicle ownership, young people have the added challenge of typically experiencing lower employment rates and lower

paying jobs. Significantly, many states have eliminated subsidized driver education programs from public schools, leaving instruction primarily to the parents or legal guardians of these youth or to private driver instruction entities.

Another aspect common to most young drivers is the lack of sufficient financial resources caused by part-time employment, educational obligations, lack of professional qualifications, and other factors. Many of these drivers, because of their inexperience, commit traffic violations that result in driver license suspension and costs related to attaining full licensure.

National Highway Traffic Safety Administration (NHTSA) crash analysis consistently shows drivers under age 26 are overrepresented in crashes (high risk). However, when younger drivers are suspended for non-driving reasons, the suspensions have collateral consequences such as financial responsibility filing requirements. The compounding effect of these consequences may have a long-term and substantial impact on a young person's ability to pursue educational opportunities and to secure and maintain future employment. In many jurisdictions, minors are subject to license suspension for truancy, underage drinking, alcohol or drug offenses, and a myriad of other offenses not involving motor vehicle operation or traffic safety offenses. This can inhibit a minor's ability to qualify for commercial motor vehicle credentials or employment as a driver for compensation. For a young person on the cusp of pursuing a career, this can be devastating.

With the advent of new technology (and a young population familiar with the use of electronic devices and social media), jurisdictions have a unique opportunity to proactively educate, inform, and monitor young drivers, with a goal of instilling safe driving habits at an early age. Young people have their own ever-evolving methods of communication, and jurisdictions that acknowledge this and transform approaches to communicating may find better and more effective methods to reach and engage young audiences.

⁵ Alan M. Voorhees Transportation Center. *Motor Vehicles Affordability and Fairness Task Force: Final Report*. Edward J. Bloustein School of Planning and Public Policy, Rutgers University and New Jersey Motor Vehicle Commission, 2006.

⁶ Margy Waller. "High Cost or High Opportunity Cost? Transportation and Family Economic Success." *The Brookings Institution Policy Brief*, Center on Children and Families, no. 35, December 2005.

⁷ Alan M. Voorhees, Transportation Center, 2006.

Although safe driving is important for everyone, the reality is there are many young drivers facing suspension for safety and non-highway safety reasons. Therefore, jurisdictions should explore alternatives to license suspension or restriction for younger drivers and pursue efforts to reduce or eliminate the long-term impact of various offenses and reinstatement requirements for this population. Some jurisdictions have instituted amnesty programs to permit suspended drivers to attain legal licensure by eliminating or mitigating certain reinstatement requirements. Courts in other areas offer community service or driver training requirements in lieu of reinstatement fees or

Moreover, drivers suspended for highway safety reasons are six times more likely to be involved in a crash than drivers who have never been suspended for any reason.

expunge certain license actions unique to young drivers after a period of violation-free driving. Regardless of the approach, reducing the cost, complexity, and collateral consequences of license suspension for young drivers can produce dividends beyond safer drivers.

Impact on Highway Safety

It is estimated that up to 75% of suspended drivers continue to drive.⁸ The *Enhanced Analysis of Suspended Drivers Related to Crashes* (Appendix B) shows that approximately 34% of drivers suspended for highway safety reasons commit a moving violation while under suspension compared to approximately 7% of drivers suspended for non-highway safety reasons.⁹ Almost 19% of drivers suspended for highway safety reasons are involved in a crash compared with less than 7% of drivers suspended for non-highway safety reasons, so they are nearly three times more likely to be involved in a crash. One in five traffic fatalities in the U.S.

⁸ National Cooperative Highway Research Program, Report 500, Volume 2.

⁹ Robert Eger III, PhD, Florida State University, 2011.

involves a driver who is operating a motor vehicle while suspended or who has no license at all, according to the Transportation Research Board of the National Academies.¹⁰ Findings show drivers suspended for bad driving are indeed bad drivers. However, those suspended for non-highway safety reasons may not be unsafe drivers at all, and therefore alternatives to suspension should be considered.

Impact on Motor Vehicle Agencies (MVAs), Law Enforcement, and the Courts

The dramatic increase in non-highway safety suspensions creates a burden for law enforcement, MVAs, and courts. The impact of non-highway safety violations on these entities are discussed in detail in Chapters 4 to 6. Law enforcement, MVAs, and the courts could better focus on drivers arrested for impaired driving, aggressive driving, serious traffic violations, and other risky behavior if they were not required to take action against individuals suspended for non-highway safety reasons.

According to Chief John Batiste of the Washington State Patrol, “A roadside encounter with a suspended driver is a time consuming endeavor for officers. Drivers suspended for non-driving reasons represent 39% of all suspended drivers and are not the threat to the motoring public as other suspended drivers.”

Reducing law enforcement roadside encounters with suspended drivers by up to 39% would result in significant time savings allowing officers to be available for calls for service and other proactive highway safety activities.

¹⁰ National Cooperative Highway Research Program, Report 500, Volume 2, 2003.

Chapter Two Research Overview

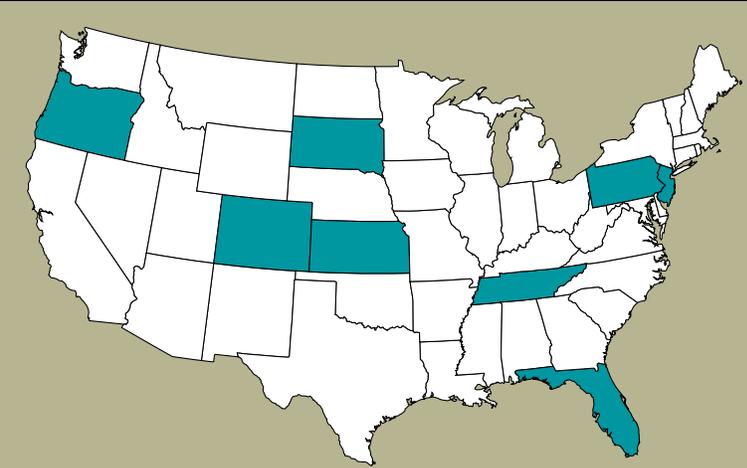
In 2005, the original Suspended Driver Working Group commissioned Robert Eger III, PhD, Florida State University, to analyze driver record data from six states. In 2011, additional data from two more states were added to provide validation of the findings. The research focused on driver license suspensions, categorized by those resulting from highway safety violations and non-highway safety reasons and subsequent driving behavior. The research analyzed post-suspension activity to determine whether driver license suspension is effective in achieving compliance with non-highway safety obligations.

Driver records from Colorado, Florida, Kansas, New Jersey, Oregon, Pennsylvania, South Dakota, and Tennessee, were analyzed. The eight states were geographically and demographically representative of the entire nation.

Researchers applied the AAMVA Code Dictionary (ACD) to provide consistent category definitions of all driver record violations. The ACD provides guidelines for the uniform exchange of violation information between state MVAs.

The study outcome revealed that the two groups of suspended drivers—those suspended for highway safety violations and those suspended for non-highway safety reasons—differ from the national percentage of licensed drivers involved in crashes. Those suspended for highway safety reasons have a much higher percentage of crashes than drivers suspended for non-highway safety reasons. The two groups also differ in the length of driver license suspension and the relationship between the length of suspension and the frequency of crashes. It follows that less traffic enforcement of highway safety violations occur as

Researchers reviewed nearly 115,000 driver records from eight (8) geographically and demographically representative states.



These results validate the finding that the two groups of suspended drivers appear to behave differently and thus should not be treated as a homogenous group in regard to highway safety policy.

suspensions for non-highway safety reasons increase. These analyses support a repeated call for suspended driver policy options that address the differences between the two groups. See Appendix B for the full study.

Both groups of suspended drivers (highway safety and non-highway safety) negatively affect highway safety, but clearly those suspended for highway safety reasons present a bigger risk to roadway users.

Data from 2002 to 2006 was analyzed to assess activities of drivers whose licenses had been suspended. The total number of suspended drivers during the study period decreased from approximately 25,000 in 2002 to approximately 20,000 in 2006. This

represents a 21% decrease over the time period. However, the study revealed an increasing proportion of drivers suspended for non-highway safety reasons. In 2002, drivers suspended for non-highway safety reasons represented 29% of all suspended drivers. By 2006, this group represented 39% of all suspended drivers.

Findings indicate that 75,948 drivers, or about 66% of the sample population, were suspended for highway safety violations, and 38,678 of drivers, or about 34% of the sample, were suspended for non-highway safety reasons. More than one third of the drivers with suspended licenses lost their driving privileges for reasons that were completely unrelated to driving.

Of those suspended for highway safety violations, 9.2% committed a subsequent non-highway safety offense compared with 24.2% of drivers suspended for non-highway safety reasons. This shows that more drivers suspended for non-highway safety reasons committed subsequent non-driving offenses than those suspended for highway safety reasons. In fact, the data indicate that more than two thirds of drivers with a suspended license commit a subsequent non-highway safety offense, suggesting that suspending their license does not compel compliance with non-highway safety obligations.

Regarding crashes, study results show that whereas 18.9% of drivers (14,318 of 75,948) suspended for highway safety violations are involved in a crash during the suspension period, 6.9% of drivers (2,669 of 38,678) suspended for non-highway safety reasons are involved in a crash. When looking at repeat offenders, the results show that whereas 44.2% of drivers (11,786

of 26,689) suspended for highway safety violations are involved in a crash, 21.1% of drivers (2,427 of 11,499) suspended for a non-highway safety reason are involved in a crash (Table 2-3). Bottom line: Drivers suspended for driving reasons are involved in more crashes. If after reviewing this document policymakers agree that there should be a direct nexus between license suspensions and highway safety, then state laws requiring suspensions for non-highway safety reasons should be reconsidered and alternatives to achieving compliance that offer a direct connection to the offense identified. To explore the relationship between suspended driver crashes and crashes involving all drivers, the number of crashes were analyzed.

More than 3.1% of licensed drivers were involved in a crash during the study period. The percentage of drivers suspended for non-highway safety reasons who were involved in a crash was 6.9%, more than double the crash involvement rate of drivers who have never been suspended for any reason. The number of drivers suspended for highway safety reasons involved in a crash was 19%: six times the rate of crash involvement of all drivers. Both groups of suspended drivers appear to negatively affect highway safety, but clearly those suspended for highway safety violations are the higher risk group.

The outcome of this research indicates that driver license suspension for non-highway safety reasons is ineffective in achieving compliance with non-highway safety obligations. Study results confirm that the two groups should be treated differently when formulating highway safety policy. These analyses support a repeated call for a suspended driver policy that emphasizes suspension only for highway safety reasons.

Chapter Three Impact on the Driving Public

Suspending a person's driving privilege can have a profound impact on that person's ability to function in modern society. Many people rely on their driving privilege to handle everyday tasks—going to school or work, transporting family members, seeing the doctor, and more. Suspending a person's driving privilege means taking away their ability to meet those obligations legally—often, without a readily available alternative. A person's path to reinstatement is further complicated if his or her suspension is for non-payment of a financial obligation.

Young Drivers

MVAs have long paid special attention to young drivers because of their disproportionate highway safety risk. Young drivers are inexperienced, and this lack of experience leads to disproportionate involvement in crashes, long known to be the leading cause of death for teens.¹¹ In response to teen crash rates, most jurisdictions instituted Graduated Driver's License (GDL) systems to allow younger drivers to adjust to the responsibility of driving. Data have proven the efficacy of GDL systems.

Young drivers may also be disproportionately impacted by non-highway safety suspensions. Census data suggest that the economic condition of many young people has worsened. For example, in 2016, 41% of young men between the ages of 25 and 34 had incomes below \$30,000 (up from 25% in 1975).¹² Likewise, the census reported in 2017 that one in three young people between the ages of 18 and 34 lived in

their parents' home, and of them, one in four were neither working nor attending school.¹³ Low income can make young people more vulnerable to suspension for economic reasons. It can also make it more difficult for these individuals to appear for a court case, resulting in a loss of driving privilege.

Many jurisdictions suspend the driving privilege of those who commit offenses and crimes even when the offense did not involve operating a motor vehicle. This is a trend that affects all ages but can be exacerbated when a person falls into this trap at a young age.

Virginia State Police data showed that 47% of the people arrested in 2015 for a drug crime were between the ages of 15 and 24.

For example, in Virginia, where a person can be suspended for non-driving drug crimes, Virginia State Police data showed that 47% of the people arrested in 2015 for a drug crime were between the ages of 15 and 24.¹⁴ Additionally, many jurisdictions have offenses that apply only to the younger population, such as truancy or underage drinking, subjecting them to a heightened risk of being suspended for a non-highway safety reason.

Financial Obligations

Many non-highway safety suspensions result from failing to pay financial obligations such as child support (as mandated by federal law), court fines, costs, and reinstatement fees. A significant problem

¹¹ Centers for Disease Control and Prevention, 2015.

¹² United States Census Bureau. The Changing Economics and Demographics of Young Adulthood From 1975 to 2016. <https://www.census.gov/newsroom/press-releases/2017/cb17-tps36-young-adulthood.html>

¹³ Ibid.

¹⁴ Crime in Virginia, 2015, Uniformed Crime Reporting Section, Va. Dep't. of State Police, at 66, http://www.vsp.state.va.us/downloads/Crime_in_Virginia/Crime_in_Virginia_2015.pdf.

for drivers suspended for non-payment of financial obligations is that the amount due can increase over time because of non-payment of penalties, interest, and other reinstatement requirements. Although continuing accrual of interest and other costs would happen whether or not the driving privilege is suspended, the accrual of interest can make it harder for suspended persons to be reinstated because of the increasing balance due.

A federal court in Virginia described the dilemma of one individual suspended for failure to pay fines and costs as follows:

Damian Stinnie owes fees, fines, and costs to Virginia's courts. He cannot pay them, so Virginia law requires that his driver's license be suspended until he pays. But the suspension makes it difficult to get and keep a job. In other words, because he cannot pay the fees, his license is suspended, but because his license is suspended, he cannot pay the fees.

Damian Stinnie owes fees, fines, and costs to Virginia's courts. He cannot pay them, so Virginia law requires that his driver's license be suspended until he pays. But the suspension makes it difficult to get and keep a job. In other words, because he cannot pay the fees, his license is suspended, but because his license is suspended, he cannot pay the fees.

As illustrated by Mr. Stinnie's case, suspending someone's driving privilege for a non-highway safety reason sends a double message—that the state wants the individual to meet his or her obligations but it is taking away one of the most viable means

for doing so, driving legally. Suspending a person's driving privilege makes it less likely that fines will be paid if the person is unable to get to work and to pursue other daily activities such as attending school, going to medical appointments, and so on. This is compounded for individuals who live in areas where other transportation options are not readily available.

Recipients of Payments

The non-payment of financial obligations also has negative impacts on the intended recipient. Court fines and costs fund a variety of activities and interests, often including those that indirectly benefit the public. For example, fines may benefit victims of crime or other groups earmarked to receive a portion of the funds. When an individual does not pay his or her obligation, the money is not available to assist the members of the public it was meant to benefit. Accordingly, failure to pay a financial obligation can have a negative impact on the people who would benefit from the payment.

Multiplier Effect

If a suspended driver is cited and convicted of driving while suspended, the driver is subject to an additional period of suspension and additional reinstatement requirements. When a driver is suspended, substantial court and MVA resources are required to collect fees, generate notices of suspension, monitor reinstatement requirements, and maintain proof of insurance records. This process may also have a multiplier effect of successive suspensions for drivers, who, because of limited financial resources, cannot meet compounding reinstatement requirements. The multiplier effect not only impacts suspended drivers, but the entire system, including the MVA, law enforcement, and the courts.

Chapter Four Impact on Motor Vehicle Agencies

Introduction

A critical mission of MVAs is to help ensure the safety of the nation's roads and highways. To that end, they are charged with ensuring that individuals behind the wheel of a motor vehicle know the driving laws of the jurisdiction and that they qualify for a driver's license by demonstrating their ability to safely operate a motor vehicle. When an individual fails to follow the rules of the road, he or she may lose the privilege to drive.

Over the past two decades, governments have increasingly looked to suspend the driving privilege to help solve non-highway safety issues. Suspending the driving privilege has become the preferred method to leverage compliance with jurisdiction laws that have nothing to do with highway safety in the belief that suspension will leverage compliance with other public laws. The reality however, is quite different because there is no empirical evidence suggesting that people comply with requirements because their driving privilege was suspended as a result.

New laws requiring license suspension generally result in MVAs having to modify information technology (IT) systems to incorporate the new suspension on the driving record, train central office and field staff to process suspensions and reinstatements and respond to inquiries, and develop or revise forms. In addition to staff time, expenses to implement the suspension may include IT processing costs, stakeholder training, increased postage, and supply costs. In other words, implementing such a suspension draws resources away from the MVA's core mission of public and highway safety.

Today all 50 states, the District of Columbia, and many Canadian provinces and territories have laws

that require the suspension of driving privileges for non-highway safety reasons, and more are proposed each legislative session. As a result, the entities responsible for administering suspensions and enforcing subsequent actions—the MVAs, law enforcement, and the courts—are increasingly burdened with non-driving compliance actions. A 2002 study conducted by the California DMV showed that suspending driving privileges for non-highway safety reasons is not effective. The costs of arresting, processing, administering, and enforcing non-highway safety driver license suspensions create a significant strain on budgets and other resources and detract from highway and public safety priorities.

Leading Non-Highway Safety Suspension Reasons

A survey was conducted by the *Working Group* in 2018 to update the previous survey highlighting the non-highway safety reasons for which jurisdictions suspend driving privileges. Thirty-nine (of 69) jurisdictions responded to the survey. Among the 39 responses, below are the five non-highway safety reasons resulting in the most actions of suspension.

1. Failure to pay (a court fine or traffic ticket)
2. Failure to pay child support
3. Failure to appear (for a scheduled court date)
4. Drug violations
5. Minor in possession of alcohol (not driving)

It was common for a jurisdiction to report very low volumes, or even zero suspensions for a particular violation. A more complete view of survey results can be found in Appendix D.

Fiscal Impact on Motor Vehicle Agencies (MVAs)

Significant time and resources are spent each year in the administration and enforcement of non-highway safety-related suspensions. MVAs do not always receive the funding necessary to implement and support new suspensions. Even when funded, these costs pose a significant burden on the jurisdiction.

After the legislature passes the requirement for driver license suspension for a non-highway safety reason, the MVA must implement the suspension. The fact that the suspensions are sometimes not used makes the process even more cumbersome and costly. For example, 23 jurisdictions reported in the original survey fuel theft as a suspension type. Four jurisdictions reported zero suspensions. Fourteen jurisdictions reported imposing 258 total suspensions for fuel theft. Applying time estimates provided by Colorado (shown below), for development of a new suspension type, the 14 jurisdictions spent 2,800 hours of developer staff time to suspend 258 drivers for fuel theft. This equates to 10 hours of developer time per suspension.

Following are examples of the various resources required by MVAs to impose a new suspension:

ARKANSAS

In 2017, the Arkansas Department of Finance and Administration processed approximately 40,000 suspensions for non-highway safety reasons. Nearly four full-time employees (FTEs) were required for administrative processing, and more than \$20,000 was spent in postage alone.

COLORADO

The Colorado Division of Motor Vehicles (DMV) completed an analysis of its resource allocation to create and administer a new non-highway safety-related suspension code. The DMV projected that 8,566 hours of manual employee processing time is needed on an

annual basis to process 16,800 anticipated suspensions. That equates to 4.22 full FTE.

In addition to processing staff, Colorado projected that 10,080 hours of hearing officer time would be needed on an annual basis to hold hearings and issue findings. That total is based on the assumption that 60% of suspended drivers will request a hearing and that each hearing is an hour in length. That equates to 4.84 hearing officers.

IT staff is required to enhance the driver license computer system to create the new suspension action and accommodate data entry, data access, and forms generation. It is estimated that 200 hours of IT staff time is required to create the action.

MISSOURI

In 2017, the Missouri Department of Revenue Driver's License Bureau employed two full-time staff to process non-highway safety suspensions. Processing responsibilities include examination of the non-compliance documents, keying information into the computer system, mailing information, processing reinstatements, and handling phone calls and written inquiries. In addition to staff salaries and supervisory support, the Department spent \$24,000 on postage, envelopes, and paper to communicate with drivers suspended for non-highway safety reasons.

OREGON

In 2017, the Oregon Department of Motor Vehicles had 22 employees and spent approximately \$73,000 on forms and postage costs for communication with suspended drivers for non-highway safety suspensions.

Savings Realized by Jurisdictions That Have Reduced Non-Highway Safety Suspensions

WASHINGTON STATE

In July 2013, as a result of E2SSB 6284, Washington stopped suspending driving privileges for failure to appear/pay (FTA) for non-moving violations.

Suspension still occurs for FTA on moving violations (and five select non-moving related violations). Nearly five years after the implementation of the law change (March 2018), an analysis revealed a drop of approximately 12,000 suspensions per month and a 51% reduction in total FTA suspensions. For a complete view of Washington's success story, see Appendix C.

The suspended population in Washington State will be further reduced by additional legislation that passed under SSB6529 in 2017, which changed suspension for offenses committed by minors relating to firearms, alcohol, and drugs. For these violations, minors are now suspended on the second offense; previously, suspension occurred after first offense.

GEORGIA

During the 2015 to 2016 Regular Session of the Georgia State Legislature, SB 100 was passed, which repealed the requirement to suspend on many non-highway safety-related reasons. In the first three fiscal years following passage of this law, Georgia documented administrative printing and mailing cost savings of more than \$100,000, in addition to allowing reallocation of staff time to other priorities.

The creation and implementation of suspensions for non-highway safety reasons generate cost to jurisdictions and creates a burden on MVA's, law enforcement, and the courts that are not supported by measurable highway safety outcomes.

Chapter Five Impact on Law Enforcement Agencies

Introduction

The cost of handling non-highway safety driver's license suspensions by law enforcement diverts law enforcement resources from other enforcement priorities. The research discussed in Chapter 2 reveals that 39% of suspended drivers lost their driving privilege for a non-highway safety reason(s). Eliminating 39% of suspended drivers would result in fewer citations for driving while suspended and allow law enforcement to repurpose the hours currently being diverted by these cases toward traffic law enforcement activities focusing on crash-causing violations.

If a driver is suspended and involved in a crash, whether the driver is at fault or not, he or she may not wait for law enforcement response, contributing to a number of drivers who flee from the scene of crashes (hit and run).

In most jurisdictions, actions taken by law enforcement for individuals driving while suspended do not differ based on the underlying reason for the suspension. Whether the person is suspended for impaired driving or littering, the officer must follow the established procedure for processing the offender. Moreover, when a law enforcement officer encounters a suspended driver, his or her ability to help ensure the safety of drivers on the roadways and availability to respond to calls for service are reduced. The officer must take appropriate action for the violation at roadside, which often includes waiting for a tow truck for impound and in some cases transporting the

individual to jail if a booking offense. Often the officer has to appear in court later for adjudication of the violation(s) during which time there may be little or no enforcement presence in their patrol area. During these times, officers are not available for 911 responses, crash investigation, criminal interdiction, and other enforcement activities, potentially increasing the threat to public safety.

Roadside contacts with suspended drivers is also an officer safety concern. What may have been a ten-minute contact is extended considerably when it is discovered the driver is suspended. In the U.S. in 2017, 129 law enforcement officers were killed or died as a result of injuries received in the line of duty. According to the National Law Enforcement Officers Memorial Fund, a nonprofit that tracks police deaths, 2017 statistics show that traffic fatalities were a leading cause of officer deaths, with 44 officers killed. Each time an officer stops a driver who is suspended, it increases the officer's exposure and increases the possibility of an incident that may lead to injury or death.

Fiscal Impact on Law Enforcement

Law enforcement agencies throughout the country face significant resource challenges and difficult choices about where to best focus limited resources.

The Tennessee Highway Patrol reported that in 2017, 25% of their arrests made were for driving while license suspended. Assuming 39% of those were suspended for non-highway safety reasons, approximately 10% of arrests made were non-highway safety related.

Law enforcement agencies spend millions of dollars and lose thousands of personnel hours each year in the

administration of non-highway safety suspended driver enforcement.

To provide further context, one example is extrapolated from data provided by the Washington State Patrol (WSP). In 2017, WSP troopers issued 20,248 citations for driving while suspended or revoked. Applying a national average of 39% of all suspensions being for non-highway safety reasons, 7,896 drivers were cited for driving while suspended for non-highway safety-related reasons.

Although a precise accounting of the number of roadside, administrative, and court hours spent on each case is not available, a conservative estimate is four hours per event as the case/time multiplier. Using this figure, in Washington State, more than 31,584 personnel hours, or the equivalent of approximately

15 FTEs, are expended every year in the arrest and adjudication of drivers caught driving while suspended for non-highway safety reasons.

“A roadside encounter with a suspended driver is a time-consuming endeavor for officers. Drivers suspended for non-driving reasons represent 39% of all suspended drivers and are not the threat to the motoring public as other suspended drivers. Reducing law enforcement roadside encounters with suspended drivers by up to 39% would result in significant time savings allowing officers to be available for calls for service and other proactive highway safety activities”—Chief John Batiste, Washington State Patrol

Chapter Six Impact on the Courts

Introduction

The cost of handling non-highway safety suspensions by the criminal justice system is a significant burden. Traffic offenses represent the largest number of charges prosecuted in many state and local courts. According to the National Center for State Courts (NCSC), 44.9 million traffic violation cases were handled by state courts nationwide in 2016, representing 53% of the total cases processed by state courts in that year.

“In every one of the 77 municipal divisions that I supervise, the judges, prosecutors, defense attorneys, and staff spend an inordinate amount of time dealing with suspended driver license cases at every docket. The process to get someone reinstated is onerous and complicated, and it only gets worse when a person has multiple suspensions. Attempting to help drivers get reinstated often means countless continuances and time spent (wasted) sending the drivers from one court to another.”—Hon. Douglas R. Beach, Presiding Judge, St. Louis County, Missouri

Subject matter experts agree that traffic offenses, and driving while suspended cases specifically, are viewed by the general public as less serious than other crimes and do not receive an equal degree of focus despite the finding that such offenses indicate the driver is at greater risk of a crash resulting in injuries or death. The high number of non-highway safety suspensions may contribute to the misperception that driving while suspended is not a danger to public safety.

Consideration of Court Alternatives

Courts should be aware of and consider alternatives to license suspension, which may include flexible scheduling, improved access to fine payment and adjudication, and reduced penalties for low-risk offenders. In lieu of compelling offenders to appear in court, there are many innovative methods to incentivize people to comply with their obligation(s).

Flexibility in court practices, such as providing a weekly docket or night courts, allows offenders to pick a time and date that works best for their schedule. Other flexible practices include providing convenient locations where a court may convene, providing interactive plea or payment kiosks in public places to transact court business, or allowing central processing for offenses committed in various jurisdictions. Other court provided incentives include reducing the amount of the fine or court cost assessed if an offender satisfies the obligation early, or permitting “0” point assessment for early compliance.

Courts and MVAs and other stakeholders should collaborate to identify solutions. For example, in Maryland, kiosks are used in every MVA branch office where people under suspension can pay court fines and complete their reinstatement process in one location. A DMV office in Oxnard, California, offers a “court window” where drivers can pay fines or conduct other court business. Improving accessibility to satisfying a penalty can improve compliance.

Courts may also consider a uniform procedure for determining a person’s ability to pay and allow

alternative sanctions in lieu of license suspension. Examples of alternative sanctions include:

- Community service in lieu of fines or costs
- Payment plans or license restrictions in lieu of mandatory suspension periods. License restrictions can include limiting operation of a vehicle within a certain mile radius of residence, limiting operation to certain types of roadways, daylight driving only restrictions, or vehicle operation for employment or education purposes only.
- Wage garnishment or state tax refund offset to cover outstanding fines and costs

In 2016, the Conference of Chief Justices and the Conference of State Court Administrators established the National Task Force on Fines, Fees, and Bail Practices. The task force produced its “Principles on Fines, Fees, and Bail Practices” in January 2018, encouraging courts to not initiate a license suspension procedure until an “ability to pay” hearing is conducted by the court and a determination made that the failure to pay was willful. The task force further recommended that courts not engage in automatic license suspension

policies and permit judges to modify the amount of the fine and costs based on an offender’s income and ability to pay. The group also recommended that courts acknowledge in their policies that their fines, fees, and bail practices may have a disparate impact and collateral consequences on poor or ethnic populations. Courts are also encouraged to seek alternatives sanctions, such as payment plans tailored to the needs of an indigent driver, reduced fines, community service, or successful completion of an online or in-person driving class.

The task force further recommended that courts not engage in automatic license suspension policies and permit judges to modify the amount of the fine and costs based on an offender’s income and ability to pay.

As discussed in the MVA and Law Enforcement chapters, by using alternatives to license suspension, courts improve a person’s ability to resolve the obligation and reduce the strain on their resources so they can be repurposed. An additional benefit may be improved public perception of courts.

Chapter Seven Alternatives to Driver License Suspension and Reinstatement Practices

Introduction

As discussed in prior chapters, jurisdictions stand to benefit from implementing administrative rule and policy changes that provide for alternatives to license suspension. This chapter addresses potential alternatives to suspension, alternative reinstatement practices, and special considerations for younger drivers.

Jurisdictions considering implementing any of the alternatives described should contact the applicable jurisdiction for guidance or lessons learned.

Eliminating Non-Highway Safety Suspension Statutes

Jurisdictions should make a distinction between failure to appear and failure to pay (FTA/FTP) for a driving offense versus those for a non-highway safety reason. Because of the direct nexus to highway safety, when the underlying offense associated with the FTA/FTP is for a driving offense, the driver should still be considered for suspension.

However, drivers should not be suspended when the underlying offense associated with the FTA/FTP is for non-highway safety reasons.

WASHINGTON

In 2012, the Washington State Legislature passed E2SSB 6284, which repealed most suspensions for FTA/FTP for non-highway safety reasons.

GEORGIA

Senate Bill 100, enacted July 2015, repealed certain provisions for driver's license suspensions not directly related to traffic safety. In the first three fiscal years following passage of this law, Georgia documented administrative printing and mailing cost savings of more than \$100,000, in addition to allowing reallocation of staff time to other priorities.

MISSOURI

The enactment of section 479.350, RSMo, effective August 28, 2015, resulted in a significant reduction in the number of license suspensions for FTA/FTP from 119,097 in 2015 to 43,740 in 2017, a reduction of more than 63%. However, it should be noted that Missouri eliminated most FTA/FTP suspensions regardless of whether they were highway safety related or not.

IDAHO

In 2018, House Bill 0599 repealed all suspensions based on failure to pay regardless of whether they were highway safety related or not.

Opt-Out Program for Federal Drug Offenses

Under 23CFR 192 (Federal Drug Offenders Suspension Act), nearly 200,000 driving privileges are suspended annually for drug offenses unrelated to driving. However, states may “opt out” of this requirement by submitting a certified statement by the governor opposing enactment or enforcement of the law and a resolution by the state legislature expressing opposition to such a law. Since this mandate was adopted in 1991, 38-states have opted out, demonstrating disagreement with this policy. By opting out of the Act, instead of imposing a license suspension, individuals convicted of drug offenses not associated with impaired driving are allowed to legally drive, permitting them to continue to perform daily activities. Opt out programs, whether federal or state, offer additional options toward reducing the number of suspended drivers.

Following are some examples of existing opt out programs:

Maryland Transportation Code: 16-205.

This statute authorizes the suspension of driving privilege only when the offense is related to the ability to drive safely.

Wisconsin Act 8

In April 2009, the state legislature passed Wisconsin Act 8, which changed the federally-imposed six-month suspension of a driver license for a non-driving related drug conviction from mandatory to discretionary by the sentencing judge. This change eliminated 11,000 non-driving related suspensions each year among mostly low-income drivers.

Federal Child Support Driving Privilege Suspension Mandate

Federal law requires states to suspend the driving privilege of parents in arrears on their child support in appropriate circumstances. However, jurisdictions have some leeway to determine what constitutes an appropriate circumstance meriting suspension. The programs described below are examples of how states have assisted parents to legally drive while enabling the individual to meet child support obligations.

KANSAS STATUTES ANNOTATED § 20-1204A

Kansas law authorizes a restricted driving privilege for those who owe more than six months of child support or had substantially failed to make the court ordered payment toward the liquidation of arrearages. The restriction allows driving for employment and other limited purposes.

MARYLAND CODE ANN., FAM. LAW § 10-119(C)(4)

This law allows an individual to request an investigation to determine if a suspension of her or his driving privilege would impede employment or place an undue hardship on the individual because of a disability resulting in an inability to work or inability to comply. Upon completion of the investigation, the Child Support Enforcement Administration determines whether to suspend or allow issuance of a limited driving privilege.

NEW JERSEY STATUTE ANN. §2C:35-16

The driving privilege of an individual who is noncompliant with child support requirements will not be suspended if the suspension will result in extreme hardship and if alternative means of transportation are not available.

OHIO'S REVISED CODE 3121.01

Discontinued suspending the driving privilege of a driver who fails to pay child support if the parent pays at least half of his or her child support obligation.

Another provision allows parents to remove past child support–related suspensions from their driving record.

WASHINGTON REV. CODE § 74.20A.322(4)

This provides that licenses of noncustodial parents will not be suspended if it is determined that it places a burden on the individual and if they demonstrate a good faith effort to comply with the support order.

The determination is made by the administrative law judge based on the responsible parent's payment history, ability to pay, and efforts to find and maintain gainful employment.

Garnishment of Wages in Lieu of Driving Privilege License Suspension

Garnishment offers another available alternative to suspension. By implementing garnishment of wages to collect unpaid obligations, a driver is held accountable while being allowed to legally drive.

CALIFORNIA DELINQUENT VEHICLE REGISTRATION COLLECTIONS—BANK ACCOUNT/WAGE GARNISHMENT

The California Department of Motor Vehicles uses the Franchise Tax Board (FTB) for collection action for outstanding registration fees. FTB is the income tax agency for California and serves as a collection agent for a host of state and local entities. It has access to tax refunds, bank accounts, and wage garnishments as collection tools.

Community Service

Programs offering community service in lieu of suspension allow individuals to legally drive, and the burden on the MVA and law enforcement is eliminated.

TENNESSEE

In 2018, Tennessee enacted a law requiring cities to have a community service program that when completed, waives court costs for those whose driving privilege has been suspended.

VIRGINIA

In 2017, the Virginia General Assembly amended its law on driver's license suspensions for marijuana possession to allow judges to permit first-time offenders to keep their driving privilege with the condition that they complete community service.

WASHINGTON (KING COUNTY)

The District Court Relicensing Program allows suspensions to be lifted while making payments for outstanding fines. Individuals have the option to work with community-based organizations to perform community service or participate in a work crew to receive credit toward court fines. Participants are credited \$15 an hour for community service or \$150 daily for work crew.

CALIFORNIA (SAN FRANCISCO)

The Municipal Transportation Agency Community Service Program provides individuals the option to perform community service in lieu of parking ticket and transit citation payment. Participants are credited \$14 for every hour of community service completed.

Alternative Reinstatement Practices

Jurisdictions should consider alternative reinstatement practices to achieve the goal of helping people become compliant as soon as practicable so they can legally drive. One strategy is to eliminate or reduce reinstatement fees. For example, Maryland applies no reinstatement fees for suspended licenses, and Ohio allows qualifying individuals to reinstate after enrolling in a reinstatement fee installment plan.

Amnesty Programs

SOUTH CAROLINA

The DMV's annual Driver Suspension Eligibility Week allows drivers who have lost their driving privilege the opportunity to reduce or clear the remaining time of their eligible suspension.

PENNSYLVANIA (PHILADELPHIA)

The city offered a limited program to forgive older unpaid parking tickets issued before 2013. Participants were required to pay all fees from 2013 to present but could use a payment plan.

MICHIGAN

In late 2018, the state eliminated fees and forgave debt for nearly 350,000 drivers who owed \$637 million. Drivers who had their licenses suspended because of those unpaid fees are able to get their licenses reinstated.

Restricted Licenses

Jurisdictions often permit restricted licenses for motorists who commit violations such as driving under the influence. Jurisdictions should consider this option for non-highway safety violations as well.

KANSAS

Licensed drivers may apply for a restricted license in lieu of suspension to allow driving privileges for school

or work. Drivers are not eligible to obtain a license in another state until all original FTA suspensions have been reinstated.

MISSOURI

Section 302.309 RSMo was amended effective January 1, 2017, to remove most mandatory suspension periods so that drivers could apply for limited privileges immediately.

Expungement of Records for Non-Highway Safety Violations

Expungement of records for non-highway safety-related violations mitigates the long-term adverse impact on drivers by allowing drivers to attain a clean driving record.

MARYLAND TRANSPORTATION CODE: 16-205

Authorizes the expungement of all eligible non-highway safety-related violations. Upon enactment, eligible entries were expunged automatically from driving records for more than 600,000 Maryland drivers. Since implementation, approximately 100,000 Maryland drivers per week have benefited from the new expungement law.

Reducing the Multiplier Effect by Consolidating Suspensions

Programs that allow for consolidation of suspensions can help eliminate the multiplier effect.

KANSAS

The state currently permits a suspension period to run concurrent with other suspensions for driving while suspended provided the original suspension has been reinstated. Before the change, if a driver had been convicted of multiple driving offenses while suspended, she or he would otherwise have served consecutive suspension periods.

Chapter Eight Considerations for Young Drivers

Introduction

Young, inexperienced drivers are significantly overrepresented in fatal crashes, according to NHTSA. Young drivers are more likely to take risks, underestimate dangerous situations, or recognize hazardous situations while driving and are more likely to make critical decision errors leading to serious crashes than adults. In response, states, provinces, and territories have passed legislation addressing driver education, distracted and impaired driving, and leading issues that contribute to young driver crash involvement.

Most jurisdictions currently have some form of GDL to provide instruction and experience for youthful drivers before full licensure. However, for young drivers who commit driving violations, jurisdictions must determine how to sanction these offenders. The commission of a traffic violation is likely evidence that further driver training or education is necessary for novice drivers, and license suspension is not always the most appropriate action to change this behavior. Jurisdictions should also implement alternative reinstatement practices for those who have been suspended.

“Jurisdictions should implement prevention programs and suspension alternatives for younger drivers so they can retain their driving privilege if not a traffic safety risk.”—James Fackler, Director of Office of Program Support, Michigan Department of State

Jurisdictions may suspend the driving privilege of young drivers for reasons common to that age group such as underage drinking, drug possession, bringing

a weapon to school, and truancy. A driving privilege suspension is not an appropriate punishment, and there is no empirical evidence that it reduces the likelihood of recidivism for non-driving offenses. It may actually subject young drivers to the multiplier effect, placing them into the never-ending cycle of driving privilege suspensions.

It can also be more difficult for young people to gain employment because of lack of experience. Adding loss of licensure can exponentially make it more difficult to gain and retain employment.

In under resourced communities where demographics show greater numbers of single-parent households, with adults often working multiple jobs and where vehicle ownership may be a luxury, the barriers for a young person to fulfill the license requirements are greater than in more affluent areas. This is especially true because cutbacks and fiscal challenges in public school districts have made driver’s training classes scarcer. These barriers appear to have a disproportionate impact based on race and income level. The University of Wisconsin–Milwaukee Employment and Training Institute found that 83% of black male teens (ages 16 to 17) in Milwaukee did not have a driver’s license, but only 36% of white male teens in the Milwaukee county suburbs lacked a license. Nationally, a 2012 survey by the AAA Foundation for Traffic Safety found that the likelihood of having a license increased with income and that black and Latino respondents were less likely to have a license than white respondents.

This resource provides additional ideas for jurisdictions to consider to assist young drivers to retain their driving privilege while navigating corrective measure requirements.

Programs to Prevent Violations from Occurring

Prevention programs should educate young drivers before the issuance of a license or permit, increasing their driving skills and decision making ability. These programs should also educate young people as to the consequences of committing violation(s) that in isolation or in combination could result in license privilege suspension.

VIRGINIA

Reality Check is a program in which students participate in a realistic, interactive program that includes an overview by a trauma surgeon of the traumatic life-changing effects of unsafe driving, a visit to the trauma unit to witness a simulation of a trauma victim resuscitation, an interview with local paramedics, and a presentation by a recent crash survivor about his or her injuries and rehabilitation.

Suspension Alternatives

Suspending driving privileges of young drivers for non-highway safety reasons has an undue adverse impact on their educational and employment opportunities. Jurisdictions should implement alternatives to suspension for non-highway safety reasons that encourage positive decision making among young drivers.

TENNESSEE

Tennessee uses the National Safety Council's Alive at 25 program as a suspension alternative. Individuals 14 to 19 years of age who accumulate too many points must complete an eight-hour course and upon successful completion are allowed to retain their driving privilege in lieu of suspension or a reduction in suspension time.

NEW JERSEY

Drivers convicted of two or more moving violations must enroll in a program to correct improper or

dangerous driving practices. Successful completion of the program reinstates the driving privilege.

Diversion Programs

Diversion programs can be structured as an alternative to suspension. For young people, diversion programs are often successful in modifying behavior and should be considered as a model in the development of alternatives for the suspension of driving privileges. Following are examples of diversion programs that could focus on younger drivers (even if it was not the original intent of the described programs).

SOUTH CAROLINA

South Carolina has implemented a diversion program designed for first-time offenders for certain underage drinking offenses in lieu of license suspension. This program allows the defendant to be diverted into a program consisting of counseling and guidance. Successful completion of the program requirements allows the participant to process an Order for the Destruction of Arrest Record on the charge.

VERMONT

The Truancy Project helps students and their families address school attendance issues, diverts cases from family court, and avoids suspension of driving privileges. After being enrolled, participants are assigned a case manager who gets to know the person and the factors leading to the offense and serves as a guide throughout the program. A total of 81% of youth participating have successfully completed the program.

Post-Violation Recidivism Prevention Programs

Implementing specialized programs to assist younger drivers when cited or convicted for non-highway safety-related reasons assists in avoiding future violations. It is important to consider a full continuum of alternative programs to include restricted licenses,

driver education and financial responsibility training, and behavioral based driving programs and potentially monitoring younger drivers via telematics devices.

Enhanced driver training assists young drivers to become safer and more responsible behind the wheel, reducing their risk of committing additional violations. To reach young drivers, jurisdictions should incorporate new technology and digital media, which provides a low-cost and effective alternative to traditional training methods.

Behavioral based prevention programs focus on the decision-making processes and behaviors that young drivers display in a motor vehicle. This helps young drivers understand the impact of their choices and accept responsibility for their actions.

For many young drivers, appearing in court for a traffic offense is typically their first contact with the criminal justice system. The majority of young drivers are not knowledgeable of the process, and unless they are supported by legal counsel, they receive little to no guidance in this regard. Jurisdictions should consider incorporating aspects of the court system into their educational programs so they are better prepared to navigate the process.

MASSACHUSETTS

A behavioral prevention program, Dynamics of Driving, targets drivers between the ages of 15 and 24 years old. The program includes a community coalition of various agencies and driving experts to work together to educate students about what can happen if they practice risky behavior or make other poor decisions while driving. The program has shown statistically significant reductions in driving offenses after completion of the training. Participants younger than 21 years of age experienced 2.46 minor traffic violations compared with 0.42 three years after completion of the training, a reduction of 83%.¹⁵

¹⁵ National Safety Council, Incident Experience of Massachusetts Drivers Before and After Participation in the Dynamics of Driving Course.

VERMONT

The Youth Safety Substance Abuse Safety Program helps youth ages 16 to 20 years of age who have been cited for underage drinking or possession of marijuana receive screening, education, and treatment for identified substance abuse problems. After the young driver successfully completes the program, her or his ticket is voided, thus avoiding a fine and license suspension.

Other Programs for Young Drivers

Some jurisdictions have younger person intervention strategies that could be converted into driving privilege suspension alternatives.

VIRGINIA (FAIRFAX COUNTY)

SAFE (Substance and Alcohol Focused Education) is a mandatory juvenile court–ordered program designed for teens ages 15 to 18 years who are charged with a first-time alcohol or substance abuse offense. Participating teenagers take part in a program overview and group discussion, discuss alcohol and drug-related fatalities with a medical examiner, and then spend three hours in the Inova Fairfax Hospital trauma intensive care unit on a weekend with a trained counselor observing patients and talking with victims of impaired driving–related crashes.

FLORIDA

Florida has established a civil citation program for youth related to non-serious misdemeanor offenses as an efficient and innovative alternative to criminal prosecution. The program requires community service, intervention services, and other sanctions such as school progress monitoring, letters of apology, and restitution. Referral is only available for a first offense. After it is completed, no juvenile record is created. The program has been recognized as a success in modifying behavior in youth. Furthermore, the recidivism rate for youth participating in this program was 4% compared with 42% for those participating in a residential program.

Chapter Nine Outreach and Education

Introduction

Over time, jurisdictions have expanded the use of driving privilege suspensions to deter and punish various non-highway safety behaviors. Many drivers have experienced the negative impact of being suspended for non-highway safety reasons and have suffered other longer term consequences as a result. Often, people, especially younger drivers, are unaware of the link between non-driving behaviors and their driving privilege. A concerted effort to reduce the population of drivers subject to suspension requires education and outreach to key stakeholder groups, including the MVAs, law enforcement, state lawmakers, court officials, and the public with an emphasis on younger drivers.

Motor Vehicle Agency (MVA)

MVA employees provide knowledgeable and skilled customer service to the public and are best positioned to educate customers on understanding sometimes complex reinstatement requirements following the suspension of their driving privilege. Employees are trained to provide information on reinstatement requirements such as suspension duration and other relevant information related to their suspension. Non-highway safety suspensions increase the amount of training required for employees.

When multiple suspension actions are taken against a driver, reinstatement requirements are more complex. Non-highway safety suspensions compound this issue. Each additional suspension may have unique reinstatement requirements, further complicating the driver's understanding of the process. It is important that MVAs effectively communicate reinstatement requirements; otherwise, the driver could remain

suspended indefinitely. Likewise, when alternatives to suspensions exist, it is imperative that employees accurately convey that information to drivers.

Often it is a challenge to assist a driver when they are in the cycle of driver license suspensions, which proves difficult to overcome. The need to look for other means to assist drivers, such as educating the public and working closely with external stakeholders, will help to change the landscape to alternative reinstatement programs in lieu of a suspension and benefit the jurisdictions by placing more focus on highway safety.

Targeted Outreach to Suspended Persons

Outreach can provide benefits before a driver is cited for the offense of driving while suspended, either by preventing the action from occurring or educating the person of the options to reinstate. One example from Virginia requires those with two convictions for driving while suspended to report to the Virginia Alcohol Safety Action Program for an intervention interview. During this interview, the driver is informed of all applicable laws, provided guidance regarding court fines and cost and advised of the consequences of future offenses.

External Stakeholders

As reform efforts grow, progress toward repealing laws requiring suspensions of driving privileges for non-highway safety reasons coupled with implementing suspension alternatives is best accomplished through partnering with stakeholders. Representatives from the legislative, judicial, and executive branches of government along with youth and community groups, and employers, to name a few, can offer ideas, training resources, and support for implementing new policies and procedures.

Each stakeholder has a vested interest in ensuring that reform efforts minimize the adverse impact on the public. Education and outreach, tailored to each stakeholder group, is critical to implementing suspension alternatives. Obtaining legislative support requires advocacy highlighting the positive outcomes that are gained by passing suggested legislation. For example, when a bill was introduced in Washington State to reduce the number of non-highway safety suspension, officials projected future workload reductions for the Department of Licensing (DOL) and the WSP. After passage and implementation, the anticipated savings as detailed in Chapters 4 and 5 were realized.

The NHTSA has found that peer-to-peer training, education, and outreach are most effective in promoting proven and promising practices to address highway safety issues. Toward that end, NHTSA has developed a network of criminal justice professionals who work peer to peer, including administrative law judges, prosecutors, and law enforcement officials who work together on traffic safety-related issues. This national model has also been implemented at the state level by creating judicial outreach liaisons to tackle state specific issues related to traffic safety. Specific duties of these liaisons include coordinating between court and policymakers, providing training and education, sharing information with other professionals, and promoting evidence-based promising practices.

Jurisdictions that continue to have non-highway safety suspensions need to educate drivers on the nexus between behaviors and their driving privilege and the costs associated with suspensions.

Targeted Outreach to Suspended Persons

Outreach can provide benefits before a suspended driver risks driving and being cited for the offense of driving while suspended, either by preventing the action from occurring or educating the person of

the options to reinstate. One example from Virginia requires those with two convictions for driving while suspended to report to the Virginia Alcohol Safety Action Program for an intervention interview. During this interview, the driver is informed of all applicable laws, provided guidance regarding court fines and cost, and advised of the consequences of future offenses.

Similarly, some states have established other outreach and education mechanisms to address cross cutting issues involving new and existing laws, policies, and procedures. In Maryland, the MVA meets annually with administrative law judges to discuss new legislation and procedures. MVA staff also meets quarterly with district court staff to discuss common errors, lessons learned, and process enhancements. In Kansas, the DOR conducts quarterly Webinars with court representatives to address processing errors. In South Carolina, the DMV conducts monthly networking meetings with law enforcement regarding DMV process changes and other issues affecting law enforcement. In Missouri, the DOR conducts quarterly criminal justice task force meetings to review proposed and passed legislation and its impact on those groups. Collaboration with stakeholder groups such as those described above will help gain acceptance of alternatives to suspension of driving privileges for non-highway safety reasons.

Public Outreach

Jurisdictions use communication mechanisms such as television media, newspapers, social media, renewal notices, and driver license handbooks to communicate with the public. Jurisdictions should use innovative social media platforms to reach a larger audience than by traditional media only. Increased and enhanced outreach is necessary to inform the public of the risks associated with the various actions that will result in suspension.

Driver education and training, traffic school, defensive driving, and impaired driving programs should include an educational component on the sanctions associated with suspensions for non-highway safety reasons and reinstatement of a driving privilege.

Conclusion

The suspension of driving privileges has long been used to address poor driving behavior, and research has proven that it can be effective in reducing traffic crashes. When licenses are suspended for non-highway safety reasons, the suspension becomes less serious in the minds of law enforcement, the courts, and the public.

Data show that drivers suspended for highway safety reasons are three times more likely to be involved in a crash than drivers suspended for non-highway safety reasons. With the expectation that limited highway

safety resources should be focused on reducing the risk of dangerous drivers, using a driver's license suspension for non-highway safety violations should be avoided.

It is recommended that jurisdictions consider repealing laws requiring the suspension of driving privileges for non-highway safety reasons. They should also consider alternative reinstatement practices to allow individuals to more quickly reinstate their legal driving privilege when appropriate. These recommendations are of particular importance to younger drivers.

Appendix A Sample Legislation

Introduction

The following Preamble and Definitions were prepared by the 2013 SRWG. Several strategies were added by the 2018 SDAR WG for Jurisdictions to use as a starting template for discussing a specific legislative proposal. Although it may not be possible to repeal all non-driving suspensions in one legislative sweep, jurisdictions should attempt to remove as many as possible, even if it requires multiple legislative sessions to accomplish.

§ 1: Preamble

1. Highway safety is the primary goal of driver licensing and sanctioning laws.
2. Suspending a driving privilege is an effective deterrent and enforcement tool for compliance with highway safety laws and regulations.
3. Suspending a driving privilege has also been used as an enforcement tool for compliance with non-highway safety related laws and regulations.
4. The increase in legislated non-highway safety related suspensions has diluted the effectiveness of driving sanctions, created inefficiencies and inequities, and increased the burden on law enforcement, driver licensing authorities and the criminal justice system.
5. On average, 39 percent of license suspensions are for non-highway safety related reasons.
6. Drivers suspended for highway safety related reasons are three times more likely to be involved in a crash than a driver suspended for non-highway safety related reasons.
7. Maintaining full valid driving privileges should be contingent on compliance with highway safety related laws.
8. Suspending driving privileges for civil, criminal, or administrative offenses that involve neither the operation of a motor vehicle, nor the knowledge, skills, or physical qualifications to drive, is not related to highway safety.
9. To best serve highway safety, penalties for non-highway safety related reasons should avoid the suspension or revocation of driving privileges.
10. Alternatives exist to suspension or revocation of driving privileges for non-highway safety related reasons.
11. These alternatives should be used in lieu of suspending the driving privilege of a person for a non-highway safety related reason.

§ 2: Definitions

“Failure to Appear” means the failure of a person who has received a summons for an offense to either appear in court to answer the charge or to comply with an alternative method of appearance permitted by the court.

“Failure to Pay” means the failure of a person who has been convicted of an offense or found liable for a traffic violation to pay any court fines, costs, or restitution ordered by the court of conviction pursuant to the judgment of the court.

“Highway Safety Related Suspension” means any driving privilege suspension which is issued because of an individual’s operation of a motor vehicle, or the knowledge, skills, or physical qualifications to operate a motor vehicle, or maintaining the financial responsibility required for the operation of a motor vehicle.

“Mandated Suspension” means any driving privilege suspension which 1) is not a highway safety related suspension and 2) the jurisdiction is either required to impose by federal law (for American jurisdictions) or an act of parliament (for Canadian jurisdictions) or which, if the jurisdiction were not to impose the suspension, would result in the loss of funding.

“Non-Highway Safety Related Suspension” means a driving privilege suspension which is not a mandated suspension or a highway safety related suspension.

§ 3: Suspensions

1. Jurisdictions should repeal statutes imposing a non-highway safety related suspension, and should repeal jurisdictional statutes imposing a mandated suspension if and when Congress (for American jurisdictions) or Parliament (for Canadian jurisdictions) repeals the mandate requiring the suspension.
2. Jurisdictions should repeal statutes imposing a suspension for failure to appear or failure to

pay when the underlying offense for which the person failed to appear or pay is not directly related to the operation of a motor vehicle.

§ 4: Failure to Pay

1. Any person whose driving privilege is at risk of suspension for failure to pay should be able, prior to the suspension taking effect, to apply to an appropriate authority to determine whether it is appropriate to impose the suspension in light of the facts of the case and the individual’s personal circumstances.
2. For those individuals suspended for failure to pay, states should make available alternative methods of reinstatement other than payment in full of the obligation. Such methods could include payment plans, participation in community service, or other alternative methods approved by the appropriate authority.

§ 5: Waiver of Reinstatement Fees

1. Jurisdictions should consider waiving driving privilege reinstatement fees for those individuals who are indigent.
2. Jurisdictions should develop guidelines for determining which drivers are indigent. Such guidelines could include the use of objective measures for determining indigence—for example, whether the person receives certain social services benefits.
3. Jurisdictions which do not currently evaluate indigence are encouraged to consult with their jurisdiction’s social services agency or with other jurisdictions which do, to develop an effective evaluation program.

Appendix B Enhanced Analyses of Suspended or Revoked Drivers Related to Crashes

Introduction

The SRWG commissioned Robert Eger III, PhD, Florida State University, to analyze driver record data from six states. In 2011, two states were added to provide validation of the findings. The research focused on driver license suspensions, categorized by highway safety-related and non-highway safety-related violations and subsequent driving behavior. Dr. Eger acknowledges Spencer Brien for his exemplary research assistance and data analysis.

This report is composed of four sections adding to the prior research found in DOT HS 811 092. In the first section, the ACD is applied to non-commercial vehicles found in DOT HS 811 092. A re-evaluation of all the outcomes found in DOT HS 811 092 using the ACD application is presented. In section two, Pennsylvania and Oregon are added to the suspended and revoked data to complete the representative sample of states within the contiguous United States. After adding the two states, a complete analysis of suspended and revoked drivers in the eight representative states is undertaken. The third section assesses suspended and revoked drivers using the length of initial suspension or revocation for drivers within the eight states, which is followed by section four, which provides an enhanced analysis based on a non-sampled data set of suspended and revoked drivers.

All four sections of analyses follow the DOT HS 811 092 methodology by separating suspended or revoked drivers into two categories. The two categories are defined as “highway safety related” and “non-highway safety related” following the descriptions of “highway safety” and “non-highway safety” articulated in the

ACD Manual, Release 3.0.0, June 2008 (effective November 3, 2008). This provides consistent category definitions of all data to the metrics offered in the ACD manual. This report begins with an overview of the prior research found in DOT HS 811 092, “Reasons for Drivers License Suspension, Recidivism and Crash Involvement among Suspended/Revoked Drivers.”

Enhanced Analyses of Suspended or Revoked Drivers Related to Crashes

This report incorporates four analyses that advance understanding into the effects of suspended or revoked drivers on highway safety issues in a nationally representative sample of eight states. Section one identifies and applies the ACD to the prior results found in DOT HS 811 092, “Reasons for Drivers License Suspension, Recidivism and Crash Involvement among Suspended/Revoked Drivers.” This is followed by section 2, which adds two states to the DOT HS 811092 data and then evaluates the outcomes found in DOT HS 811 092. Section 3 investigates the representative sample states through an evaluation of crash occurrences and the number of days (length) of suspension or revocation. Section 4 provides an enhancement and robustness test for the length of suspension and crashes by examining a large data set of suspended or revoked drivers. The results of these analyses are summarized as follows:

- Recoding of the data from DOT HS 811 092 into ACD codes indicates that prior conclusions from the DOT HS 811 092 are consistent across the ACD coding; however, they are not identical. The ACD coding has improved measurement

of all traffic safety events because the coding is consistent across all states.

- Applying the ACD coding to the DOT HS 811 092 crash data indicates that whereas about 13.1% of drivers suspended for highway safety-related reasons are involved in a crash, 1.9% of drivers suspended for a non-highway safety reason are involved in a crash. This differs from the results found in the DOT HS 811 092 report that indicated the percentages at 3.4% and 0.9%, respectively. The resulting outcome indicates that the ACD coding provides for a more refined outcome allowing an improved focus on crashes.
- Adding the two states to complete the representative sample of states, the results show that whereas about 18.9% of drivers suspended for highway safety-related reasons are involved in a crash, 6.9% of drivers suspended for a non-highway safety reason are involved in a crash. As noted in DOT HS 811 092, the lack of data available from states linking crash data to drivers' licenses information provided a caution because of crash reporting differences. (Some states report all crash involvement regardless of fault determination.) The additional data incorporating all eight states has increased the crash data compared with the DOT HS 811 092 report. The result is an enhanced linking of the suspended driver's license to the improved data across the eight states. This should provide a better picture of the crash behavior of suspended drivers. The states added to the report are consistent in linking crash, regardless of fault, to the driver's licensure information; however, caution is repeated regarding at-fault crash behavior because "at fault" is not determined in many states.
- Using data available from the Federal Highways Administration (FHWA), the data indicate that nationally, more than 3.1% of licensed drivers were involved in a crash during the time period 2002 to 2006. Comparing this national percentage of crashes with the suspended drivers for the representative states, the percentage of drivers suspended for highway safety reasons and involved in a crash was approximately 19%. Therefore, the percentage of drivers involved in a crash who are suspended for highway safety reasons was more than six times the percentage of national drivers involved in a crash for this time period.
- Turning attention to drivers suspended for non-highway safety reasons in the representative states, about 6.9% of these drivers were involved in a crash during the time period. When compared with the national percentage of drivers involved in a crash, the percentage of drivers suspended for non-highway safety reasons that are involved in a crash was about 2.2 times that of the national average.
- Using the initial suspension date to the restoration date, the result shows that drivers suspended for highway safety reasons have longer average suspension lengths in days. This outcome is further evidenced by looking at the percentage differences between the two suspended driver groups in which 60% of drivers suspended for highway safety reasons have restoration dates of one year or less, but 69% of drivers suspended for non-highway safety reasons have restoration dates of one year or less.
- The suspension category of 30 days or less has a higher crash percentage for non-highway safety suspended drivers than those suspended for highway safety reasons, which may indicate a short-term behavioral response to driving by those suspended for highway safety reasons.
- Some crash trends are observed for drivers suspended for highway safety reasons and length of initial suspension in days. The first trend is that the percentage of crashes associated with

drivers suspended for highway safety reasons increases as the length of suspension increases for suspension lengths up to a 180 days. This trend ends at suspension length of 181 to 210 days and then is repeated in the 211- through 300-day suspension length. A suspension in excess of 301 days through four years (1,460 days) indicates a constant crash percentage for highway safety-related suspensions. Suspension length beyond four years indicates a precipitous increase in the percentage of crashes for this group's drivers.

- Drivers suspended for non-highway safety reasons see a decline in the percentage of crashes for the first 180 days of suspension. This group's trend is a constant percentage of crashes through 300-day suspensions, with an increase occurring from 366 days of suspension through four years, with a precipitous decline in the percentage of crashes for suspensions exceeding four years.
- The overall outcome is that the two groups of suspended drivers differ from the national percentage of licensed drivers who are involved in a crash. The two groups have large differences in their crash percentages, indicating that the two groups have differing effects on traffic safety issues. Those suspended for highway safety reasons have a much higher percentage of crashes than drivers suspended for non-highway safety reasons. The two groups differ in length of suspensions and the relationship between length of suspension and crashes. These results support the findings in DOT HS 811 092 that the two groups of suspended drivers appear to behave differently and thus should not be treated as a homogenous group with regard to traffic safety policy. These analyses support a repeated call for suspended or revoked driver policy options that address the differences between the two groups.

Overview of Prior Research in DOT HS 811 092

In DOT HS 811 092, "Reasons for Drivers License Suspension, Recidivism and Crash Involvement among Suspended/Revoked Drivers," the objectives focused on the number of drivers that are suspended under state laws allowing a driver's license to be suspended for non-driving offenses, determining the number of suspended drivers that are subsequently cited for driving while suspended, determining the extent of crash involvement by those drivers, and exploring the relationship between driving behavior and violations of suspended driver laws. The analysis focused on six states in the contiguous United States, providing 78,123 individual driver's records based on each state's motor vehicle coding. The data were then separated into two groups, driver's suspended for driving reasons and driver's suspended for non-driving reasons. The coding of the groups was based on the research team's review of suspension reasons in each of the six jurisdictions and interpretation of the description of the suspensions recorded for each driver. Similar to DOT HS 811 092, for convenience, "suspended" is used to indicate both suspended and revoked drivers within the data analysis.

The results indicated that 53,875 drivers, or about 69% of the sample, were suspended for driving reasons, and 24,248 drivers, or about 31% of the sample, were suspended for non-driving reasons. In the suspended for driving reasons group, about 42% (22,424) of the drivers were subsequently convicted of a driving or non-driving violation while their driving privileges were suspended. This was compared with drivers suspended for non-driving reasons, of whom about 38% (9,288) were subsequently convicted of a driving or non-driving violation while their driving privileges were suspended. The two groups were compared with regard to moving violations in which the results indicated that approximately 30% of drivers suspended for driving reasons (15,850 of 53,875) commit a moving violation while under suspension

compared with approximately 15% of drivers suspended for non-driving reasons (3,613 of 24,248).

Two additional comparisons were assessed in DOT HS 811 092, driving on a suspended license and crashes. The findings show that approximately 3.4% of drivers suspended for driving reasons (1,832 of 53,875) are convicted of driving while suspended compared with 2.7% of drivers suspended for non-driving reasons (656 of 24,288). Regarding crashes, the results are that less than one% (0.90%) of drivers suspended for non-driving reasons (218 of 24,248) are involved in a crash while their driver's license is suspended compared with more than three% (3.4%) of drivers suspended for driving reasons (1,835 of 53,875).

Recidivism for the two groups was assessed by observing the number of days until a crash, a moving violation, a non-moving violation, or a driving while suspended offense. The outcome was that differences were found between the two groups except for the number of days until a crash. The results of the analysis indicated that the two groups were different, thus raising the policy question of whether or not the two groups should be treated the same with regard to traffic safety policy.

This section re-evaluates the analyses prepared for DOT HS 811 092 to assess the application of the ACD regarding non-commercial vehicles. The application of ACD codes begins by comparing the ACD coding with the description provided in DOT HS 811 092.

This report follows the DOT HS 811 092 report methodology of separating suspended or revoked drivers into two categories, highway safety related and non-highway safety related. To define highway safety related and non-highway safety related, this report uses the descriptions found in the ACD Manual, Release 3.0.0, June 2008 (effective November 3, 2008).

Comparing DOT HS 811 092 and ACD Application

Comparing the ACD coding to the description provided in DOT HS 811 092 finds that many of the ACD code definitions are applicable or identical to the wording in the six states descriptions contained in the DOT HS 811 092 data.

The first non-comparison that arises is that crashes, not identified within the Hit & Run Behavior after crashes (HRB) Group of the ACD codes, lack enough information to assess the underlying violation to allow identification within the ACD codes. The effect is that only 12% of vehicle crashes within the database can be coded using the ACD coding. This issue is addressed by considering all crashes highway safety related following the same definition as found in DOT HS 811 092.

The next non-comparison that arises is for failure to appear (FTA) and failure to pay a fine (FTP). In DOT HS 811 092, FTA and FTP were considered driving offenses if the data indicated that the FTA or FTP was related to a traffic violation. This was accomplished by looking at the description of the driver's history. The ACD codes look at the FTA/FTP differently. Because the ACD codes require further detail, this analysis codes the violation preceding the FTA/FTP offense as the violation related to the FTA/FTP, thereby providing an indicator of the FTA/FTP violation.

The next non-comparisons that arise are for ACD code B41, possess or provide counterfeit or altered driver license (includes Identification Cards, and Instruction Permits), and D16, show or use improperly—driver license (includes DL, CDL, and Instruction Permit). In DOT HS 811 092, obtaining driver's license by fraud and improper use of DL or ID card were considered a non-driving offense. The ACD codes allow for a more detailed classification.

Re-evaluation of Results

Table A1.1 shows the total number of suspended drivers by year in the sample population and the proportion of total suspended drivers by suspension type for the years 2002 to 2006. As shown in the table, the total number of suspended drivers decreases over the analysis period from approximately 19,000 in 2002 to approximately 14,000 in 2004-2006. This represents a 26% decrease over the time period. A concurrent result of the downward trend in suspensions over the analysis period is the increasing proportion of drivers suspended for non-highway safety reasons in the population of all suspended drivers over the time period. In 2002, drivers suspended for non-highway safety reasons represented 21% of all suspended drivers. By 2006, they represented 29% of all suspended drivers. This outcome is very similar to the outcome for Table 9 in the DOT HS 811 092 report.

noted in the driver’s license, vehicle registration and title, miscellaneous duties (DRM), misrepresentations (MIS), financial responsibility and insurance other than filing (FRI), and failure to appear or pay (FTAP) groups of which several categories in the DOT HS 811 092 report were considered non-driving suspension and are considered highway safety suspensions using the ACD coding.

After grouping the events into highway safety and non-highway safety based on the ACD manual, the analyses examined the driving records of suspended drivers over the period of time to document how frequently the four types of events, crash, moving violation, non-highway safety, and driving after withdrawal (DAW) occurred for each suspended driver’s record. The database consists of 60,059 drivers suspended for highway safety reasons of whom about 42% (25,073) are subsequently convicted of a violation while their driving privileges are suspended. Of the 18,835 drivers

suspended for non-highway safety reasons, about 33% (6,181) are subsequently convicted of a violation while their driving privileges are suspended. This outcome of the ACD coding is consistent with the DOT HS 811 092 report.

As shown in Table A2.2, the total number of events entered on suspended driver records is relatively higher for highway safety-related suspensions compared with non-highway safety suspended drivers. On average, over the five-year time period, drivers suspended for highway safety reasons logged 2.9 events, and drivers suspended for non-highway safety reasons logged 2.1 events. This outcome differs from the DOT HS 811 092 report, which found that the suspended for driving reasons group was 2.7, and the non-driving reasons group was 2.6. This is due to the changes provided within the ACD coding in which highway safety codes differ from the suspended for driving or non-driving reasons in the DOT HS 811 092 report.

Table A2.1: Highway Safety vs. Non-Highway Safety Suspensions

Year	Total Suspended Driver Records in Sample		Suspended for Highway Safety Reasons		Suspended for Non Highway Safety Reason	
	Number	Number	% of total	Number	% of total	
2002	19,104	15,014	79%	4,090	21%	
2003	17,669	13,872	79%	3,797	21%	
2004	14,262	10,946	77%	3,316	23%	
2005	13,764	10,197	74%	3,567	26%	
2006	14,095	10,030	71%	4,065	29%	
Total	78,894	60,059	76%	18,835	24%	

Differences are noted between the DOT HS 811 092 report in the number of drivers, an increase from 78,123 as found in DOT HS 811 092 to 78,984 in this report. The difference in the number of drivers found in the DOT HS 811 092 report is due to updates of the dataset by several states since the 2009 report and a proportional change due to the ACD coding of highway safety versus non-highway safety suspensions. This change in categories is particularly

As shown in Table A2.2, the total number of events entered on suspended driver records is relatively higher for highway safety-related suspensions compared with non-highway safety suspended drivers. On average, over the five-year time period, drivers suspended for highway safety reasons logged 2.9 events, and drivers suspended for non-highway safety reasons logged 2.1 events. This outcome differs from the DOT HS 811 092 report, which found that the suspended for driving reasons group was 2.7, and the non-driving reasons group was 2.6. This is due to the changes provided within the ACD coding in which highway safety codes differ from the suspended for driving or non-driving reasons in the DOT HS 811 092 report.

Table A2.3 shows the mean and median number of days until an event is recorded in the database. Drivers suspended for highway safety reasons receive a moving violation within 8 months (259 days) compared with more than 1 year (381 days) for drivers suspended for non-highway safety reasons. Those suspended for highway safety reasons were involved in a subsequent crash within about 10 months (10.1 months or 312 days), and drivers suspended for non-highway safety reasons were involved in a crash within about 11 months of suspension

(11.4 months or 351 days). Drivers who were suspended for highway safety reasons were subsequently convicted of driving while suspended within about 13 months (13.4 or 411 days) compared with about 11 months (11.2 months or 344 days) for drivers suspended non-highway safety reasons. The two groups differ when considering the number of days until the moving violation, non-driving

offense, and driving while suspended events. This table is consistent with the results found in the DOT HS 811 092 report.

Examining violation recidivism among drivers suspended for highway safety reasons versus those suspended for non-highway safety reasons, Table A2.4 shows both the number of events and the percentage of events occurring after the initial drivers' suspension during the period of study. As shown in the table, whereas moving violations are committed by 29.3% of drivers suspended for highway safety reasons after their initial suspension, 14.5% of those suspended for non-highway safety reasons commit a moving violation after their initial suspension. Looking at non-driving offenses, we see that 15.3% of drivers suspended for non-highway safety reasons

Table A2.2: Average Number of Times Drivers are Observed during Their Period of Suspension

Type of Suspended Driver	Average Times Observed in Database
Suspended for Highway Safety Reason (N=60,059)	2.9
Suspended for Non-Highway Safety Reason (N=18,835)	2.1

Table A2.3: Days to Event Occurrence Among Suspended Drivers

Type of Event	Drivers Suspended for Highway Safety Reasons			Drivers Suspended for Non-Highway Safety Reasons		
	Mean	Median	95% Confidence Interval	Mean	Median	95% Confidence Interval
Crash	312	213	(298, 326)	351	283	(297, 406)
Moving violation	259	129	(254, 263)	381	248	(367, 395)
Non-driving offense	411	301	(398, 424)	354	270	(342, 366)
DAW	401	303	(388, 414)	344	240	(314, 373)

Table A2.4: Drivers Subsequently Convicted of an Event during Their Suspension Period

Type of Event	Drivers DAW for Highway Safety Reasons (n = 60,059)		Drivers DAW for Non-Highway Safety Reasons (n = 18,835)	
	Number of events	Percentage	Number of events	Percentage
Moving Violation	17,595	29.3	2,735	14.5
Non-Driving Offense	3,067	5.1	2,884	15.3
DAW	2,641	4.4	432	2.3

commit a subsequent non-driving offense compared with 5.1% of those suspended for highway safety reasons. When considering driving on a suspended license, 4.4% of drivers suspended for highway safety reasons are convicted of this offense while 2.3% of drivers suspended for non-highway safety reasons are convicted of this offense. This table is consistent with the results found in the DOT HS 811 092 report.

The final table, Table A2.5, examines crash involvement among suspended drivers to determine if patterns of crash involvement differed between drivers suspended for highway safety vs. non-highway safety reasons. Table A2.5 shows that whereas about 13.1% of drivers suspended for highway safety-related reasons are involved in a crash, 1.9% of drivers suspended for a non-highway safety reason are involved in a crash. Focusing on only those who have been involved in any of the events after suspension of their driver’s license, the results are that about 9.1% of drivers suspended for a non-highway safety reason are involved in a crash, but 33.5% of drivers suspended for highway safety-related reasons are involved in a crash. This table differs with the results found in the DOT HS 811 092 report, indicating that the ACD coding provides for a more refined outcome.

Table A2.5: Suspended Drivers Involved in a Crash during Their Suspension Period			
Repeat Offenders			All Suspended Drivers
<i>n</i>	Number of events	Percentage	<i>n</i>
17,907	6,006	33.5	60,059
3,775	342	9.1	18,835

Re-evaluation Conclusion

Results using the recoding of the data from DOT HS 811 092 into ACD codes indicates that prior conclusions from the DOT HS 811 092 are consistent across the ACD coding; however, they are not identical. The ACD coding has improved

measurement of all traffic safety events because the coding is consistent across all states.

As offered in the DOT HS 811 092 report, the state case study groupings are derived by AAMVA regions. In DOT HS 811 092, only one state was analyzed from Region I, two states were analyzed from Region II, two states were analyzed from Region III, and one state was analyzed from Region IV. The underrepresentation from both Regions I and IV were noted in DOT HS 811 092. To address this limitation, data were requested from the states of Pennsylvania and Oregon following the identical methodology as presented in DOT HS 811 092. These analyses add to the prior analyses as found in Section 1 of this report while incorporating the additional states of Pennsylvania and Oregon. Adding these two states allows for an assessment of the suspended driver data and provides for full representation of AAMVA’s four regions with each region represented by two states. Table 1 identifies each state used in this analysis. Bolded states in Table A2.6 indicate those states added in this report to those analyzed in DOT HS 811 092.

Additional States Results

Table A2.7 shows the total number of suspended drivers by year in the sample population and the proportion of total suspended drivers by suspension type for all eight states for the time period 2002 to 2006. The states of Pennsylvania and Oregon provided samples of 20,000 suspended drivers, following the methodology presented in DOT HS 811 092. Of the 40,000 sampled, about 36,000 records were usable. The unusable records were distributed equally among the two states and were found to lack the initial identification of why the original suspension occurred or the data were incomplete within the records.

Region I	Region II	Region III	Region I
New Jersey (large)	Florida (large)	Kansas (medium)	New Jersey (large)
Pennsylvania (large)	Tennessee (medium)	South Dakota (small)	Pennsylvania (large)

As shown in table A2.7, the total number of suspended drivers decreases over the analysis period from approximately 25,000 in 2002 to approximately 20,000 in 2006. This represents a 21% decrease over the time period. A concurrent result of the downward trend in suspensions over the analysis period is the increasing proportion of drivers suspended for non-highway safety reasons in the population of all suspended drivers. In 2002, drivers suspended for non-highway safety reasons represented 29% of all suspended drivers. By 2006, they represented 39% of all suspended drivers. Differences are noted between the DOT HS 811 092 report and this analyses in the proportional change in the two groupings. This is due to the ACD coding of highway safety versus non-highway safety suspensions.

This change in categories is particularly noted in the driver’s license, vehicle registration and title, DM, MIS, financial responsibility and insurance other than filing (FRI), and FTAP groups of which several categories in the DOT HS 811 092 report were considered non-driving suspensions and are considered highway safety suspensions using the ACD coding.

After grouping the events into highway safety and non-highway safety based on the ACD manual, the analyses examined the driving records of suspended drivers over the period of time to document how frequently any of the four types of events, crash, moving violation, non-highway safety, and DAW occurred for each

suspended driver’s record. The database consists of 75,948 drivers suspended for highway safety reasons of whom about 47% (35,362) are subsequently convicted of a violation while their driving privileges are suspended. Of the 38,678 drivers suspended for non-highway safety reasons, about 43% (16,729) are subsequently convicted of a violation while their driving privileges are suspended. This outcome of the ACD coding is consistent with the DOT HS 811 092 report.

As shown in Table A2.8, the total number of events entered on suspended driver records is relatively higher for highway safety-related suspensions than non-highway safety suspended drivers. On average over the five-year time period, drivers suspended for highway safety reasons logged 3.4 events, and drivers suspended for non-highway safety reasons logged 2.8 events. This outcome differs from the DOT HS 811 092 report, which found that the suspended for non-driving reasons group was 2.6 and the driving reasons group was 2.7, but it is a consistent outcome for Table A2.2. This is due to the changes provided within the ACD coding in which highway safety codes differ from the

Year	Total Suspended Driver Records in Sample		Suspended for Highway Safety Reasons		Suspended for Non-Highway Safety Reasons
	Number	% of Total	Number	% of Total	Number
2002	25,249	71	17,978	29	7,271
2003	25,015	70	17,597	30	7,418
2004	22,780	65	14,709	35	8,071
2005	21,543	62	13,396	38	8,147
2006	20,039	61	12,268	39	7,771

Type of Suspended Driver	Average Times Observed in Database
Suspended for highway safety reason (n = 75,948)	3.4
Suspended for non-highway safety reason (n = 38,678)	2.8

Table A2.9: Days to Event Occurrence among Suspended Drivers

Type of Event	Drivers Suspended for Highway Safety Reasons			Drivers Suspended for Non-Highway Safety Reasons		
	Mean	Median	95% Confidence Interval	Mean	Median	95% Confidence Interval
Crash	313	211	(302, 325)	330	236	(304, 355)
Moving violation	254	120	(250, 258)	301	173	(293, 310)
Non-driving offense	337	185	(328, 346)	273	178	(267, 279)
DAW	389	297	(375, 404)	332	218	(302, 361)

Table A2.10: Drivers Subsequently Convicted of an Event during Their Suspension Period

Type of Event	Drivers DAW for Highway Safety Reasons (n = 75,948)		Drivers DAW for Non-Highway Safety Reasons (n = 38,678)	
	Number of Events	Percentage	Number of Events	Percentage
Moving violation	25,528	33.7	6,458	16.7
Driving offense	6,930	9.2	9,342	24.2
DAW	2,904	3.8	929	2.4

suspended for driving or non-driving reasons in the DOT HS 811 092 report.

Exploring the number of days until an event occurs, Table A2.9 shows the mean and median number of days until an event is recorded in the database. Drivers suspended for highway safety reasons receive a moving violation within 8 months (254 days) compared with more than 10 months (301 days) for drivers suspended for non-highway safety reasons. Both groups were in a subsequent crash within about 10 months (10.3 months or 313 days for those suspended for highway safety reasons vs. 10.9 months or 330 days for drivers suspended for non-highway safety reasons). Drivers who were suspended for highway safety reasons were subsequently convicted of driving while suspended within 12.8 months (389 days) compared with 10.9 months (332 days) for drivers suspended for non-highway safety reasons. The two groups differ when considering the number of days until the moving violation, non-driving offense, and driving while suspended events. This table is consistent with the

results found in the DOT HS 811 092 and Table A2.3.

Examining violation recidivism among drivers suspended for highway safety reasons versus those suspended for non-highway safety reasons, Table A2.10 shows both the number of events and the percentage of events occurring after the initial drivers' suspension during the period of study. As shown in the table, moving violations

are committed by 33.7% of drivers suspended for highway safety reasons after their initial suspension, and 16.7% of those suspended for non-highway safety reasons commit a moving violation after their initial suspension. Looking at non-driving offenses, we see that 9.2% of those suspended for highway safety reasons commit a subsequent non-driving offense compared with 24.2% of drivers suspended for non-highway safety reasons. When considering driving on a suspended license, 3.8% of drivers suspended for highway safety reasons are convicted of this offense, but 2.4% of drivers suspended for non-highway safety reasons are convicted of this offense. This table is consistent with the results found in the DOT HS 811 092 and Table A2.4. The final table, Table A2.11, examines crash involvement among suspended drivers to determine if patterns of crash involvement differed between drivers suspended for highway safety versus non-highway safety reasons.

Table A2.11 shows that whereas about 18.9% of drivers suspended for highway safety-related reasons are involved in a crash, 6.9% of drivers suspended for

a non-highway safety reason are involved in a crash. Focusing on only those that have been involved in any of the events after suspension of their driver’s license, that is, the driver is driving after withdrawal of his or her driver’s license, the results are that about 44.2% of drivers suspended for highway safety-related reasons are involved in a crash, but 21.1% of drivers suspended for a non-highway safety reason are involved in a crash. As noted in DOT HS 811 092, the lack of data available from states linking crash data to drivers’ licenses information provided a caution because of crash reporting differences (some states report all crash involvement regardless of fault determination). The enhanced data in this analysis section have increased the crash data compared with the DOT HS 811 092 report. Table A2.11 differs with the results found in both the DOT HS 811 092 report and Table A2.5 because of enhanced linking of the suspended driver’s license and database improvements across the eight states. This should provide an improved picture of the crash behavior of suspended drivers. The states added to the report are consistent in linking crash, regardless of fault, to the driver’s licensure information; however, caution is repeated regarding at fault crash behavior because “at fault” is not determined in many states.

Overview Estimating National Crashes

To explore the relationship between suspended drivers crashes and crashes across the nation, the analysis estimates the percentage of licensed drivers who have crashed during the time period 2002 to 2006. Using data available from the FHWA’s Highway Statistics

Table DLIC, Table A2.12 offers the total number of crashes nationally as a percentage of the number of licensed drivers nationally. To provide a similar context, data are analyzed for the same time period. Caution must be observed because these aggregate data are estimated, not observed; a licensed driver may be involved in more than one crash per year, and the number of licensed drivers varies across the year, but the count is a point in time during the year. Moreover, the state data incorporated in this report are assumed as representative of the 48 contiguous states, but the national data includes all 50 states.

Comparing Suspended Driver Crashes to National Crashes

Given the caution presented regarding the estimates of national crashes over the time period, Table A2.12 indicates that nationally, more than 3.1% of licensed drivers are involved in a crash during the time period.

Table A2.11: Suspended Drivers Involved in a Crash during the Period of Suspension

Type of Suspended Driver	Repeat Offenders Percentage		All Suspended Drivers Percentage	
	Number of Events	Percentage	Number of Events	Percentage
Suspended for highway safety reason	25,528	33.7	6,458	16.7
Suspended for non-highway safety reason	6,930	9.2	9,342	24.2
DAW	2,904	3.8	929	2.4

Table A2.12: Estimated National Crashes and Licensed Drivers from 2002 to 2006

Year	Fatal	Injury	Property Damage Only	Total Crashes	Total Licensed Drivers	Percentage of Licensed Drivers in Crashes	Number
2002	38,491	1,929,000	4,348,000	6,315,491	194,295,633	3.25%	
2003	38,477	1,925,000	4,365,000	6,328,477	196,165,666	3.23%	7,271
2004	38,444	1,862,000	4,281,000	6,181,444	198,888,912	3.11%	7,418
2005	39,252	1,816,000	4,304,000	6,159,252	200,548,922	3.07%	8,071
2006	38,588	1,746,000	4,189,000	5,973,588	992,409,571	2.95%	5,973,588

Comparing this with the suspended drivers, the percentage of drivers suspended for highway safety reasons involved in a crash is approximately 19%. Therefore, the percentage of drivers involved in a crash who are suspended for highway safety reasons is more than six times the percentage of national drivers involved in a crash for this time period. Turning attention to drivers suspended for non-highway safety reasons, about 6.9% of these drivers are involved in a crash during the time period. When compared with the national percentage of drivers involved in a crash, the percentage of drivers suspended for non-highway safety reasons that are involved in a crash is about 2.2 times that of the national average. Thus, both groups of suspended drivers appear to negatively affect highway safety, but their impacts differ.

Additional States Conclusion

In this analysis, two states are added to provide for a representative and balanced sample based on AAMVA regions. The outcome of the analyses have resulted in few changes outside the crash data outcomes when compared with DOT HS 811 092 or the ACD coding analyses presented in Analysis 1. Concerning are the changes found in the crash data, which are extremely important in traffic safety. Given the changes and the reporting propensity of the states (some provide no crash data, some provide at-fault crash data, and some provide crash data regardless of fault), similar to that found in DOT HS 811 092, caution in interpreting the crash data is appropriate here. Crash data can be misconstrued because of differentials in reporting across states. Because states define “at fault” differently, with some states not determining fault, crash data are suspect. It appears, regardless of reporting style by the states, that those suspended for highway safety reasons are involved in crashes at a much higher rate than drivers suspended for non-highway safety reasons. Although this conclusion is consistent across reports, drivers suspended for non-highway safety reasons appear to be involved in crashes at a high percentage when compared with the percentage of licensed

drivers involved in crashes across the United States. In this analysis, the focus is on the length of individual suspensions, not the aggregate time of suspension as offered in DOT HS 811 092 and Analyses 1 and 2 in this report. This analysis uses the initial suspension to explore crashes based on the provided restoration date. All data are for initial suspension with subsequent suspensions for drivers over the 2002 to 2006 time period removed. Methodologically, the two groups are not the same as in the prior analyses offered in DOT HS 811 092 and Analyses 1 and 2 in this report. This is because restoration dates are not provided consistently among states. Some states offer an exact day of the restoration, some states offer a month only, and some states do not provide the restoration date (the suspended driver exits the data base in that year). In this analysis, the focus is on the two groups of drivers in which the exact day of restoration is present in the databases. Although the percentage of driver’s who crash is provided, the focus is to look at the pattern associated with the crash percentages and not the percentage itself. This differs from the previous analyses, which focused on the percentage and numerical outcomes specifically.

Length of Suspension by Suspension Group

To begin the analysis, this section looks specifically at the initial length of suspension for the two groups, highway safety-related suspended drivers and non-highway safety-related suspended drivers. Figure A2.1 provides the numerical count of drivers within each of the three lengths of suspension categories, up to 180 days, from 181 to 365 days, and from 366 days to 1825 days. The first observation is that of the two groups, highway safety-related suspended drivers ($n = 16,719$) and non-highway safety-related suspended drivers ($n = 16,110$) have about the same number of represented drivers. This differs from the previous analyses in which the highway safety suspended drivers were approximately 66% of the total observations. Next observe that although the groups are about

equal in size, there are more non-highway safety suspended drivers in the up to 180 day category and less non-highway safety suspended drivers in the 366- to 1,825-day category, indicating that drivers suspended for highway safety reasons have longer suspensions. This outcome is further evidenced by looking at the percentage differences between the two suspended driver groups in which 60% of drivers suspended for highway safety reasons have restoration dates of one year or less, but 69% of drivers suspended for non-highway safety reasons have restoration dates of one year or less.

To provide insight into the different number of drivers within the suspension length categories, Figures A2.2 and A2.3 break down each suspension length category into 30-day periods. The findings indicate that the two suspended driver groups are similar in days to restoration in the up to 30-day category, accounting for about 12% of the total drivers in each of the suspension groups. The two suspended driving groups differ in both lengths of suspension categories 61 to 90 days and 91 to 120 days, which incorporate about 20% of the entire group of suspended drivers for non-highway safety reasons. Figure A2.2 indicates a downward trend in the number

Figure A2.1: Suspended Drivers Involved in a Crash during the Period of Suspension

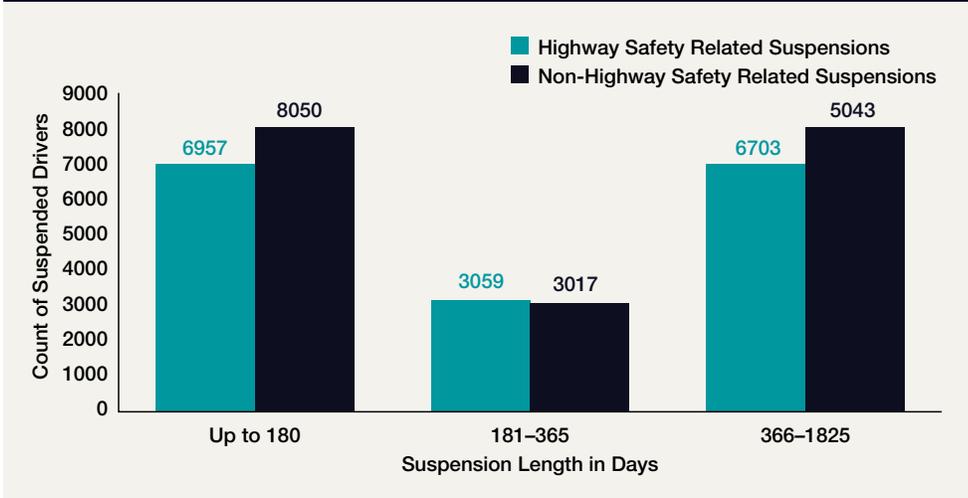


Figure A2.2: Suspended Drivers with Restoration Dates within 180 Days

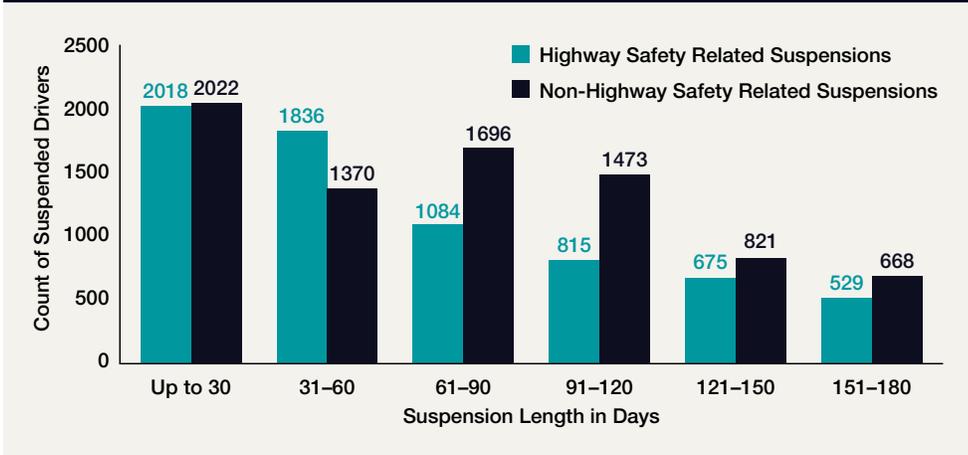


Figure A2.3: Suspended Drivers with Restoration Dates between 181 Days and One Year



Figure A2.4: Suspended Drivers with Restoration Dates between 366 Days and Five Years

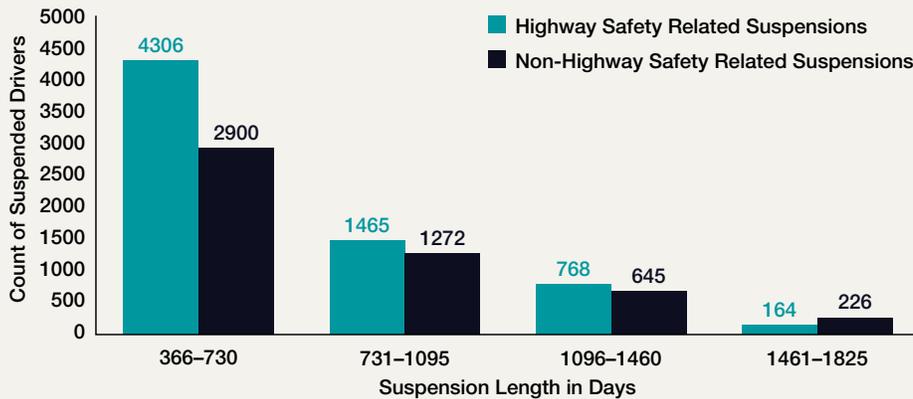
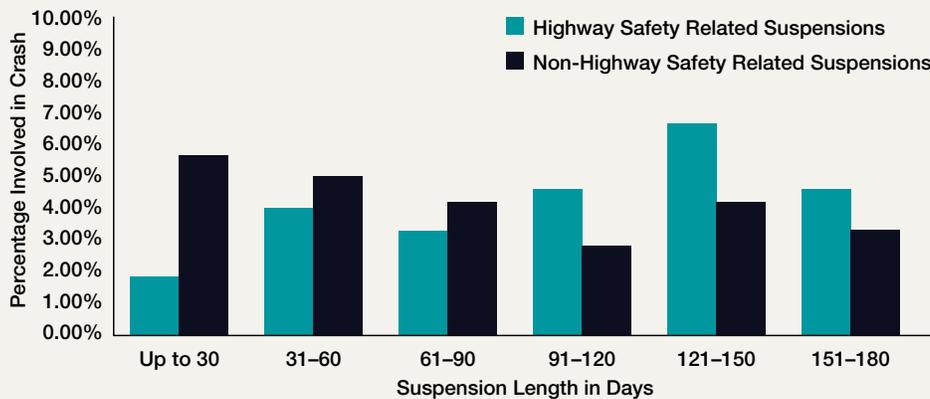


Figure A2.4 changes from a 30-day length of suspension into 360 day categories. Looking at suspensions exceeding one year until restoration, Figure A2.4 illustrates that more than 57% of the driver suspensions exceeding one year are for the category 366 to 730 days with a large drop for suspension 366 days through 1460 days. A very small fraction of total suspended drivers, about 0.1%, are suspended for more than 1460 days (4 years).

Figure A2.5: Percentage of Suspended Drivers Involved in Crashes with Restoration Dates within 180 Days



Length of Suspension and Traffic Crashes

This analysis focuses on the percentage trend in crashes as suspension length changes between the two groups, highway safety suspended drivers and non-highway safety suspended drivers. Figure A2.5 indicates that over suspension lengths of up to 180 days, the percentage of crashes associated with non-highway safety-related suspended drivers decrease as suspension

of drivers suspended for highway safety reasons as the length of suspension increases to 180 days.

Figure A2.3 shows that for those suspended for a period of 181 days through 1 year (365 days), about one third (32.4%) are drivers suspended for highway safety reasons in the category of suspension length between 181 day and 210 days. Figure A2.4 shows a similar result to Figures A3.2 and A2.3, indicating that the beginning of these lengths of suspension categories incorporates the largest number of drivers suspended for highway safety reasons or non-highway safety reasons.

length increases. The opposite is observed for drivers suspended for highway safety reasons in which increases in the length of suspension in days leads to an increase in the percentage of crashes involving this group of suspended drivers.

Figure A2.6 offers a different interpretation from the suspended drivers found in Figure A2.5. Figure A2.6 indicates that the percentage of crashes by drivers suspended for highway safety reasons continue to increase until 300 days and then fall as a percentage from 331 days through 365 days. The percentage of crashes by drivers suspended for non-highway safety

reasons stay relatively flat for suspension lengths of 181 days through 330 days and then decline rather dramatically in the 331 to 365 days category. A large increase, or spike, is found in suspension lengths of 271 days through 300 days for both suspended driver groups for the length of suspension period 181 days through 365 days (one year). Looking at the raw number of drivers associated with this suspension length, Figure A2.3 indicates that the number of drivers in each group is relatively similar between suspension lengths of 211 days and 330 days; thus, the number of drivers does not appear to be motivating the outcome.

The final figure, Figure A2.7, focuses on suspended drivers with restore dates longer than one year. Note that in both suspension groups, there is little variation in the percentage of crashes by suspended drivers until the suspension period exceeds 1460 days (four years) in which a spike indicating a positive increase in the percentage of crashes occurs for drivers suspended for highway safety reason. Simultaneously, in the 1461 days through 1825 days (five years) category, a precipitous decline in the percentage of crashes associated with drivers suspended for non-highway safety reasons is observed.

Length of Suspension and Traffic Crashes Conclusion

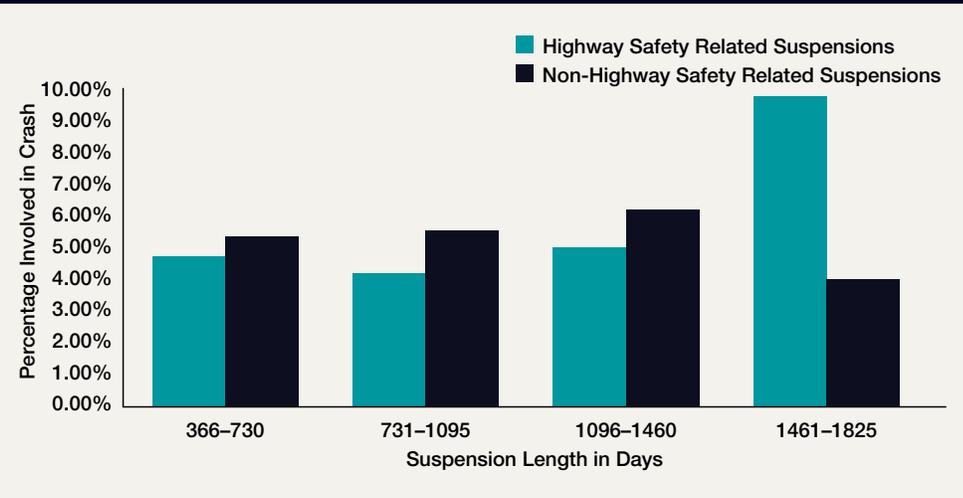
This analysis has focused on the initial suspension, in days, for the two suspended driver groups, those suspended for highway safety reasons and

those suspended for non-highway safety reasons. The data in this analysis are limited in that the two groups are roughly represented by the same number of suspended drivers. The findings lead to the conclusion that the percentages of suspended drivers who crash differ between the two groups based on the length of suspension. There is a trend found that as the length of suspension increases from up to 180 days of suspension, the percentage of crashes associated with drivers suspended for highway safety reasons also increases. This trend is repeated through 300 days of suspension for this group. The percentage of crashes for highway safety suspended drivers' declines until the end of 1,460 days (four years) when

Figure A2.6: Percentage of Suspended Drivers Involved in Crashes with Restoration Dates between 181 Days and One Year



Figure A2.7: Percentage of Suspended Drivers Involved in Crashes with Restoration Dates between 366 Days and Five Years



a precipitous increase is noted in the percentage in crashes as the suspended period exceeds four years. The opposite outcome is found for drivers suspended for non-highway safety reasons for the first 180 days of suspension, and then this group's trend is a constant percentage of crashes through 300-day suspensions, with an increase occurring from 366 days of suspension through four years, with a precipitous decline for suspensions exceeding four years. The final outcome is that support is found for the findings in DOT HS 811 092 and Analyses 1 and 2 in this report that the two groups of suspended drivers appear to behave differently and thus should not be treated as a homogenous group.

This analysis enhances the prior analyses by departing from the sampled data used in DOT HS 811 092 and Analyses 1 to 3, focusing instead on all data collected for the period 2002-2006. These data are not restricted to the equal sampling process used in DOT HS 811 092 and the subsequent Analyses 1 to 3. Within this large data set, the number of observations differs by state with some states contributing 20,000 suspended drivers but other states providing more than the 20,000 suspended driver samples. The analysis graphically explores whether or not the relationship presented in Analysis 3 is robust across the entire data set.

The data set consists of 350,779 initial suspended drivers whose restoration date is complete. This includes restoration month, day, and year. The data are coded identically to those found in Analysis 2 in which all suspended drivers are placed into two groups based on ACD coding. The two groups are identified as drivers suspended for highway safety reasons and drivers suspended for non-highway safety reasons. There are 224,736 suspended drivers whose driver's licenses were suspended for highway safety reasons and 126,043 suspended drivers whose driver's licenses were suspended for non-highway safety reasons. The result is that 64% of the observed drivers are suspended for highway safety reasons, reflecting a similar composition of the data as found in DOT HS 811 092 and the subsequent Analyses 1 and 2.

Length of Suspension by Suspension Group

To begin the analysis, the initial length of suspension for the two groups, highway safety-related suspended drivers and non-highway safety-related suspended drivers, is offered. Figure A4.1 provides the numerical count of drivers within each of the three lengths of suspension categories, up to 180 days, from 181 to 365 days, and from 366 days to 1825 days (more than 1 year to 5 years). The first observation is that about 39% of highway safety-related suspended drivers are suspended for 180 days or less, but about 50% of non-highway safety-related suspended drivers are suspended for 180 days or less. This 11% difference is similar to the 9% difference in this category found in Figure A2.8. About 37% of highway safety-related suspended drivers are suspended for 366 days or more compared with 28% of non-highway safety-related suspended drivers who are suspended for 366 days or more, supporting the prior outcome indicating that those suspended for highway safety reasons have a longer average suspension period. Suspended drivers in both groups have about the same number of represented drivers in the suspension length of 181 to 365 days. The grouping, by percentage, in the suspension length of 181 days through 365 days is very similar to Figure A2.8 in the prior analysis. The shorter suspension length and the longer suspension length follow each groups overall percentage of the total observations.

Length of Suspension and Traffic Crashes

This analysis, similar to the prior analysis, focuses on the percentage trend in crashes as suspension length changes between highway safety and non-highway safety suspended driver groupings. The outcomes, although more pronounced in this analysis, support the outcomes presented in Analysis 3, indicating that Analysis 3 is robust when the data are changed. Figures A2.9, A2.10, and A2.11 follow a similar outcome as that found in Figures A2.5 through A2.7. Driver suspension lengths affect the two groups differently. For lengths of suspension up to 180 days

(six months) the percentage of crashes associated with drivers suspended for highway safety reasons increase across the 180-day suspension period. The suspension category, 30 days or less, has a higher crash percentage for non-highway safety suspended drivers than those suspended for highway safety reasons, which could indicate a short term behavioral response to driving by those suspended for highway safety reasons. Again, a peak is found at suspension lengths of 271 days through 300 days for both suspension groups. A drop for the percentage of crashes for both groups is noted at 3,31 days through 365 days of suspension length. A crash percentage increase is noted for drivers suspended for highway safety reasons whose suspension length is beyond four years, but the opposite, that is a noted decline in the percentage of crashes, is associated with drivers whose driving privilege was suspended for non-highway safety reasons at the same suspension length.

Enhancement Conclusion

This analysis indicates robust support for the outcomes of Analysis 3. The findings lead to the conclusion that the percentages of suspended drivers who crash differ between the two groups based on the length of suspension. There is a trend found that as the length of

Figure A2.8: Suspended Drivers with Restoration Dates by Suspension Length in Days

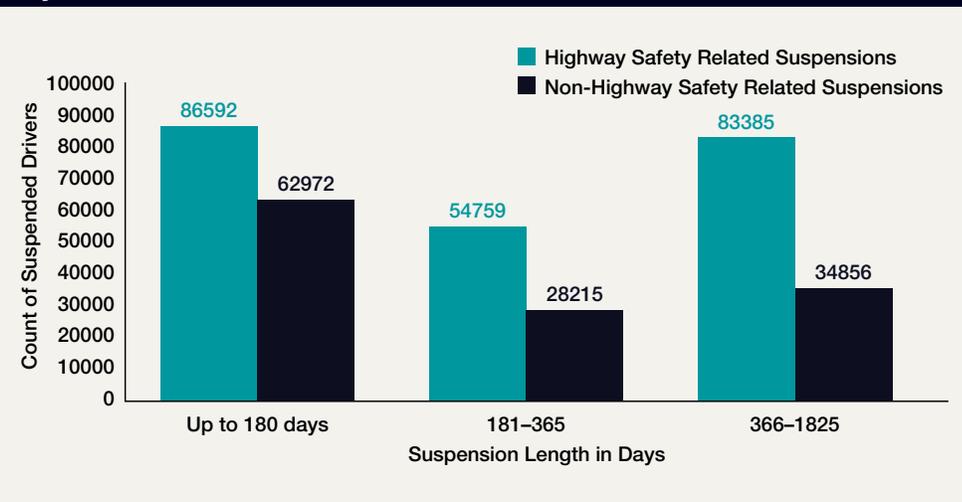


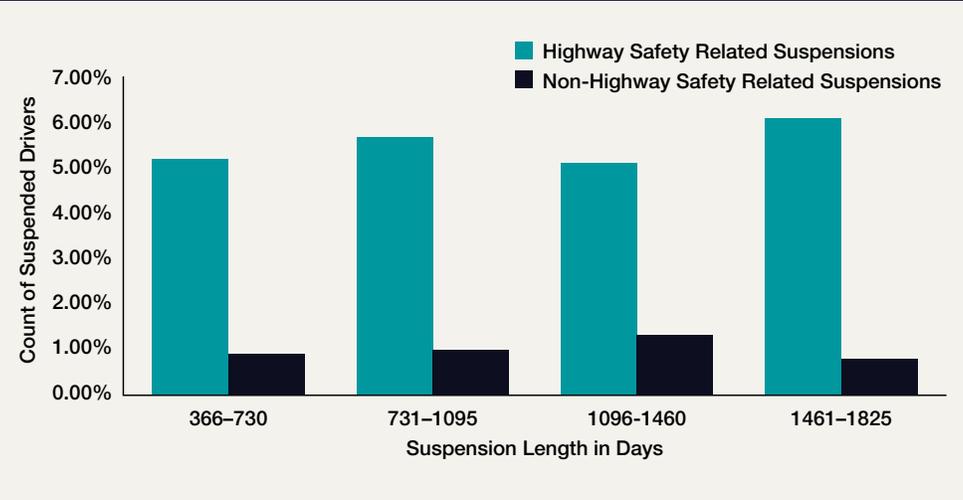
Figure A2.9: Percentage of Suspended Drivers Involved in Crashes with Restoration Dates within 180 Days



Figure A2.10: Percentage of Suspended Drivers Involved in Crashes with Restoration Dates between 181 Days and One Year



Figure A2.11: Percentage of Suspended Drivers Involved in Crashes with Restoration Dates between 366 Days and Five Years



suspension increases for the suspension length of up to 180 days, the percentage of crashes associated with drivers suspended for highway safety reasons also increases.

This trend is repeated through 300 days of suspension for this group at which time the percentage of crashes for highway safety suspended drivers' declines until the

end of a four-year suspension time period. A noted increase in the percentage of crashes for highway safety suspended drivers is observed for the suspension period exceeding four years. The opposite outcome is found for drivers suspended for non-highway safety reasons for the first 180 days of suspension, with an increase occurring from 366 days of suspension through four years followed by a noted decline in the percentage of crashes for the suspension period exceeding four years. The final outcome is

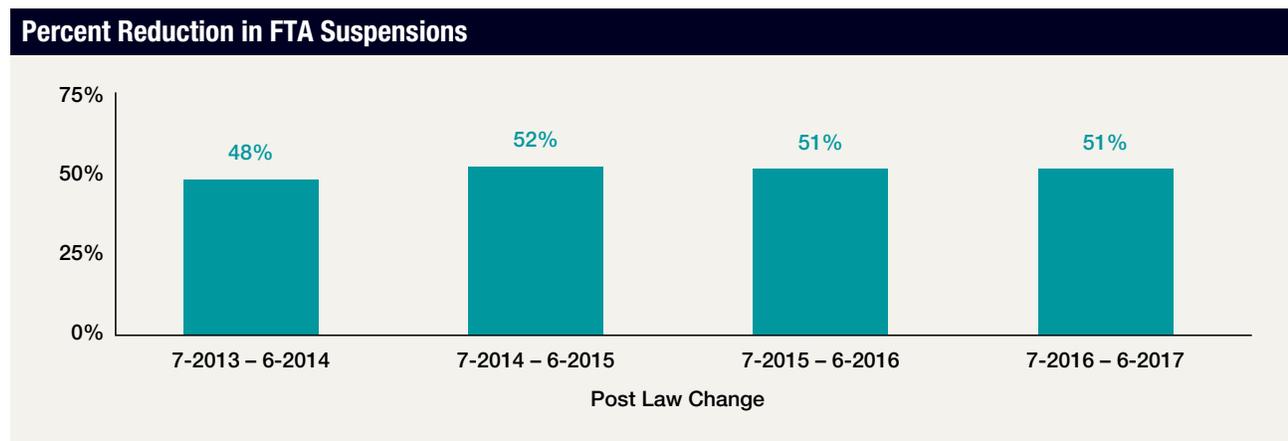
that the robustness enhancement provides support for the findings in DOT HS 811 092 and Analyses 1 to 3 in this report that the two groups of suspended drivers appear to behave differently and thus should not be treated as a homogenous group with regard to traffic safety policy.

Appendix C Washington State 2018 Analysis of Post-Legislation Impacts

Introduction

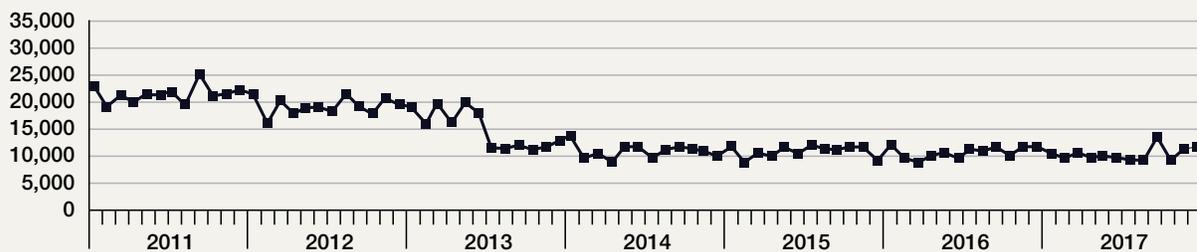
In July 2013, Washington stopped suspending drivers for FTA non-moving violations. Suspension still occurs for FTA on moving violations and for five select non-moving related fines.

A significant resulting change was a drop of approximately 12,000 suspensions per month and a 51% reduction in total FTA suspensions.

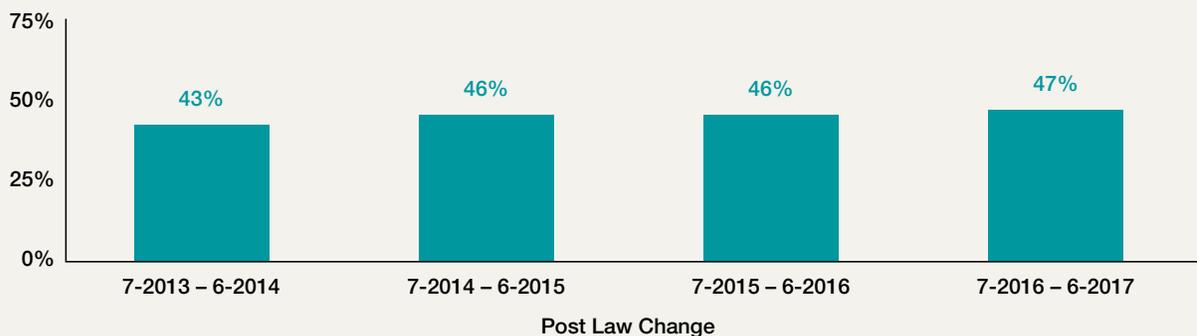


The reduction of individual drivers suspended was 47%, or approximately 9,400 per month that were suspended for FTA each month.

Number of Individual Drivers with FTA Suspensions Jan 2011 - Dec 2017



Percent Reduction in Drivers with FTA suspensions



Appendix D Jurisdiction Survey Results

Introduction

A survey was conducted on behalf of the Working Group in 2018 to update the survey contained in the 2013 report. The compilation of these survey results appear below:

Are you under statutory mandate to suspend or revoke the driving privilege of individuals for violations not related to driving behavior (non-highway safety reason(s) excluding suspensions for failure to appear/pay)?	Do you suspend for failure to appear or pay (FTA/P) on infractions/ citations related to driving behavior?	Do you suspend for failure to appear or pay (FTA/P) on infractions/ citations not related to driving behavior?	If the answer to #1 and/or #3 was Yes, please list all non-highway safety reasons for which your state takes suspending action along with the length of suspension and # of suspensions issued for that offense in calendar year 2017.	What steps have been taken (policy or legislation changes) since 2013 to reduce your number of non-highway safety related suspension reasons?
Total jurisdictions responding: 38 Yes (33 responded); No (5 responded)	Total jurisdictions responding: 30 Yes (26 responded); No (4 responded)	Total jurisdictions responding: 30 Yes (16 responded); No (14 responded)	Total jurisdictions responding: 30	Total jurisdictions responding: 28
AB Yes COMMENTS: <ul style="list-style-type: none"> In conjunction with the Maintenance Enforcement Act, Alberta’s Traffic Safety Act (TSA) administers restrictions of Motor Vehicle Services and the suspension of driving privileges for individuals who have failed to pay court mandated child support, and The TSA also allows for the suspension of driving privileges for individuals who are assessed as not medically fit to operate a motor vehicle. 	No COMMENTS: <p>Alberta does not suspend driving privileges for failure to appear or pay on infractions/ citations related to driving behavior. Alberta does restrict motor vehicle services for unpaid monetary fines.</p>	No COMMENTS: <p>Alberta does not suspend driving privileges for failure to appear or pay on infractions/ citations related to driving behavior. Alberta does restrict motor vehicle services for unpaid monetary fines.</p>	<ol style="list-style-type: none"> Maintenance Enforcement Suspension— Indefinite until compliance with order Medical Suspension— Indefinite until compliance or cancellation <p>The number of these suspensions in 2017 was 25,459</p>	None, Alberta implemented their changes in 2003, and stopped allowing new types of these suspensions

AK	Yes COMMENTS: Driving privileges may be suspended for failure to pay child support	No	No	No Response Provided	No Response Provided
AL	Yes	Yes	No	No Response Provided	No Response Provided
AR	Yes	Yes	Yes	<ul style="list-style-type: none"> • Theft of motor fuel Illegal possession of drugs • Minor in possession of drugs (controlled substances) • Possession of open alcohol container Illegal possession of alcohol 	None
CA	Yes	Yes COMMENTS: The California Department of Motor Vehicles (DMV) currently suspends the driving privilege for failure to appear (FTA) violations related to driving behavior. Effective June 27, 2017, California law repealed DMV’s authority to update a failure to pay violation and place a hold on a driver license (DL). The law also repeals DMV’s authority to suspend a person’s DL upon receipt of a failure to pay (FTP) violation, whether related or not related to driving behavior.	Yes COMMENTS: DMV currently suspends the driving privilege for FTA violations not related to driving behavior. Effective June 27, 2017, California law repealed DMV’s authority to update an FTP violation and place a hold on a DL. The law also repeals DMV’s authority to suspend a person’s DL upon receipt of an FTP violation, whether related or not related to driving behavior.	In 2017, DMV took the following non-highway safety suspension/revocation actions: <ul style="list-style-type: none"> • Family support—88,398 (indefinite or until clearance provided by the County Support Agency) • Dishonored check—776 (indefinite or until the dishonored check is paid) 	Effective June 27, 2017, California law repealed DMV’s authority to update an FTP and place a hold on a DL. The law also repeals DMV’s authority to suspend a person’s DL upon receipt of an FTP violation, whether related or not related to driving behavior.

CO	<p>Yes</p> <p>COMMENTS:</p> <p>Colorado has several statutorily required removals of driving privileges for non-driving offenses.</p>	<p>Yes</p> <p>COMMENTS:</p> <p>Colorado receives notification from courts regarding failure to pay fines and failure to appear which may result in the cancellation of the driving privilege until such time that they meet court requirements, pay, appear, etc. and the court provides a clearance to the DMV.</p>	<p>Yes</p> <p>COMMENTS:</p> <p>Colorado receives notification from courts regarding failure to pay fines and failure to appear which may result in the cancellation of the driving privilege until such time that they meet court requirements, pay, appear, etc. and the court provides a clearance to the DMV. In addition, Colorado suspends driving privileges upon notification from Child Support enforcement entities when a person is not in compliance with child support payments.</p>	<p>RCMT Revocation for Criminal Mischief / Theft 42-2-125(1)(o)(I)(II)</p> <p>RDPP Revocation for Defacing Public / Private Property 42-2-125(1)(n)</p> <p>RFEL Revocation Felony Motor Vehicle Used (Can be driving related) 42-2-125(1)(c)</p> <p>RFSR Revocation for Failing to Stop and Render Aid 42-2-125(1)(d)</p> <p>R1BP Revocation for Buy Possess Controlled Substance (Under 21) 1st 42-2-125(1)(m), 42-2-131; 12-47-901(1)(b)or(1)(c), 18-13-122(3)</p> <p>R2BP Revocation for Buy Possess Controlled Substance (Under 21) 2nd R3BP Revocation for Buy Possess Controlled Substance (Under 21) 3rd +</p> <p>RNRD Revocation for Controlled Substance 42-2-125(1)(b)</p> <p>RPER Revocation for Perjury / False Statement 42-2-125(1)(e)</p> <p>SFTC Suspension for Failure to Pay Child Support 42-2-127.5</p> <p>S1CS Suspension for Controlled Substance— 1st offense 42-2-127.3(1)(a)</p> <p>SMCS Suspension for Multiple Controlled Substance—2nd or more offenses 42-2-127.3(1)(a)</p> <p>SPAI Suspension for Providing Alcohol / ID to Minor 42-2-127.6</p> <p>SSRO Suspension for SR-22 Required by Owner 42-7-406(1)(I)</p>	<p>I am unaware of any specific policy or legislative changes since 2013 to further reduce the number of non-highway safety related suspensions.</p>
DE	No	No	No	No Response Provided	No Response Provided
FL	Yes	Yes	Yes	<p>Non Compliance School Attendance/Education— until school requirements are met or 18 years of age—5179</p> <p>Child Support Suspensions—until support requirements are met— 170781</p> <p>Violation Chapter 893 Controlled Substance—up to two years— 17232</p> <p>Possession/Sell/Traffic Consp Controlled Substance—up to two years—21</p> <p>Possession of Tobacco/Nicotine/Misrepresenting Age by Minor—up to 60 days— 138</p> <p>Possession of Alcohol Beverage/Minor—up to 1 year—7</p> <p>Worthless Checks—until in compliance with court—38</p> <p>Providing alcohol to persons under 21 years of age—up to 6 months for a first violation and 1 year for any subsequent violation—1</p> <p>Petit Theft of Gas or Retail Theft— first suspension is for a period up to 6 months and subsequent is one year— 176</p> <p>Theft of motor vehicle or parts or components -Until the expiration of the full term of the sentence imposed, whether served during actual imprisonment, probation, parole, or suspension—439</p> <p>Under 18 Court Directed Unlawful possession of a firearm—up to 2 years —32</p> <p>Perjury/False Affidavit/Oath— DL Application— 13</p> <p>Fail to Pay Court Financial Obligations—102928</p>	None.

IA	Yes COMMENTS: *Failure to pay child support *Conviction for drug possession *Failure to maintain SR-22 insurance *Theft of motor fuel (very rare)	Yes COMMENTS: See Iowa Code sections 321.210A and 321.210B.	No	(Statistics for State fiscal year 2017, not calendar year) Non-safety related sanctions: <ul style="list-style-type: none"> • Nonpayment of fines: 69,010 = 47% of all Iowa sanctions • Nonpayment of Child Support: 13,345 = 9% of all Iowa sanctions • Failure to have Insurance, post security following an accident and/or Judgments: 10,995 = 7% of all sanctions • Drug possession: 4,646 = 3% For comparison here are the safety related sanction statistics. <ul style="list-style-type: none"> • OWI: 16,815 = 11% 22% • Habitual violator, offender, reckless, drag racing, serious, eluding: 11,850 = 8% • Physical or mental incapability: 3,206 = 2% • Driving while revoked or suspended: 3,063 = 2% • All other safety sanctions: 13,773.00 = 9% Grand total of all Iowa sanctions: 146,703 = 100%	The Iowa legislature is currently contemplating a resolution and bill this legislative session to eliminate driver's license revocations for convictions for drug possession.
ID	Yes			Failure to attend school 82 for 2017 Family responsibility (child support) 1,816 for 2017	None
IL	Yes			Parking suspension Automated traffic suspension Illegal consumption suspension	N/A
IN	Yes COMMENTS: Example: School Behavior	Yes	Yes COMMENTS: Example: Child Support	I would recommend searching Indiana Code. All request for data must go through the Indiana BMV data request committee as resources will need to be devoted to compile this information.	Indiana Bureau of Motor Vehicles has no authority in legislation to change Indiana Code.
KS	Yes; Misrepresentation of identity, insufficient funds, weapons/drugs at school for ages 13-18, MIP, controlled substances, failure to complete required alcohol education program	Yes, any major or minor charges from in state and minors from out of state	Yes, failure to comply with anhydrous ammonia regulations, bicycle violations, MIP, pedestrian offenses, registration/tag violations (expired or illegal)		None

LA	Yes	Yes	Yes	<ul style="list-style-type: none"> • Theft of fuel 1st or 2nd • Recommended by the Court, • Failure to Pay Criminal Fines, • Failure to Pay Income Tax, • FTP Child Support, • Purchase/Poss of Alcohol <21, purchase alcohol for <21, school truancy, school disciplinary, NSF, Denial of Driving Privileges (convicted for poss of controlled substance) 	N/A
MD	Yes	Yes	Yes	<ul style="list-style-type: none"> • Upon death of a co-signor—TR 16-109 • Failure to pay child-support—TR 16-203 • Outstanding arrest warrant—TR 16-204 • Non-payment of judgement—TR 17-204 • Dispensing of motor fuel into dirt bike in Baltimore City—TR 21-1128 • Failure to appear or failure to comply—TR 26-204 • Failure to pay—TR 27-103 • Possession of alcohol by a minor—CR 10-114 • Failure to pay for motor fuel—CR 7-104 and TR 16-207.1 • Improper use of a driver's license or ID card by a minor to obtain alcohol—CR 10-113 and Cts & Jdl 3-8a-19 • Non-compliance with traffic citation issued under federal law—TR 26-206 • Rejection by MAIF—TR 17-105 • The length of suspension is based customer's resolution of the issue. • Under the new MD expungement law, non-driver safety related charges are expunged, therefore numbers cannot be provided. 	During the legislative session, MVA attempts to deter the passing of any legislation that suspends a driving privilege for non-driving related issues.
ME	Yes	Yes	Yes	<p>Maine has a statutory provision to suspend for FPF Contempt (7020 in 2016) as deemed by a court so could be for a variety of violations (e.g. dog at large). Others are (all 2016 data):</p> <ul style="list-style-type: none"> • Failure to Appear at Hearing—5 • Failure to Complete DEEP—181 • Judgment (as the result of a MV accident)—81 • Protested Check/Delinquent Account—265 • Signature Withdrawal (minor)—8 	No Response Provided
MN	Yes	Yes	No	No Response Provided	No Response Provided

MO	Yes	Yes	No	<ul style="list-style-type: none"> • False Insurance; 1 year revocation; 17 issued. • Child Support; indefinite (until compliance is received and reinstatement fee paid); 7,614 issued. • Motor Fuel Theft; first offense—60 days, second offense—90 days subsequent offenses—180 days; 6 issued. • Minor in Possession; first offense—90 days, subsequent offenses—1 year revocation; 83 issued. • Abuse & Lose; under 21 and alcohol involved first offense—90 days; over 21, drugs involved, or 2nd offense under 21 and alcohol involved—1 year revocation; 455 issued. • Fraud Denial; 1 year revocation; 24 issued. • Juvenile Denial; remains active until parental release, or 18th birthday; 18 issued. • Instate FTA 43,740 issued 	n/a
MS	No	No Response Provided	No Response Provided	No Response Provided	No Response Provided
MT	Yes	Yes	Yes	<p>Child Support— indefinite</p> <ul style="list-style-type: none"> • 746 suspensions in 2017 <p>Unsatisfied Judgment—6 years or until lifted by plaintiff/court, whichever is earlier</p> <ul style="list-style-type: none"> • 26 suspensions in 2017 <p>Failure to Comply—Indefinite for all convictions sentenced under the general sentencing statute. This includes criminal misdemeanor, city ordinance, fish and game violations. We do not separate out these suspensions from traffic related suspensions</p> <ul style="list-style-type: none"> • 19644 suspension in 2017 <p>Theft of Fuel—Suspend for 30 days, 6 months, 1 year for 1st, 2nd, 3rd offense</p> <ul style="list-style-type: none"> • 2 suspensions in 2017 	The courts have worked to increase the types of violations that are eligible for driver license suspensions.

<p>NC</p>	<p>Yes</p> <p>COMMENTS:</p> <p>Failure to pay Child Support Court order not to operate Juvenile orders not operate Unsatisfied Judgment Unsatisfied Judgment Out of State Failure to Deposit Security Failure to Deposit Security Out of State Bad Check Suspension Adjudicated Incompetent Dropout Suspension Failure to Complete Community Service—Suspension Failure to Give Correct Information Issue Error</p>	<p>Yes</p>	<p>No</p>	<ul style="list-style-type: none"> • Child Support Issue—Indef until cleared by court (259) • Court order not to operate—For the time period set by the court (12) • Stop issue for Juvenile—For the time period set by the court (13) • Unsatisfied Judgment—Indef. until cost of accident complied with (1,912) • Unsatisfied Judgment Out of State—Indef. until cost of accident complied with (142) • Failure to Deposit Security—Indef. until complied or up to 3 years (7,119) • Failure to Deposit Security Out of State—Indef. until complied or up to 3 years (49) • Bad Check Suspension—Indef. until cleared—(110) • Adjudicated Incompetent—Indef. until cleared by court system (3,546) • Dropout Suspension—Indef. until proof of graduation or grades are at a satisfactory level (1,048) • Failure to Complete Community Service—Suspension—For the time period set by the court (14) • Failure to Give Correct Information—Indef. til the customer corrects information (732) • Issue Error—Indef. til a customer is issued license correctly (206) 	<p>To help reduce the number of non-highway safety related suspensions NC has attempted to provide adequate training to examiners and front line employees. to ensure license are issued correctly.</p>
<p>ND</p>	<p>Yes</p> <p>COMMENTS:</p> <p>Non-payment of child support, stopping payment of drivers license reinstatement fees or issuance fees.</p>	<p>Yes</p>	<p>No</p>	<p>Non-payment of child support—driver is suspended until our office is notified by the court or child enforcement unit that payment has been made or a payment plan set up.</p> <p>Stopping payment of drivers license reinstatement fees or issuance fees—driver is suspended until our office is notified that proper payment has been received.</p>	<p>No Response Provided</p>
<p>NE</p>	<p>Yes</p> <p>COMMENTS:</p> <p>Suspensions for child support</p>			<p>No Response Provided</p>	<p>No Response Provided</p>
<p>NH</p>	<p>No</p>		<p>No Response Provided</p>	<p>No Response Provided</p>	<p>No Response Provided</p>

NJ	Yes COMMENTS: The New Jersey Motor Vehicle Commission is required to follow the directions of the New Jersey Courts. There are instances where a driver may be suspended for issues not related to driving, examples of which are suspensions for Drug Convictions, Juvenile Court Sentences, Child Support Delinquency, Under Age Drinking and Under Age Gambling.	Yes COMMENTS: Yes, the New Jersey Judiciary has automated and manual processes that ensure the MVC is notified when a driver is delinquent on answering or paying a citation/ticket and the courts direct the action to be taken.	Yes COMMENTS: Yes. As stated in #1, New Jersey Courts may suspend regarding non-driving related issues should a defendant fail to appear and or pay the citation.	The length of suspension is not a defined period as it would be for a court-imposed sentence. Suspensions for failure to appear, failure to pay or non-compliance with court instructions are indefinite until the driver complies. Common reasons are Drug Convictions, Juvenile Court Sentences, Child Support Delinquency, Under Age Drinking and Under Age Gambling or any other citation/ticket that the court declares as outstanding for not appearing or paying	This question would be best answered by the Administrative Office of the Courts who have recently enacted bail reform measures that may or may not reduce possible suspension matters that are sent to the MVC. The MVC takes direction from the court when imposing a suspension.
NM	No	No	No Response Provided	No Response Provided	No Response Provided
NY	Yes	Yes	No	Assault on a traffic enforcement agent, drug possession convictions, certain convictions of the alcoholic beverage control act, juvenile adjudications of falsely reporting an incident, failure to pay child support, \$10,000 or more in state tax arrears, conviction of advocating the overthrow of the U.S. government, violations for a vehicle abandoned in the City of New York. Some result in mandatory revocations, others a suspension of various terms.	None
OH	Yes	Yes	No	Child support. The length is until they are in compliance with child support. Number of suspensions 31,805.	No steps taken
ON	Yes COMMENTS: Under section 198.1 of the Ontario Highway Traffic Act, the Ministry of Transportation (MTO) can suspend a driver's licence for unpaid family support payments when directed by Ontario's Family Responsibility Office (FRO).	Yes	Yes COMMENTS: Yes, as per question #1.	<ul style="list-style-type: none"> In Ontario, driver's licences can be suspended for non-payment of family support. A driver's licence will be suspended indefinitely until FRO advises MTO that family support payments have been paid in full. In 2016 we issued approximately 2,500 suspensions. 2017 data is not yet available. 	N/A

OR	Yes	Yes	No	<ul style="list-style-type: none"> • Alcohol/Drug offenses (minors) • Drug offenses (adults) • Delinquent child support • Dishonored check • Failure to appear for re-examination • Failure to pass re-examination • Theft of gasoline • Failure to pay traffic ticket • False Information on application • False Information to law enforcement • Financial responsibility • School truancy • School misconduct • Withdrawal of parental signature for minor 	Legislation introduced in 2017 to eliminate suspensions for non-driving related offenses. The bill did not pass but is being introduced again in 2018.
PA	Yes	Yes	No		Policy and legislation have moved in the direction of supporting the elimination of driving privilege suspensions for non-highway safety related reasons.
RI	Yes	Yes	Yes	Please see attached spreadsheet. All FTP/FTA suspensions are indefinite—meaning they are in effect until you pay.	None—it actually seems like it is increasing.
SC	Yes			<ol style="list-style-type: none"> 1. Alcohol Violation 2. Altering or Defacing Signs or Signals 3. Cancellation of Insurance 4. Court Administration Cancellation 5. Court Ordered Suspension 6. Delinquent Child Support 7. Departmental Suspension 8. Dishonored Check 9. Failure to Appear for Re-Examination 10. Failure to Pass Re-Examination 11. Failure to Make Payment for Gasoline 12. Failure to Pay Property Tax 13. Failure to Pay Traffic Ticket 14. Failure to Remit Fees 15. False Information on Application 16. Financial Responsibility 17. Minor Signature Withdrawal 	None
SD	No			N/A	N/A

<p>TN</p>	<p>Yes</p> <p>COMMENTS:</p> <p>There are two: Child Support Failure to satisfy non-driving criminal offenses.</p>	<p>Yes</p>	<p>Yes</p> <p>COMMENTS:</p> <p>Failure to Pay on any criminal offense can result in Suspension</p>	<p>Failure to Satisfy Fines/Costs/Taxes on a Criminal Offense</p> <ul style="list-style-type: none"> • 01/01/17-12/31/17 • 79,783 revocations <p>Failure to Pay Child Support</p> <ul style="list-style-type: none"> • 01/01/17-12/31/17 • 10.371 revocations 	<p>There have been no steps take nor reductions since 2013.</p>
<p>TX</p>	<p>Yes</p>	<p>No Response Provided</p>	<p>Yes</p>	<p>The total of all non-driving related suspensions for FY 2017 was 1,410,115. The total of suspensions for those offenses listed as “both” was 52,601 – both offenses can be non-driving and driving, but we don’t have them broken out within the offense category.</p> <p>Spreadsheet attached listing the non-driving and both offenses.</p>	<p>N/A</p>
<p>VA</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. Unpaid fines and costs—suspension lasts until fines and costs are paid—337,188 suspensions issued in CY 2017. 2. Failure to appear—7,811 suspensions issued in CY 2017. 3. Receiving a drug related conviction— suspension lasts six months—39,665 suspensions issued in CY 2017. This number does not include individuals convicted of driving while under the influence of drugs. 4. Unpaid judgment arising out of a motor vehicle crash—suspension lasts until judgment is paid, or a statutory minimum is paid, or the court orders a payment plan, or creditor releases the debtor’s driver’s license suspension—3,673 suspensions issued in CY 17. 5. Non-payment of Alcohol Safety Action Program Fees—suspension lasts until fees are paid—3,118 suspensions issued in FY 17 (figures not available for CY 17). 6. Failure to pay child support—suspension lasts until child support is paid or debtor enters into payment plan with Department of Social Services—8,050 suspensions issued in CY 17. 7. Failure to Pay Local or Regional Jail Fees—suspension lasts until fee is paid or arrangements are made with the jail—no suspensions issued in CY 17. 8. Juvenile buying alcohol—at least six months, up to one year— 143 suspensions issued in FY 17 (figures not available for CY 17). 	<ol style="list-style-type: none"> 1. Passed legislation in 2017 standardizing terms of court payment plans in all Virginia state courts. Persons on court payment plans can avoid a suspension for unpaid fines and costs; the legislation was intended to make it easier to avoid suspension by getting on a payment plan. 2. Passed legislation in 2017 to permit some first time offenders of marijuana possession to complete an additional 50 hours of community service in lieu of six months driver’s license suspension. This is at the judge’s discretion, and does not apply to those who committed the offense while operating a motor vehicle.

VA	(continued)			<p>9. Juvenile with unexcused absences from 10 or more consecutive school days—any period of time up to the 18th birthday—1 suspension issued in FY 17 (figures not available for CY 17).</p> <p>10. Juvenile is truant—up to 18th birthday—39 suspensions issued in FY 17 (figures not available for CY 17).</p> <p>11. Delinquent children—between 30 days and two years—87 suspensions issued in CY 17, plus 933 licenses denied (unlicensed individuals prohibited from applying to become licensed) in FY 17 (figures not available for CY 17). Note—Virginia law permits the suspension of a juvenile’s license as a consequence of being convicted of any offense, driving related or not driving related. As a result of this, all such suspensions are reported together, and we cannot break out non-highway safety related reasons.</p>	<p>3. Passed legislation in 2016 to allow individuals required to pay \$500 fee for driving uninsured to obtain a payment plan to pay that fee.</p>
VT	Yes	Yes	No	<p>Failure to pay child support. They get issued an indefinite suspension and remain under suspension under the child support is paid.</p>	<p>Removed suspension issuance for cigarette, tobacco, unsatisfied judgements, and littering.</p>
WA	Yes	Yes	Yes	<ul style="list-style-type: none"> • Non-payment of child support (Indefinite) • Theft of motor vehicle fuel (Six Months) • Fraudulent use of a license (One Year) • Leaving children in a running car—Second Offense (One Year) • Minors and firearm, alcohol, and drug violations— Second Offense (One year or 17th birthday, whichever longer; Subsequent offenses two years or 18th birthday, whichever longer) • Perjury, false affidavit, or false statement under oath to DOL relating to ownership or operation of a motor vehicle (One Year) • FTA/P for a “littering—abandoned vehicle” citation • CY17 data unavailable at this time 	<p>Minors and firearm, alcohol, and drug violations were changed to require suspension on second offense instead of the first.</p>

Appendix E Relevant Court Cases

Following is a sample of court cases showing the national trend wherein suspension for failure to pay or failure to appear is being legally challenged:

Damian Stinnie v. Richard Holcomb, W.D. Va., 3:16-cv-00044-NKM (July 6, 2016)

In this Class-Action Complaint, Mr. Stinnie and other similarly situated plaintiffs alleged due process and equal protection violations when their licenses were suspended for failing to pay outstanding court fees. Mr. Stinnie contended that his license was suspended for not being able to pay the fees but that without his license, he was unable to maintain employment and therefore would not be able to pay the fees. Although the court noted the vicious cycle presented by this scenario, it ultimately dismissed the case on jurisdictional grounds.

James Thomas v. Bill Haslam, M.D. Tenn., 3:17-cv-00005 (July 2, 2018)

In this class-action complaint, plaintiffs allege Tennessee's laws mandating license suspension for failing to pay court fines violate their rights to due process and equal protection under the law. On July 2, 2018, U.S. Federal District Court ruled in the plaintiff's favor. As of September 2018, this ruling was under appeal by the State of Tennessee.

Adrian Fowler v. Ruth Johnson, E.D. Mich., 2:17-cv-11441-LVP (May 4, 2017)

This case alleges Michigan's statutory scheme requiring automatic license suspension for failure to pay court fines violates plaintiffs' rights to due process and equal protection under the law. Although the case is ultimately still pending, plaintiffs were successful in having the Court issue a preliminary injunction enjoining the defendants from any further license suspensions on the basis of non-payment of court fines without initially providing notice and an opportunity to be heard with regard to ability to pay and instituting alternatives to full payment of debt for those who are found to be unable to pay.

Rubicon Programs v. Superior Court of California, County of Solano, Sup. Ct. Ca., FCS047212 (June 15, 2016)

This case, challenging the failure of the Solano County Superior Court to advise motorists of their right to request a hearing to determine their ability to pay fines, resulted in a settlement agreement between the parties. As a result of the agreement, the Court made numerous changes to its notices to inform motorists of their right to request a hearing regarding ability to pay. The Court also instituted changes to allow alternatives to payment in the case of motorists who were deemed unable to pay.

Appendix F Working Group Roster

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**safe drivers
safe vehicles
secure identities
saving lives!**



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EXHIBIT M

AMERICAN BAR ASSOCIATION

WORKING GROUP ON BUILDING PUBLIC TRUST
IN THE AMERICAN JUSTICE SYSTEM
SECTION ON CIVIL RIGHTS AND SOCIAL JUSTICE
STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS
CRIMINAL JUSTICE SECTION
SECTION ON STATE AND LOCAL GOVERNMENT LAW
COMMISSION ON YOUTH AT RISK
MASSACHUSETTS BAR ASSOCIATION
KING COUNTY BAR ASSOCIATION
WASHINGTON STATE BAR ASSOCIATION

REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

- 1 RESOLVED, That the American Bar Association adopts the *ABA Ten Guidelines on*
- 2 *Court Fines and Fees*, black letter and commentary, dated August 2018; and
- 3
- 4 FURTHER RESOLVED, That the American Bar Association urges all federal, state,
- 5 local, territorial, and tribal legislative, judicial and other governmental bodies to apply the
- 6 *ABA Ten Guidelines on Court Fines and Fees*.

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AMERICAN BAR ASSOCIATION
TEN GUIDELINES ON COURT FINES AND FEES
(AUGUST 2018)

GUIDELINE 1: Limits to Fees

If a state or local legislature or a court imposes fees in connection with a conviction for a criminal offense or civil infraction, those fees must be related to the justice system and the services provided to the individual. The amount imposed, if any, should never be greater than an individual's ability to pay or more than the actual cost of the service provided. No law or rule should limit or prohibit a judge's ability to waive or reduce any fee, and a full waiver of fees should be readily accessible to people for whom payment would cause a substantial hardship.

COMMENTARY:

Many state and local legislatures have enacted mandatory surcharges and assessments, which seek to fund programs or services imposed when individual who is sentenced.¹ Courts in many states have also imposed a broad range of “user fees” on criminal defendants, ranging from supervision fees to drug testing fees.² Some fees are unrelated to the justice system or to the service provided.³ These surcharges, assessments, court costs, and user fees—collectively

¹ For example, Michigan requires judges to impose on people convicted of traffic and misdemeanor offenses a minimum state assessment *in addition to* any fines and costs. Hon. Elizabeth Hines, *View from the Michigan Bench*, National Center for State Courts 36, <http://www.ncsc.org/~media/Microsites/Files/Trends%202017/View-from-Michigan-Bench-Trends-2017.ashx>. The minimum assessment in Michigan misdemeanor cases is \$125. *Id.* See also *id.* 36 & n.2 (“When James W. pleads guilty to ‘Driving Without a Valid Operator’s License on His Person,’ it is unlikely anyone is aware that a portion of the fines and costs he is ordered to pay may be used to support libraries, the Crime Victims’ Rights Fund, retirement plans for judges, or, in one state, construction of a new law school.”).

² For an illustrative catalog of fees imposed in just a single case, see Alicia Bannon, Mitali Nagrecha & Rebekah Diller, *Criminal Justice Debt: A Barrier to Reentry*, The Brennan Center of Justice at New York University School of Law (2010), <https://www.brennancenter.org/sites/default/files/legacy/Fees%20and%20Fines%20FINAL.pdf> (“*Criminal Justice Debt*”), at 9 (snapshot of Case Financial Information sheet from a criminal case in the Court of Common Pleas of Cambria County, Pennsylvania. See also Human Rights Watch, *Profiting from Probation America’s “Offender-Funded” Probation Industry* (2014), <https://www.hrw.org/report/2014/02/05/profitting-probation/americas-offender-funded-probation-industry> (“*Profiting from Probation*”), at 27-31 (discussing “pay only” probation arrangements). See also Michelle Alexander, *The New Jim Crow* (2012), at 154-54 (describing the many types of “preconviction service fees,” such as jail book-in fees and public defender application fees, and post-conviction fees, including parole or probation service fees, that are imposed in states around the country).

³ For example, the vast majority of revenue collected from mandatory driver’s license reinstatement fees in Arkansas goes to the Arkansas State Police. Ark. Code Ann. § 27-16-808. In California, California, a \$4 fee is imposed for

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21 known as “fees”—have proliferated to the point where they can eclipse the fines imposed in low-
 22 level offenses.⁴ Many states even impose “collection fees,” payable to private debt collection
 23 firms for the cost of collecting other fees, and well as fines.⁵ All such fees imposed in
 24 connection with a conviction or criminal offense or civil infraction should be eliminated because
 25 the justice system serves the entire public and should be entirely and sufficiently funded by
 26 general government revenue.⁶

27
 28 If imposed at all, fees should be commensurate with the service they cover, and consistent with
 29 the financial circumstances of the individual ordered to pay, so that the fees do not result in
 30 substantial hardship to the individual or his/her dependents.⁷ A judge should always be
 31 permitted to waive or reduce any fee if an individual is unable to pay. Fees that are legislatively
 32 mandated should be revised to permit such waiver or reduction based on inability to pay.

33
 34 When an individual is unable to pay, courts should not impose fees, including fees for counsel,
 35 diversion programs, probation, payment plans, community service, or any other alternative to the
 36 payment of money.⁸ An individual’s ability to pay should be considered at each stage of
 37 proceedings, including at the time the fees are imposed and before imposition of any sanction for
 38 nonpayment of fees, such as probation revocation, issuance of an arrest warrant for nonpayment,
 39 and incarceration. The consideration of a person’s ability to pay at each stage of proceedings is
 40 critical to avoiding what are effectively “poverty penalties,” *e.g.*, late fees, payment plan fees,
 41 and interest imposed when individuals are unable to pay fines and fees.

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every criminal conviction, including traffic infractions, for Emergency Medical Air Transportation. Cal. Govt. Code § 76000.10(c)(1).

⁴ *Profiting from Probation* at 14.

⁵ *Criminal Justice Debt* at 17.

⁶ The National Task Force on Fines, Fees and Bail Practices was established by the Conference of Chief Justices and the Conference of State Court Administrators. In December 2017, the Task Force issued its “Principles on Fines, Fees, and Bail Practices” (the “National Task Force Principles” or “NTF Principles”) which are available at <http://www.ncsc.org/~media/Files/PDF/Topics/Fines%20and%20Fees/Principles-Fines-Fees.ashx>. Principle 1.5 states, “Courts should be entirely and sufficiently funded from general governmental revenue sources to enable them to fulfill their mandate. Core court functions should generally not be supported by revenues generated from court-ordered fines, fees, or surcharges.”

⁷ NTF Principle 1.6 states that fees should only be used for a narrow scope of “administration of justice” purposes and that “in no case should the amount of such a fee or surcharge exceed the actual cost of providing the service.” *See also The Criminalization of Poverty*, at 53.

⁸ *See* Amer. Bar Ass’n, Resolution 110 (2004 AM), *ABA Guidelines on Contribution Fees for Costs of Counsel in Criminal Cases*, Guideline 2 (“An accused person should not be ordered to pay a contribution fee that the person is financially unable to afford.”).

44 **GUIDELINE 2: Limits to Fines**

45 *Fines used as a form of punishment for criminal offenses or civil infractions should not result*
 46 *in substantial and undue hardship to individuals or their families. No law or rule should limit*
 47 *or prohibit a judge’s ability to waive or reduce any fine, and a full waiver of fines should be*
 48 *readily accessible to people for whom payment would cause a substantial hardship.*

49
 50 COMMENTARY:

51
 52 Fines should be calibrated to reflect the financial circumstances of the individual ordered to pay,⁹
 53 so that the fines do not result in substantial and undue hardship to the individual or his/her
 54 dependents.¹⁰

55
 56 An individual’s ability to pay should be considered at each stage of proceedings, including at the
 57 time fines are imposed and before any sanction for nonpayment, such as probation revocation,
 58 issuance of an arrest warrant for nonpayment, or incarceration.¹¹

59
 60 **GUIDELINE 3: Prohibition against Incarceration and Other Disproportionate Sanctions,**
 61 **Including Driver’s License Suspensions.**

62
 63 *A person’s inability to pay a fine, fee or restitution should never result in incarceration or*
 64 *other disproportionate sanctions.*

65
 66
 67 COMMENTARY:

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⁹ *Amer. Bar Ass’n, Standards for Criminal Justice: Sentencing*, Standard 18-3.16 (d) (“The legislature should provide that sentencing courts, in imposing fines, are required to take into account the documented financial circumstances and responsibilities of an offender.”). NTF Principle 2.3 states, “States should have statewide policies that set standards and provide for processes courts must follow when doing the following: assessing a person’s ability to pay; granting a waiver or reduction of payment amounts; authorizing the use of a payment plan; and using alternatives to payment or incarceration.” NTF Principle 6.2 urges that state law and court rules “provide for judicial discretion in the imposition of legal financial obligations.”

¹⁰ *See Amer. Bar Ass’n, Resolution 111B (2016 AM)*, cmt. at 13 (urging the abolition of user-funded probation systems supervised by for-profit companies based on a detailed explanation of the Supreme Court’s decision in *Bearden v. Georgia*, 461 U.S. 660, 672 (1983), and the problem of debtors’ prisons—the unlawful incarceration of people too poor to pay court fines and fees); Council of Economic Advisers Issue Brief, *Fines, Fees, and Bail: Payments in the Criminal Justice System That Disproportionately Impact the Poor* (Dec. 2015) (“CEA Brief”), at 5-6, available at https://obamawhitehouse.archives.gov/sites/default/files/page/files/1215_cea_fine_fee_bail_issue_brief.pdf.

¹¹ *Amer. Bar Ass’n, Standards for Criminal Justice: Sentencing*, Standard 18.3.22(e) (“Non-payment of assessed costs should not be considered a sentence violation.”)

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69 Despite the popular belief that “debtors’ prisons” have been abolished in the United States,
 70 people are still incarcerated because they cannot pay court fines and fees, including contribution
 71 fees for appointed counsel.¹² In many states, people are incarcerated because they owe fines and
 72 fees and are unable to pay. Such incarceration has been documented in at least thirteen states
 73 since 2010.¹³ As the Brennan Center has explained, there are four “paths” to debtors’ prison: (1)
 74 many courts may revoke or withhold probation or parole upon an individual’s failure to pay; (2)
 75 some states authorize incarceration as a penalty for failure to pay, such as through civil
 76 contempt; (3) some courts force defendants to “choose” to serve prison time rather than paying a

¹² The ABA opposes incarceration for inability to pay contribution fees for appointed counsel. *E.g.*, Amer. Bar Ass’n, Resolution 110 (2004 AM), *ABA Guidelines on Contribution Fees for Costs of Counsel in Criminal Cases*, Guideline 4 (“Failure to pay a contribution fee should not result in imprisonment or the denial of counsel at any stage of proceedings.”); Amer. Bar Ass’n, Resolution of the House of Delegates 111B (Aug. 2016) (commentary on *Bearden* and debtors’ prisons); Amer. Bar Ass’n, Resolution of the House of Delegates 112C (Aug. 2017) (urging governments to “prohibit a judicial officer from imposing a financial condition of release that results in the pretrial detention of a defendant solely due to the defendant’s inability to pay”). The reasoning underlying Resolution 112C’s principle against pretrial incarceration for inability to pay also applies to any stage of court proceedings that could lead to incarceration for inability to pay. NTF Principle 6.3 states that courts should make an ability-to-pay determination before ordering incarceration or probation revocation for failure to pay. Principle 4.3 states that courts should make an ability-to-pay determination before ordering license suspension for failure to pay.

¹³ American Civil Liberties Union, *In For A Penny: The Rise Of America’s New Debtors’ Prisons* (2010), https://www.aclu.org/files/assets/InForAPenny_web.pdf. (documenting incarceration for unpaid fines and fees in Michigan, Ohio, Georgia, Louisiana, and Washington); CLU of Louisiana, *Louisiana Debtors’ Prisons: An Appeal To Justice* (2015), https://www.laclu.org/sites/default/files/field_documents/2015_Report_Louisiana_Debtors_Prisons_0.pdf; ACLU of New Hampshire, *Debtors’ Prisons In New Hampshire* (2015), <http://aclu-nh.org/wp-content/uploads/2015/09/Final-ACLU-Debtors-Prisons-Report-9.23.15.pdf>; ACLU of Ohio, *In Jail & In Debt: Ohio’s Pay-To-Stay Fees* (2015), <http://www.acluohio.org/wp-content/uploads/2015/11/InJailInDebt.pdf>; ACLU of Ohio, *The Outskirts Of Hope: How Ohio’s Debtors’ Prisons Are Ruining Lives And Costing Communities* (2013), http://www.acluohio.org/wp-content/uploads/2013/04/TheOutskirtsOfHope2013_04.pdf; ACLU of Washington and Columbia Legal Services, *Modern-Day Debtors’ Prisons: The Ways Court-Imposed Debts Punish People For Being Poor* (2014), <https://aclu-wa.org/sites/default/files/attachments/Modern%20Day%20Debtor%27s%20Prison%20Final%20%283%29.pdf>; Alison Beyea, *Legislature Has a Chance to End Debtors’ Prisons in Maine*, ACLU of Maine blog (Mar. 8, 2016), <https://www.aclumaine.org/en/news/legislature-has-chance-end-debtors-prisons-maine>; Debtors’ Prisons, ACLU of Colorado, <http://aclu-co.org/court-cases/debtors-prisons> (compiling 2013 letters to municipalities of Westminster, Northglenn, and Wheat Ridge concerning illegal jailing of people unable to pay fines and fees); Press Release, ACLU of Colorado, *Colorado Legislature Approves Ban on Debtors’ Prisons* (Apr. 23, 2014), <http://aclu-co.org/colorado-legislature-approves-ban-debtors-prisons>; Complaint, *Thompson v. Dekalb County*, No. 1:15-cv-280-TWT (N.D. Ga. Jan. 29, 2015), https://www.aclu.org/sites/default/files/field_document/2015.01.29_filed_thompson_complaint.pdf; Complaint, *Fuentes v. Benton County*, Washington, No. 15-2-02976-1 (Sup. Ct. Wash. Yakima County Oct. 6, 2015), https://www.aclu.org/sites/default/files/field_document/fuentes_v_benton_county_-_complaint.pdf; Complaint, *Kennedy v. City of Biloxi*, No. 1:15-cv-00348-HSO-JCG (S.D. Miss. Oct. 21, 2015), <https://www.aclu.org/kennedy-v-city-biloxi-complaint>; Complaint for Superintending Control, *In re Donna Elaine Anderson*, Circuit Court Case No. 15-2380-AS (Cir. Court County of Macomb Jul. 9, 2015), <http://www.aclumich.org/sites/default/files/Motion%20for%20Class%20Cert%20as%20filed.pdf>.

77 court-imposed debt; and (4) many states authorize law enforcement officials to arrest individuals
78 for failure to pay and to hold them while they await an ability-to-pay hearing.¹⁴

79
80 In the seminal 1983 *Bearden* decision, the U.S. Supreme Court ruled that courts may not
81 incarcerate an individual for nonpayment of a fine or restitution without first holding a hearing
82 on the individual's ability to pay and making a finding that the failure to pay was "willful."¹⁵
83 ABA policy reflects this principle.¹⁶ The *Bearden* case followed a line of cases in which the
84 Supreme Court had attempted to make clear that individuals who are unable to pay a fine or fee
85 should not be incarcerated for failure to pay.¹⁷ Unfortunately, the problem persists almost a half-
86 century later.

87
88 Fines and fees that are not income-adjusted (*i.e.*, are not set at an amount the person reasonably
89 can pay) are regressive and have a disproportionate, adverse impact on low-income people and
90 people of color.¹⁸ For these and other reasons, incarceration and other disproportionate

¹⁴ *Criminal Justice Debt* at 20-26. *See also Profiting from Probation* at 51-52. This "harsh reality" of people being incarcerated for failure to pay impossible-to-pay fees and fines "harks back to the days after the Civil War, when former slaves and their descendants were arrested for minor violations, slapped with heavy fines, and then imprisoned until they could pay their debts. The only means to pay off their debts was through labor on plantations and farms. . . . Today, many inmates work in prison, typically earning far less than the minimum wage." Alexander, [The New Jim Crow](#), at 157.

¹⁵ *Bearden v. Georgia*, 461 U.S. 660, 667-69 (1983).

¹⁶ Amer. Bar Ass'n, Resolution 111B (2016 AM). *See also* Amer. Bar Ass'n, Resolution 112C (2017 MY) (urging governments to "prohibit a judicial officer from imposing a financial condition of release that results in the pretrial detention of a defendant solely due to the defendant's inability to pay"). The rationale for Resolution 112C's principle against pretrial incarceration for inability to pay also applies to any stage of court proceedings that could lead to incarceration for inability to pay. *See also* Amer. Bar Ass'n, *Standards for Criminal Justice: Sentencing* 18-3.22 (Sentencing courts should consider an individual's ability to pay before determining whether to assess fines or fees and how much to assess).

¹⁷ *See, e.g., Williams v. Illinois*, 399 U.S. 235 (1970) (holding that an Illinois law requiring that an individual who was unable to pay criminal fines "work off" those fines at a rate of \$5 per day violated the Equal Protection Clause because the statute "works an invidious discrimination solely because he is unable to pay the fine"); *Tate v. Short*, 401 U.S. 395 (1971) ("Imprisonment in such a case [of an 'indigent defendant without the means to pay his fine'] is not imposed to further any penal objective of the State. It is imposed to augment the State's revenues but obviously does not serve that purpose [either]; the defendant cannot pay because he is indigent.").

¹⁸ Studies show that the imposition and enforcement of fines and fees disproportionately and regressively affect low-income individuals and families. *See, e.g., CEA Brief*, at 5-8. For example, in many jurisdictions black people disproportionately experience license suspensions for nonpayment of fines and fees, due in part to racial disparities in wealth and poverty. *See Back on the Road California, Stopped, Fined, Arrested: Racial Bias in Policing and Traffic Courts in California*, at 27 (2016) (hereinafter "Stopped, Fined, Arrested"), http://ebclc.org/wp-content/uploads/2016/04/Stopped_Fined_Arrested_BOTRCA.pdf. These racial disparities in license suspension in turn contribute to racial disparities in conviction for driving on a suspended license, making black people in these states disproportionately vulnerable to the resulting steep financial penalties. *See* Legal Aid Justice Center, *Driven by Dollars: a State-by-State Analysis of Driver's License Suspension Laws for Failure to Pay Court Debt* (2017), <https://www.justice4all.org/wp->

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91 sanctions, including driver’s license suspension, should never be imposed for a person’s inability
 92 to pay a fine or fee.¹⁹ The same principle applies with full force to restitution and forfeiture.
 93 Although restitution and forfeiture are beyond the scope of these Guidelines, at minimum it is
 94 clear that a person who is unable to pay *any* court-imposed financial obligation—including
 95 restitution or forfeiture—must not be incarcerated or subjected to other disproportionate sanction
 96 for failure to pay.

97
 98 Just as a person’s ability to pay should be considered in imposing a fine or fee in the first place,
 99 and must be considered when imposing incarceration for failure to pay, the same principles apply
 100 to other disproportionate sanctions short of incarceration. A disproportionate sanction for
 101 nonpayment of court fines and fees includes any sanction with a substantial adverse impact on
 102 the life of the individual.

103
 104 A common sanction used by courts in the vast majority of states for failure to pay a fine is the
 105 suspension of a driver’s license, often imposed without a hearing. People who are prohibited
 106 from driving often lose their ability to work or attend to other important aspects of their lives.²⁰
 107 Suspending a driver’s license can lead to a cycle of re-incarceration, because many such
 108 individuals find themselves in the untenable position of either driving with a suspended license
 109 or losing their jobs, and because driving on a suspended license is itself an offense that may be

[content/uploads/2017/09/Driven-by-Dollars.pdf](https://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson_police_department_report.pdf). Such racial disparities in the adverse impact of the imposition and enforcement of court fines and fees also contribute to tension between law enforcement and courts on the one hand and the communities of color they serve on the other, as documented in a devastating 2015 report by the U.S. Department of Justice. See U.S. Department of Justice, Civil Rights Division, *Investigation of the Ferguson Police Department*, at 79-81 (Mar. 4, 2015), https://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson_police_department_report.pdf (detailing evidence of how municipal court and policing practices related to court fine and fee collection erode community trust in law enforcement).

¹⁹ NTF Principle 4.3 states that, “Courts should not initiate license suspension procedures until an ability to pay hearing is held and a determination has been made on the record that nonpayment was willful. . . . Judges should have discretion to modify the amount of fines and fees imposed based on an offender’s income and ability to pay.” See also *Robinson v. Purkey*, No. 3:17-cv-1263, 2017 WL 4418134, at *8 (M.D. Tenn. Oct. 5, 2017) (“No person . . . can be threatened or coerced into doing the impossible, and no person can be threatened or coerced into paying money that she does not have and cannot get.”).

²⁰ See *Fowler v. Johnson*, No. 17-11441, 2017 WL 6540926, at *2 (E.D. Mich. Dec. 17, 2017) (finding that “the loss of a driver’s license, particularly in a state like Michigan lacking an efficient and extensive public transportation system, hinders a person’s ability to travel and earn a living” and preliminarily enjoining Michigan’s system for suspending driver’s licenses upon non-payment of traffic tickets).

110 sanctioned with incarceration.²¹ Suspending a driver’s license for nonpayment is therefore out of
 111 proportion to the purpose of ensuring payment and destructive to that end.²²

112
 113 Nothing in this Guideline is intended to preclude a court from issuing an arrest warrant to secure
 114 the court appearance of a defendant who failed to appear if the court determines that the
 115 defendant received actual notice of the hearing. Courts should endeavor to ensure that any
 116 defendants arrested on failure-to-appear warrants are expeditiously brought before a judicial
 117 officer. In such circumstances, no person should be jailed without a hearing on ability to pay; in
 118 no event should bail or the bond amount on the warrant be set purposely to correspond with the
 119 amount of any fines and fees owed.

120

121 **GUIDELINE 4: Mandatory Ability-To-Pay Hearings**

122

123 *Before a court imposes a sanction on an individual for nonpayment of fines, fees, or*
 124 *restitution, the court must first hold an “ability-to-pay” hearing, find willful failure to pay a*
 125 *fine or fee the individual can afford, and consider alternatives to incarceration.*

126

127 COMMENTARY:

128

129 As set forth in Guideline 3, if a person is unable to pay a fine or fee, he or she should not be
 130 incarcerated or subjected to any other disproportionate sanction, including suspension of a
 131 driver’s license. There must also be procedures to ensure protection of that right, including a
 132 hearing where a court determines whether an individual is able, or unable, to pay the fine or fee
 133 at issue. In other words, at minimum the procedures set forth in *Bearden* must precede any
 134 incarceration or imposition of any other sanction for nonpayment of a fine or fee.²³ These

²¹ See Department of Justice “Dear Colleague” Letter (March 14, 2016), <https://www.courts.wa.gov/subsite/mjc/docs/DOJDearColleague.pdf> (“*Department of Justice Guidance*”), at 6 (“In many jurisdictions, courts are also authorized—and in some cases required—to initiate the suspension of a defendant’s driver’s license to compel the payment of outstanding court debts. If a defendant’s driver’s license is suspended because of failure to pay a fine, such a suspension may be unlawful if the defendant was deprived of his due process right to establish inability to pay.”). See also *Criminal Justice Debt* at 24-25 (explaining the consequences of driver’s license suspensions).

²² In *Robinson*, a federal court in Tennessee ordered the restoration of driver’s licenses for individuals’ whose licenses had been suspended for nonpayment finding that a license suspension is “not merely out of proportion to the underlying purpose of ensuring payment, but affirmatively destructive of that end.” 2017 WL 4418134, at *7. The court held that “taking an individual’s driver’s license away to try to make her more likely to pay a fine is not using a shotgun to do the job of a rifle: it is using a shotgun to treat a broken arm. There is no rational basis for that.” *Id.* at *9.

²³ See *Bearden*, 461 U.S. at 667-69 (incarceration for failure to pay a fine and restitution); *Turner v. Rogers*, 564 U.S. 431, 449 (2011) (incarceration for failure to pay child support); *Robinson*, 2017 WL 4418134, at *8-9 (driver’s license suspension). See also *Department of Justice Guidance* at 3 (“Courts must not incarcerate a person for nonpayment of fines or fees without first conducting an indigency determination and establishing that the failure to

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135 procedures must apply whenever a sanction is being sought for nonpayment of a fine or fee,
 136 including in connection with deferred sentencing, implementation of a suspended incarceration
 137 sentence, or extension or revocation of probation, parole, or other form of supervision.
 138

139 Courts must also provide adequate and meaningful notice of an ability-to-pay hearing to people
 140 alleged to have failed to pay, including notice of the hearing date, time and location, the subject
 141 matter to be addressed, and advisement of all applicable rights, including any right to counsel.²⁴
 142

143 **GUIDELINE 5: Prohibition against Deprivation of Other Fundamental Rights**

144
 145 *Failure to pay court fines and fees should never result in the deprivation of fundamental*
 146 *rights, including the right to vote.*
 147

148 COMMENTARY:

149
 150 Payment of court fines and fees should never be tied to a person’s ability to exercise fundamental
 151 rights,²⁵ which include the right to vote and the right to the care, custody, and control of one’s
 152 children.²⁶ Yet, in certain states, the exercise of these fundamental rights is conditioned on the
 153 payment of court fines and fees by statute or through court practice.

pay was willful. . . . Further, a court’s obligation to conduct indigency inquiries endures throughout the life of a case.”).

²⁴ In connection with the NTF Principles, the National Task Force on Fines, Fees and Bail Practices also published a “Bench Card for Judges” entitled *Lawful Collection of Legal Financial Obligations*, available at http://www.ncsc.org/~media/Images/Topics/Fines%20Fees/BenchCard_FINAL_Feb2_2017.ashx. The Bench Card explains the importance of affording “Adequate Notice of the Hearing to Determine Ability to Pay,” and recognizes that such notice “shall include” notice of: the hearing date and time; the total amount due; that the court will evaluate the person’s ability to pay at the hearing; that the person should bring any documentation or information the court should consider in determining ability to pay; that incarceration may result only if alternative measures are not adequate to meet the state’s interests in punishment and deterrence or the court finds that the person had the ability to pay and willfully refused; the right to counsel; and that a person unable to pay can request payment alternatives, including, but not limited to, community service and/or reduction in the amount owed. *See also Department of Justice Guidance* at 5 (“Courts should ensure that citations and summonses adequately inform individuals of the precise charges against them, the amount owed or other possible penalties, the date of their court hearing, the availability of alternate means of payment, the rules and procedures of court, their rights as a litigant, or whether in-person appearance is required at all. Gaps in this vital information can make it difficult, if not impossible, for defendants to fairly and expeditiously resolve their cases.”).

²⁵ The term “fundamental right” as used in this principle does not include freedom from incarceration, which is addressed in Guidelines 3 and 4.

²⁶ *See Yick Wo v. Hopkins*, 118 U.S. 356, 370 (1886) (referring to “the political franchise of voting” as “a fundamental political right, because [it is] preservative of all rights”); *Reynolds v. Sims*, 377 U.S. 533, 561-562 (1964) (“Undoubtedly, the right of suffrage is a fundamental matter in a free and democratic society. Especially since the right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil and political rights, any alleged infringement of the right of citizens to vote must be carefully and meticulously

154
155 For example, court fines and fees can effectively serve as a poll tax because certain states,
156 including Georgia, require payment of all outstanding court fines and fees before a person
157 convicted of a felony can regain his or her ability to vote.²⁷ In other states, reported nonpayment
158 or willful nonpayment of fines and fees can lead to a revocation of voting rights.²⁸ And
159 researchers have found that in states where people are prohibited from voting “while incarcerated
160 or under other forms of criminal justice supervision,” people can suffer from voting restrictions
161 as a result of “additional sanctions associated with or triggered by nonpayment,” such as
162 violation of conditions of supervision and revocation of probation.²⁹ Although not required by
163 state statute, there are also troubling reports that parents have been denied contact with their
164 children until they have made payment on outstanding court fees—a deprivation of their
165 fundamental right to make decisions concerning the care, custody, and control of their children.³⁰
166

167 The deprivation of fundamental rights, such as the right to vote, or to the care, custody, and
168 control of one’s children, should never result from inability to pay or even a willful failure to pay
169 by a person with means. No government interest in collecting court fines and fees, or in
170 achieving punishment and deterrence through such collection, warrants the deprivation of such
171 fundamental rights.
172

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scrutinized.”); *Troxel v. Granville*, 530 U.S. 57, 66 (2000) (collecting cases recognizing “the fundamental right of parents to make decisions concerning the care, custody, and control of their children”).

²⁷ Alexes Harris, *et al.*, *Monetary Sanctions in the Criminal Justice System: A review of law and policy in California, Georgia, Illinois, Minnesota, Missouri, New York, North Carolina, Texas, and Washington* 14, <http://www.monetarysanctions.org/wp-content/uploads/2017/04/Monetary-Sanctions-Legal-Review-Final.pdf>.

²⁸ *Id.* (“In Washington, failure to make three payments in a twelve-month period can lead to a revocation of voting rights. The court can also revoke voting rights if they determine that a person has willfully failed to comply with the terms of payment.”).

²⁹ *Id.* (“In Missouri, Illinois, and New York, nonpayment of legal financial obligations can be considered a violation of conditions of supervision which can potentially lead to an extension of supervision or revocation of probation and parole. In Minnesota, probation can be extended for up to five years for unpaid restitution and probation can be revoked for failure to pay for mandatory conditions of probation.”).

³⁰ In 2017, a Youth Court Judge in Mississippi entered an order prohibiting a mother from having contact with her four-month-old baby until she paid her court fees in full, and was reported to have taken similar action with respect to other parents. The University of Mississippi School of Law, *MacArthur Justice Center Initiated Demands that Led to Mississippi Youth Court Judge Resigning* (Oct. 26, 2017), <https://law.olemiss.edu/macarthur-justice-center-initiated-demands-that-led-to-mississippi-youth-court-judge-resigning>.

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174 **GUIDELINE 6: Alternatives to Incarceration, Substantial Sanctions, and Monetary** 175 **Penalties**

176 *For people who are unable to pay fines or fees, courts must consider alternatives to*
177 *incarceration and to disproportionate sanctions, and any alternatives imposed must be*
178 *reasonable and proportionate to the offense.*

179
180 COMMENTARY:

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182 Fines seek to punish and deter—goals that can often be served fully by alternatives to
183 incarceration and disproportionate sanctions like driver’s license suspension. Reasonable
184 alternatives include: an extension of time to pay; reduction in the amount owed; and waiver of
185 the amount owed.³¹ Frequently, the most reasonable alternative to full payment of a fine that a
186 person cannot afford is reduction of the fine to an amount that an individual can pay.

187
188 As addressed above, fees seek to recoup court costs, generate revenue for programs through
189 surcharges or assessments, or cover the cost of services related to the justice system. Fees should
190 only be imposed if, among other things, the individual is able to pay. If a person who has been
191 required to pay a fee subsequently cannot afford to pay, the fee should be waived entirely or
192 reduced to an amount the person can pay.³²

193
194 Judges must have the authority to waive any or all fines and fees if the person has no ability to
195 pay. Any non-monetary alternatives to payment of a fine, such as community service, treatment,
196 or other social services, should be developed in line with the individual’s circumstances.³³
197 Participation in these alternatives should never be conditioned on the waiver of due process
198 rights, such as the right to a hearing or to counsel. Nor should additional fees be imposed as a
199 condition of participating in the alternative ordered.³⁴

200

³¹ *Bearden*, 461 U.S. at 672.

³² NTF Principle 6.5 provides:

Courts should not charge fees or impose any penalty for an individual’s participation in community service programs or other alternative sanctions. Courts should consider an individual’s financial situation, mental and physical health, transportation needs, and other factors such as school attendance and caregiving and employment responsibilities, when deciding whether and what type of alternative sanctions are appropriate.

³³ *Bearden*, 461 U.S. at 667-69; *Report on the Future of Legal Services in the United States*, ABA Commission on the Future of Legal Services (2016), <http://abafuturesreport.com>, at 62 (endorsing the principle that courts must consider alternatives to incarceration for indigent defendants unable to pay fines and fees). *See also* Amer. Bar Ass’n, Resolution 102C (2010 MY) (recommending local, state, territorial and federal governments to undertake a comprehensive review of the misdemeanor provisions of their criminal codes, and, where appropriate, to allow the imposition of civil fines or nonmonetary civil remedies instead of criminal sanctions).

³⁴ NTF Principle 6.8 provides that courts should never charge interest on payment plans.

201 Any non-monetary alternatives should be reasonable and proportional in light of the individual's
 202 financial, mental, and physical capacity, any impact on the individual's dependents, and any
 203 other limitations, such as access to transportation, school, and responsibilities for caregiving and
 204 employment. Non-monetary alternatives should also be proportional to the offense and not force
 205 individuals who cannot pay to provide free services beyond what is proportional.
 206

207 **GUIDELINE 7: Ability-to-Pay Standard**

208

209 *Ability-to-pay standards should be clear and consistent and should, at a minimum, require*
 210 *consideration of at least the following factors: receipt of needs-based or means-tested public*
 211 *assistance; income relative to an identified percentage of the Federal Poverty Guidelines;*
 212 *homelessness, health or mental health issues; financial obligations and dependents; eligibility*
 213 *for a public defender or civil legal services; lack of access to transportation; current or recent*
 214 *incarceration; other fines and fees owed to courts; any special circumstances that bear on a*
 215 *person's ability to pay; and whether payment would result in manifest hardship to the person*
 216 *or dependents.*

217

218 **COMMENTARY:**

219

220 Courts should apply a clear and consistent standard to determine an individual's ability to pay
 221 court fines and fees.³⁵

222

223 All court actors, including judges, prosecutors, probation officers, and defenders, should be
 224 trained in the standards used in their jurisdiction to determine ability to pay and the constitutional
 225 protections for people who cannot afford to pay court-ordered financial obligations.

226

227 **GUIDELINE 8: Right to Counsel**

228

229 *An individual who is unable to afford counsel must be provided counsel, without cost, at any*
 230 *proceeding, including ability-to-pay hearings, where actual or eventual incarceration could be*
 231 *a consequence of nonpayment of fines and/or fees. Waiver of counsel must not be permitted*
 232 *unless the waiver is knowing, voluntary and intelligent, and the individual first has been*
 233 *offered a meaningful opportunity to confer with counsel capable of explaining the*
 234 *implications of pleading guilty, including collateral consequences.*

³⁵ The National Task Force's "Bench Card" (http://www.ncsc.org/~media/Images/Topics/Fines%20Fees/BenchCard_FINAL_Feb2_2017.ashx), a step-by-step guide for state and local judges to use to protect the rights of people who cannot afford to pay court fines and fees, includes a set of factors judges should consider when making an ability-to-pay determination.

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237 COMMENTARY:

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239 No indigent person should be incarcerated without being offered the assistance of court-
 240 appointed counsel to ensure that due process standards are met and that all potential defenses are
 241 considered. Such counsel should be provided in all proceedings “regardless of their
 242 denomination as felonies, misdemeanors, or otherwise.”³⁶ Moreover, counsel should be offered
 243 whenever eventual incarceration is a possible result regardless of whether the proceeding at issue
 244 is denominated “criminal” or “civil”.³⁷ The cost to the court of providing counsel is not a
 245 legitimate justification for the failure to provide counsel when it is required by law.³⁸

246

247 It is longstanding ABA policy that, “[n]o waiver of counsel be accepted unless the accused has at
 248 least once conferred with a lawyer.”³⁹ This ensures that an individual who intends to waive
 249 counsel has a full understanding of the assistance that counsel can provide.⁴⁰ Judges have the
 250 primary responsibility for ensuring that counsel is appointed, that individuals receive effective

³⁶ Amer. Bar Ass’n, Resolution 114 (MY 2018), https://www.americanbar.org/news/reporter_resources/midyear-meeting-2018/house-of-delegates-resolutions/114.html (urging federal, state, local, territorial and tribal governments “to provide legal counsel as a matter of right at public expense to low-income persons in all proceedings that may result in a loss of physical liberty, regardless of whether the proceedings are: a) criminal or civil; or b) initiated or prosecuted by a government entity.”). See also Amer. Bar Ass’n, *ABA Basic Principles for a Right to Counsel in Civil Legal Proceedings* (2010), https://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls_sclaid_105_revised_final_aug_2010.authcheckdam.pdf; Amer. Bar Ass’n, *Standards for Criminal Justice: Providing Defense Services* 5-5.1 (3d ed. 1992), https://www.americanbar.org/publications/criminal_justice_section_archive/crimjust_standards_defsvcs_blk.html.

³⁷ See Amer. Bar Ass’n, *Standards for Criminal Justice: Providing Defense Services* 5-5.2 cmt. (3d ed. 1992), https://www.americanbar.org/content/dam/aba/publications/criminal_justice_standards/providing_defense_services_authcheckdam.pdf, at 65 (“[T]he line between criminal and civil proceedings which give rise to a constitutional right to counsel has become increasingly blurred. Thus, protected liberty interests have extended due process concepts to justify the provision of counsel for indigent litigants in such ‘quasi-criminal’ matters[.]”); Amer. Bar Ass’n, Resolution 114 (MY 2018) at 6 (reiterating that commentary about the blurring between criminal and civil proceedings).

³⁸ NTF Principle 4.4 states that indigent defendants should be provided with court-appointed counsel at no charge.

³⁹ Amer. Bar Ass’n, *Standards for Criminal Justice: Providing Defense Services* 5-8.2(b) (3d ed. 1992), https://www.americanbar.org/publications/criminal_justice_section_archive/crimjust_standards_defsvcs_blk.html#8.

⁴⁰ *Id.* cmt., https://www.americanbar.org/content/dam/aba/publications/criminal_justice_standards/providing_defense_services_authcheckdam.pdf, at 105 (“An accused who expresses a desire to proceed without counsel may sometimes fail to understand fully the assistance a lawyer can provide. Accordingly, this standard recommends that ‘[n]o waiver should be accepted unless the accused has at least once conferred with a lawyer.’ Some courts have recognized that counsel may be assigned by the court for this limited purpose. Such a practice helps to counter the argument that any waiver of counsel by a layperson must be the result of insufficient information or knowledge.”).

251 assistance of counsel,⁴¹ and that any waivers of counsel are knowing and voluntary.⁴² Judges
 252 should never encourage unrepresented persons who qualify for public defense services to waive
 253 counsel.⁴³ “An accused should not be deemed to have waived the assistance of counsel until the
 254 entire process of offering counsel has been completed before a judge and a thorough inquiry into
 255 the accused’s comprehension of the offer and capacity to make the choice intelligently and
 256 understandingly has been made.”⁴⁴ Accordingly, prosecutors should not seek waivers of the
 257 right to counsel from unrepresented accused persons.⁴⁵ Only after the defendant has properly
 258 waived counsel may a prosecuting attorney “engage in plea discussions with the defendant,” and
 259 “where feasible, a record of such discussions should be made and preserved.”⁴⁶

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262 **GUIDELINE 9: Transparency**

263 *Information concerning fines and fees, including financial and demographic data, should be*
 264 *publicly available.*

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 266

⁴¹ *Padilla v. Kentucky*, 559 U.S. 356, 373 (2010) (“[W]e think the matter, for the most part, should be left to the good sense and discretion of the trial courts with the admonition that if the right to counsel guaranteed by the Constitution is to serve its purpose, defendants cannot be left to the mercies of incompetent counsel, and that judges should strive to maintain proper standards of performance by attorneys who are representing defendants in criminal cases in their courts.”)

⁴² *Id.*, *See also Johnson v. Zerbst*, 304 U.S. 458, 465 (1947) (“The constitutional right of an accused to be represented by counsel invokes, of itself, the protection of a trial court, in which the accused whose life or liberty is at stake is without counsel. This protecting duty imposes the serious and weighty responsibility upon the trial judge of determining whether there is an intelligent and competent waiver by the accused. While an accused may waive the right to counsel, whether there is a proper waiver should be clearly determined by the trial court[.]”).

⁴³ *See* Model Code of Judicial Conduct, Rule 2.6 (providing that a judge must “accord to every person who has a legal interest in a proceeding, or that person’s lawyer, the right to be heard according to law,” and should not “act in a manner that coerces any party into settlement”).

⁴⁴ Amer. Bar Ass’n, *Standards for Criminal Justice: Providing Defense Services* 5-8.2. *See also id.* (“A waiver of counsel should not be accepted unless it is in writing and of record.”).

⁴⁵ Amer. Bar Ass’n, *Standards for Criminal Justice: Prosecution Function* 3-5.1(e) (“The prosecutor should not approach or communicate with an accused unless a voluntary waiver of counsel has been entered or the accused’s counsel consents.”). *See also* Model Rules of Professional Conduct, Rule 3.8(c) (Prosecutors shall not “seek to obtain from an unrepresented accused a waiver of important pretrial rights.”); *id.* Rule 3.8(b) (Prosecutors “shall make reasonable efforts to assure that the accused has been advised of the right to, and the procedure for obtaining, counsel and has been given reasonable opportunity to obtain counsel”); *id.* Rule 4.1 (providing that officers of the court should not fail to disclose material facts when dealing with persons other than clients).

⁴⁶ Amer. Bar Ass’n, *Standards for Criminal Justice: Prosecution Function* 3-4.1(b) (4th ed. 2015), https://www.americanbar.org/groups/criminal_justice/standards/ProsecutionFunctionFourthEdition.html (“A prosecutor should not use illegal or unethical means to obtain evidence or information, or employ, instruct, or encourage others to do so.”).

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267 COMMENTARY:

268 Courts should track and timely⁴⁷ make available to the public data documenting: a) court revenue
 269 and expenditures, including the aggregate amount of fines and any fees imposed, the aggregate
 270 amount of fines and any fees collected, and the aggregate cost of collecting fines and fees; b) the
 271 amount of fines and fees imposed, waived, and collected in each case; c) any cost to the court of
 272 administering non-monetary alternatives to payment, including community service and treatment
 273 programs;⁴⁸ and d) demographic data regarding people ordered to pay fines and fees.⁴⁹ The need
 274 for transparency is especially compelling with respect to private probation companies.⁵⁰

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276 **GUIDELINE 10: Collection Practices**

277

278 *Any entities authorized to collect fines, fees, or restitution, whether public or private, should*
 279 *abide by these Guidelines and must not directly or indirectly attempt to thwart these*
 280 *Guidelines in order to collect money; nor should they ever be delegated authority that is*
 281 *properly exercised by a judicial officer, such as the authority to adjudicate whether a person*
 282 *should be incarcerated for failure to pay. Any contracts with collection companies should*
 283 *clearly forbid intimidation, prohibit charging interest or fees, mandate rigorous accounting,*
 284 *outlaw reselling, and otherwise avoid incentivizing harmful behavior. Contracts should*
 285 *include some mechanism for monitoring compliance with these prohibitions.*

286

287 COMMENTARY:

288

289 Many jurisdictions have awarded contracts to private companies to collect fines and fees, for
 290 diversion programs, or to supervise probation. Others have created a public agency or office
 291 responsible for collections of fines and fees. Often these entities, and especially those that are
 292 “for-profit” companies, have an interest in maximizing collections, and thus face inherent

⁴⁷ “Timely” means as soon as feasible after the information is collected.

⁴⁸ The cost to the court of administering any non-monetary alternative to payment should never be imposed on the defendant or respondent.

⁴⁹ See National Center for State Courts, *Principles for Judicial Administration* 11 (2012) (requiring transparency and accountability through the use of performance measures and evaluation at all levels of the court system). See also Amer. Bar Ass’n, Resolution 302 (MY 2011) (urging state and local governments to identify and engage in best practices for court funding to insure protection of their citizens, efficient use of court resources, and financial accountability). NTF Principle 3.2 provides that “[a]ll courts should demonstrate transparency and accountability in the collection of fines, fees, costs, surcharges, assessments, and restitution, through the collection and reporting of financial data and the dates of all case dispositions to the state’s court of last resort or administrative office of the courts.”

⁵⁰ *Profiting from Probation*, at 18 (“A good place for state governments to start would be to require basic transparency about the revenues probation companies extract from probationers. No state does this now.”).

293 conflicts of interest when charging fees for diversion or probation, seeking to collect fines and
294 fees, and informing probationers of their right to counsel in probation revocation hearings
295 concerning charges of probation violation due to nonpayment of fines and fees.⁵¹ Often these
296 entities have imposed additional fees when people cannot immediately pay fines and fees, have
297 misinformed indigent people facing incarceration for nonpayment of their right to counsel in
298 such proceedings, and have failed to help courts identify people whose debts should be waived,
299 reduced, or converted to carefully thought-out non-monetary alternatives.⁵²

300

301 The integrity of the criminal justice system depends on eliminating such conflicts of interest.
302 These conflicts thwart the fair and neutral provision of justice that is integral to due process and
303 must be the hallmark of our justice system.⁵³ Therefore, courts and state and local governments
304 ensure that all entities that collect fines and fees or administer diversion or probation, including
305 for-profit companies, abide by these Guidelines.

306

307 Courts should only forward for collection those cases in which an individual has been found to
308 have willfully failed to pay following a court hearing in adherence to these Guidelines. Any
309 contracts with collection companies should clearly forbid intimidation, prohibit charging interest
310 or fees, mandate rigorous accounting, outlaw reselling, and otherwise avoid incentivizing
311 harmful behavior. Contracts should also include some mechanism for monitoring compliance
312 with these prohibitions.

313

314

⁵¹ *Department of Justice Guidance* at 8; *Profiting from Probation* at 42-44.

⁵² *See Rodriguez v. Providence Community Corrections*, 155 F. Supp. 3d 758, 771 (M.D. Tenn. Dec. 17, 2017) (finding that a for-profit collection company's failure to inquire into ability to pay before stacking fees, effectively revoking probation, raised due process and equal protection concerns).

⁵³ *See Amer. Bar Ass'n, Resolution 111B (2016 AM) and Report* (condemning the use of for-profit companies for user-funded probation with reasoning that supports the principle against the use of for-profit companies to collect court fines and fees).

REPORT

In July 2016, in the face of increasing racial tensions, retaliatory violence against police officers, and a growing sense of public distrust in our nation’s justice system, the ABA created the Task Force on Building Public Trust in the American Justice System. The Task Force wrote a Report, received by the ABA Board of Governors in February 2017, that calls on the ABA and state and local bar entities to: (1) encourage the adoption of best practices for reforming the criminal justice system; (2) build consensus about needed reforms and work to carry them out; and (3) educate the public about how the criminal justice system work.¹ In August, 2017, incoming ABA President Hilarie Bass appointed a Working Group on Building Public Trust in the American Justice System to continue the work of the Task Force. The Working Group chose to focus in on one particular issue causing distrust of the justice system – the imposition and enforcement of excessive fines and fees. The Working Group chose to focus first on this topic because it adversely impacts millions of Americans and has contributed significantly to negative public perceptions of the justice system. After a year of study and broad-based consultation within and outside the ABA, the Working Group has developed Ten Guidelines on Court Fines and Fees (the “Guidelines”), which we now propose be adopted by the ABA House of Delegates.

Every day in the United States, courts impose myriad financial obligations on individuals who have been charged with criminal offenses or civil infractions. These include fines imposed as part or all of the punishment levied against them for low-level offenses, such as traffic tickets or civil ordinance violations, as well as misdemeanors and felonies.² They also include fees, which are not imposed to punish or deter offenses but to raise revenue or fund services.³ Some fees are legislatively-mandated assessments or charges to recoup court costs, while others are “user fees” assessed to help fund the justice system, including costs associated with probation, public defenders, diversion programs, and court costs, as well as other essential government services. They also include orders of forfeiture and restitution, which are not the focus of these

¹ Report of the Task Force on Building Public Trust in the American Justice System (January 2017), available at https://www.americanbar.org/content/dam/aba/administrative/office_president/2_8_task_force_on_building_trust_in_american_justice_system.authcheckdam.pdf. Following the issuance of the Report, the Task Force focused on creating dialogue around the issues of distrust in the justice system, developing a Toolkit for holding forums on safety and justice. The Toolkit is available at https://www.americanbar.org/groups/leadership/office_of_the_president/publictrust.html.

² The term “fines” includes monetary penalties imposed by a court as punishment for a criminal offense or civil infraction. For purposes of these *Guidelines*, restitution and forfeiture are not included in the definition of “fines and fees.”

³ The term “fees” includes fees, court costs, state and local assessments, and surcharges imposed when a person is convicted of criminal offenses and civil infractions. The term, as used in these *Guidelines*, does not include civil filing fees.

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Guidelines, although several of the principles underlying these Guidelines apply to forfeiture and restitution as well.⁴

The imposition and enforcement of these fines and fees disproportionately harm the millions of Americans who cannot afford to pay them, entrenching poverty, exacerbating racial and ethnic disparities, diminishing trust in our justice system, and trapping people in cycles of punishment simply because they are poor. In communities around the country, millions of people are incarcerated, subjected to the suspension of driver's and occupational licenses, or prohibited from voting simply because they cannot afford to pay fines or fees imposed by courts. Even children are incarcerated for failure to pay fines or fees, even though children almost by definition lack a personal ability to pay such fines or fees.

An estimated 10 million Americans owe more than \$50 billion resulting from their involvement in the criminal justice system.⁵ Some are sentenced solely to the payment of fines and fees. Others have been sentenced to prison terms in addition to any fines and fees imposed. According to the most recently available numbers, approximately two-thirds of people in prison have been assessed court fines and fees.⁶ This remarkable statistic persists even though people sent to prison often have little prospect of earning enough money to pay their debt: 65 percent of prisoners do not have a high school diploma, and 15 to 27 percent of people leaving prison or jail expect to go to a homeless shelter upon release and as many as 60 percent remain unemployed a year after release.⁷

Studies show that the imposition and enforcement of fines and fees disproportionately and regressively affect low-income individuals and families.⁸ Communities of color are particularly devastated for reasons that include the longstanding racial and ethnic wealth gap,⁹ higher rates of

⁴ For example, as noted below with respect to Guideline 3, a person who is unable to pay an order of restitution should not be incarcerated for failure to pay.

⁵ Lauren-Brooke Eisen, *Charging Inmates Perpetuates Mass Incarceration*, The Brennan Center of Justice at New York University School of Law (2015) ("*Charging Inmates*"), at 1, available at <https://www.brennancenter.org/publication/charging-inmates-perpetuates-mass-incarceration>.

⁶ Alex Harris, Heather Evans & Katherine Beckett, *Drawing Blood from Stones: Legal Debt and Social Inequality in the Contemporary United States*, 15 Am. J. Sociology 1753, 1769 (2010) (citing statistics from 2004).

⁷ *The Criminalization of Poverty: How to Break the Cycle through Policy Reform in Maryland*, The Job Opportunities Task Force (Jan. 2018), http://www.jotf.org/Portals/0/jotf/publications/COP%20report%20013018_FINAL.pdf ("*The Criminalization of Poverty*") at 46.

⁸ See, e.g., Council of Economic Advisers Issue Brief, *Fines, Fees, and Bail: Payments in the Criminal Justice System That Disproportionately Impact the Poor* (Dec. 2015) ("*CEA Brief*"), at 5-8.

⁹ A 2013 Pew Research Center study of federal data found that the median wealth of white households was 13 times the median wealth of black households, and 10 times the median wealth of Latino households. See Rakesh Kochhar & Richard Fry, *Wealth Inequality Has Widened Along Racial, Ethnic Lines Since End of Great Recession*, Pew Research Center (Dec. 12, 2014), <http://www.pewresearch.org/fact-tank/2014/12/12/racial-wealth-gaps-great-recession>.

poverty and unemployment,¹⁰ and the over-policing of communities of color, for reasons that include racial and ethnic profiling.¹¹ For example, in many jurisdictions black people disproportionately experience license suspensions for nonpayment of fines and fees, due in part to racial disparities in wealth and poverty.¹² These racial disparities in license suspension in turn contribute to racial disparities in conviction for driving on a suspended license, making black people in these states disproportionately vulnerable to the resulting steep financial penalties.¹³ Such racial disparities in the adverse impact of the imposition and enforcement of court fines and fees also contribute to tension between law enforcement and courts on the one hand and the communities of color they serve on the other, as documented in a 2015 report by the U.S. Department of Justice.¹⁴

The application of fines and fees is not limited to adults in the criminal justice system. Frequently fines and fees are imposed on juveniles and their families in connection with the

¹⁰ In 2014, the Pew Research Center found that black and Latino people were, on average, at least twice as likely to be poor than were white people in the United States. *On Views of Race and Inequality, Blacks and Whites Are Worlds Apart*, Pew Research Center (June 27, 2016), <http://www.pewsocialtrends.org/2016/06/27/1-demographic-trends-and-economic-well-being>.

¹¹ Racial and ethnic profiling—the targeting of people of color for police stops, frisks, and searches without reasonable suspicion of criminal activity and based on perceived race or ethnicity—is well documented in jurisdictions across the country. For example, in 2013, a federal court ruled that the New York City Police Department was liable for a pattern and practice of racial and ethnic profiling in police stops of black and Latino people. *Floyd v. City of New York*, 959 F. Supp. 2d 540, 665 (S.D.N.Y. 2013) (finding the City of New York liable for “targeting young black and Hispanic men for stops based on the alleged criminal conduct of other young black or Hispanic men” in violation of the Fourteenth Amendment Equal Protection Clause). *See also Melendres v. Arpaio*, 989 F. Supp. 2d 822, 899-05 (D. Ariz. 2013) (finding sheriff’s office liable for policies and practices of profiling Latino motorists for police stops). Whether due to racial and ethnic profiling or other factors, well-documented racial disparities in justice-system involvement render communities of color more vulnerable to the adverse impact of the imposition and collection court fines and fees. For example, a 2013 report found that across the United States, black people are 3.73 times as likely to be arrested for marijuana possession even though marijuana use is roughly equal among black and white people as documented by the U.S. Department of Health & Human Services Substance Abuse and Mental Health Services Administration. *See American Civil Liberties Union Foundation, The War on Marijuana in Black and White* 17, 31, 49-50 (2013), <https://www.aclu.org/report/report-war-marijuana-black-and-white> (analyzing 2010 data from the Federal Bureau of Investigation and U.S. Census, and the 2014 National Survey on Drug Use and Health finding that an estimated 15.7% of black people and 13.7% of white people had used marijuana at some point in the past year).

¹² *Back on the Road California, Stopped, Fined, Arrested: Racial Bias in Policing and Traffic Courts in California*, at 27 (2016) (hereinafter “Stopped, Fined, Arrested”), http://ebclc.org/wp-content/uploads/2016/04/Stopped_Fined_Arrested_BOTRCA.pdf. *See discussion supra* notes 63-65 (discussing evidence of racial disparities in wealth and poverty in the United States).

¹³ Legal Aid Justice Center, *Driven by Dollars: a State-by-State Analysis of Driver’s License Suspension Laws for Failure to Pay Court Debt* (2017), <https://www.justice4all.org/wp-content/uploads/2017/09/Driven-by-Dollars.pdf>.

¹⁴ *See* U.S. Department of Justice, Civil Rights Division, *Investigation of the Ferguson Police Department*, at 79-81 (Mar. 4, 2015), https://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson_police_department_report.pdf (detailing evidence of how municipal court and policing practices related to court fine and fee collection erode community trust in law enforcement).

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young person’s involvement with the juvenile justice system.¹⁵ A recent report on Alameda County, California, showed that total fees to families for juvenile involvement added up to approximately \$2,000 for an average case.¹⁶

Bedrock constitutional principles of due process and equal protection of the law apply when courts impose and collect fines and fees. More than thirty years ago, the U.S. Supreme Court ruled in *Bearden v. Georgia*, 461 U.S. 660 (1983), that it is unconstitutional to incarcerate people solely for their inability to pay fines or restitution. For decades, the Court has warned that the justice system must not treat those with money more favorably than those without. Yet these practices endure.

The effect is that poor people are punished because of their poverty, in violation of basic constitutional principles guaranteeing fairness and equal treatment of rich and poor in the justice system. This harms us all. When people are jailed, or their driver’s licenses are suspended, because they cannot afford to pay court fines or fees, they face heightened barriers to employment and education, disrupting families and undermining community stability.¹⁷ Similarly, requiring fees to access diversion or treatment programs, such as “drug courts,” creates a two-tiered system of justice—one for the rich and one for the poor. These effects detract from public trust in our justice system, including our law enforcement officials and our courts.

Although fines are an appropriate sanction in certain circumstances, the Guidelines seek to ensure that no one is subjected to disproportionate sanctions, including incarceration, simply because they do not have the money to pay an otherwise appropriate fine or fee.

An important objective of the Guidelines is to eliminate any and all financial incentives in the criminal justice system to impose fines or fees. The justice system serves the entire public and should be entirely and sufficiently funded by general government revenue. The total funding for any given court or court system should not be directly affected by the imposition or collection of fines or fees (as defined for purposes of the Guidelines). This core principle was adopted by the National Task Force on Fines, Fees and Bail Practices, established by the Conference of Chief

¹⁵ See, e.g., Jessica Feierman, et. al, *Debtors’ Prison for Kids? The High Cost of Fines and Fees in the Juvenile Justice System*, The Juvenile Law Center (2016), <https://debtorsprison.jlc.org/documents/JLC-Debtors-Prison.pdf>.

¹⁶ See Berkely Law Public Advocate Clinic, *High Pain, No Gain: How Juvenile Administrative Fees Harm Low-Income Families in Alameda County, California* (2016), http://64.166.146.245/docs/2016/BOS/20161025_813/27510_PAC%20High%20Pain%2C%20No%20Gain.pdf.

¹⁷ See, e.g., Alicia Bannon, Mitali Nagrecha & Rebekah Diller, *Criminal Justice Debt: A Barrier to Reentry*, The Brennan Center of Justice at New York University School of Law (2010), <https://www.brennancenter.org/sites/default/files/legacy/Fees%20and%20Fines%20FINAL.pdf> (“*Criminal Justice Debt*”), at 5.

Justices and the Conference of State Court Administrators. In December 2017, the Task Force issued its “Principles on Fines, Fees, and Bail Practices” (the “National Task Force Principles” or “NTF Principles”),¹⁸ which were endorsed in 2018 by the Access, Fairness and Public Trust Committee of the Conference of Chief Justices.¹⁹ Principle 1.5 of the NTF Principles states, “Courts should be entirely and sufficiently funded from general governmental revenue sources to enable them to fulfill their mandate. Core court functions should generally not be supported by revenues generated from court-ordered fines, fees, or surcharges.”

“Requiring users to pay for judicial services is, in many ways, anathema to public access to the courts.”²⁰ All components of the justice system, including courts, prosecutors, public defenders, pre-trial services, and probation, should be sufficiently funded from public revenue sources and not reliant on fees, costs, surcharges, or assessments levied against criminal defendants or people sanctioned for civil infractions. As a Louisiana federal court held in December 2017, where judges in a given jurisdiction are responsible for both (a) “managing fines and fees revenue” that fund court operations, and (b) “determining whether criminal defendants are able to pay those same fines and fees,” such judges face an impermissible “institutional incentive to find that criminal defendants are able to pay fines and fees.”²¹

¹⁸ The NTF Principles are available at <http://www.ncsc.org/~media/Files/PDF/Topics/Fines%20and%20Fees/Principles-Fines-Fees.ashx>. In connection with the NTF Principles, the National Task Force on Fines, Fees and Bail Practices also published a “Bench Card for Judges” entitled *Lawful Collection of Legal Financial Obligations*, available at http://www.ncsc.org/~media/Images/Topics/Fines%20Fees/BenchCard_FINAL_Feb2_2017.ashx.

¹⁹ The Access, Fairness and Public Trust Committee officially endorsed the NTF Principles and has “encourage[d] inclusion of the Principles on Fines, Fees and Bail Practices into training for court staff and education for all judicial officers who are authorized by law to make decisions regarding pretrial release, levy fines, assess fees, and order imprisonment for traffic-related offenses, misdemeanors or infractions.” *Resolution 4: In Support of the Principles of the National Task Force on Fines, Fees, and Bail Practices* (Jan. 31, 2018), <http://www.ncsc.org/~media/Microsites/Files/CCJ/Resolutions/01312018-Support-Principles-National-Task-Force-Fines-Fees-Bail.ashx>. The Conference of Chief Justices has also endorsed the NTF Bench Card. *Resolution 3: Encouraging Education on and Use of the Bench Card on Lawful Collection of Court-Imposed Legal Financial Obligations Prepared by the National Task Force on Fines, Fees, and Bail Practices* (Feb. 1, 2017), <http://ccj.ncsc.org/~media/Microsites/Files/CCJ/Resolutions/02012017-Encouraging-Education-Use-Bench-Card-Lawful-Collection.ashx>. The Supreme Court of Missouri has adopted the Bench Card in full and currently requires all state judges to use it. En Banc Order (June 30, 2017), <https://www.courts.mo.gov/sup/index.nsf/9f4cd5a463e4c22386256ac4004a490f/afb7e8d9e2e4eccc186258150000541b4?OpenDocument>.

²⁰ Geoffrey McGovern & Michael D. Greenberg, *Who Pays for Justice? Perspectives on State Court System Financing and Governance*, RAND Corporation Institute for Civil Justice (2014) at 10-11, available at https://www.rand.org/pubs/research_reports/RR486.html.

²¹ *Cf. Cain v. City of New Orleans*, No. 15-4479, 2017 WL 6372836 (E.D. La. Dec. 13, 2017). The NTF Principles echo this position. Principle 1.5 states, “A judge’s decision to impose a legal financial obligation should be unrelated to the use of revenue generated from the imposition of such obligations. Revenue generated from the imposition of a legal financial obligation should not be used for salaries or benefits of judicial branch officials or operations, including judges, prosecutors, defense attorneys, or court staff, nor should such funds be used to evaluate the performance of judges or other court officials.” *See also Tumey v. State of Ohio*, 273 U.S. 510, 532 (1927) (holding that due process was violated where a court’s revenue, and the judge’s salary, depended in part on the imposition and collection of court fines and fees).

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The justice system should not be used as a revenue source for government services.²² State and local governments should not depend on fines and fees imposed in the justice system for general revenue or to fund particular services inside or outside the criminal justice system.²³ “When courts are pressured to act, in essence, as collection arms of the state, their traditional independence suffers.”²⁴

In addition, a number of ABA policies include guidelines designed to protect the right to counsel and to ensure that the poor do not disproportionately suffer because of their indigence. These existing ABA guidelines apply to the collection and imposition of court fines and fees as well.

The current resolution and Guidelines build on ABA policies, the NTF principles, and existing law to create straightforward, coherent, and focused guidelines that can assist courts, administrators, legislators, and advocates seeking to remedy harms presented by the imposition and collection of fines and fees in the justice system. The Guidelines are also intended to be readily accessible and useful for members of the public, including non-lawyers. In this way, the Guidelines serve the original three goals set out in the Task Force report: (1) to encourage the adoption of best practices; (2) to establish consensus around needed reform; and (3) to educate the public. The Guidelines will thus help in building public trust in the American justice system.

²² *Amer. Bar Ass’n, Standards for Criminal Justice: Sentencing*, Standard 18-2.2 (ii) (“Economic sanctions include fines, monetary awards payable to victims, and mandatory community service. The legislature should not authorize imposition of economic sanctions for the purpose of producing revenue.”). See *Amer. Bar Ass’n Resolution 117A* (AM 2008) (urging Congress to support quality and accessible justice by ensuring adequate, stable, long-term funding for tribal justice systems) (citing ABA resolution 10A (AM 2004), adopting *Report of the American Bar Foundation Commission on State Court Funding* (2004)).

²³ See *id.* The history behind court-imposed fees and fines—and incarceration for failure to pay—is closely tied to practices that arose during Reconstruction. As Professors Harris, Evans and Beckett have explained, monetary sanctions were commonplace in the South, “where their imposition was the foundation of the convict lease system that existed from emancipation through the 1940s.” *Drawing Blood from Stones*, 15 *Am. J. Sociology* at 1758. “Charged with fees and fines several times their annual earnings, many southern prisoners were leased by justice officials to corporations who paid their legal debt in exchange for inmates’ labor in coal and steel mines as well as on railroads, quarries, and farm plantations. Collected fees and fines were used to pay judges’ and sheriffs’ salaries. Monetary sanctions were thus integral to systems of criminal justice, debt bondage, and racial domination in the American South for decades.” *Id.* (citations omitted). See also Michelle Alexander, *The New Jim Crow* (2012), at 31 (“[During Reconstruction] vagrancy laws and other laws defining activities such as ‘mischief’ and ‘insulting gestures’ as crimes were enforced vigorously against blacks. The aggressive enforcement of these criminal offenses opened up an enormous market for convict leasing, in which prisoners were contracted out as laborers to the highest private bidder. Douglas Blackmon, in [*Slavery by Another Name: The Re-enslavement of Black People in America from the Civil War to World War II* (2008)], describes how tens of thousands of African Americans were arbitrarily arrested during this period, many of them hit with court costs and fines, which had to be worked off in order to secure their release.”).

²⁴ *Criminal Justice Debt* at 2. See also *id.* at 30; Katherine Beckett & Alexes Harris, *On cash and conviction: Monetary sanctions as misguided policy*, 10 *Criminology & Public Policy* 505, 511 (2011) (“*On cash and conviction*”) (“[I]f the state compels penal targets to use (often expensive and ineffective) state ‘services,’ then the government is obligated to pay for them. Indeed, this fiscal obligation is an important check on government power.”).

Respectfully submitted,
Robert N. Weiner, Chair
Working Group on Building Public Trust in the American Justice System
Section on Civil Rights and Social Justice
August 2018

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GENERAL INFORMATION FORM

Submitting Entity: Working Group on Building Public Trust in the American Justice System

Submitted By: Robert Weiner, Chair

1. Summary of Resolution(s). This resolution urges federal, state, local, territorial, and tribal legislative, judicial and other government bodies to promulgate law and policy consistent with and otherwise adhere to, the proposed guidelines for the imposition and collection of court fines and fees.
2. Approval by Submitting Entity. This resolution was passed by the Working Group on Building Public Trust in the American Justice System on May 2, 2018.
3. Has this or a similar resolution been submitted to the House or Board previously?
No.
4. What existing Association policies are relevant to this Resolution and how would they be affected by its adoption?

- 04A110, adopting *ABA Guidelines on Contribution Fees for Costs of Counsel in Criminal Cases*
- 04A107, adopting *Report of the American Bar Foundation Commission on State Court Funding*
- 10M192C
- 11M302
- 16A111B
- 17M112C
- 18M114
- *ABA Standards for Criminal Justice: Sentencing*, Standards 18.2.2 (ii), 18.3.16 (d) & 18.3.22(e)
- *ABA Basic Principles for a Right to Counsel in Civil Legal Proceedings* (2010)
- *ABA Standards for Criminal Justice: Providing Defense Services* 5-5.1 & 5-5.2 (1992)

None of these policies would be affected by the adoption of this resolution.

5. If this is a late report, what urgency exists which requires action at this meeting of the House?
N/A
6. Status of Legislation. (If applicable)
N/A

7. Brief explanation regarding plans for implementation of the policy, if adopted by the House of Delegates.

This policy will enable the ABA and relevant ABA committees to provide guidance to courts, legislatures, and advocates on the ground working to expose and end practices leading to modern-day debtors' prisons, through *amici curiae* in appropriate cases, for example.

8. Cost to the Association. (Both direct and indirect costs)

None.

9. Disclosure of Interest. (If applicable)

N/A

10. Referrals.

At the same time this policy resolution is submitted to the ABA Policy Office for inclusion in the 2018 Annual Agenda Book for the House of Delegates, it is being circulated to the chairs and staff directors of the following ABA entities:

Judicial Division
Section of State and Local Government Law
Government and Public Sector Lawyers Division
Litigation
Young Lawyer's Division
Section on Civil Rights and Social Justice
Criminal Justice Section
Law Practice Division
Solo, Small Firm and General Practice Division
Ethics and Professional Responsibility
Commission on Veteran's Legal Services
Standing Committee on Public Education
Commission on Disability Rights
Commission on Hispanic Legal Rights & Responsibilities
Commission on Homelessness and Poverty
Center for Human Rights
Commission on Immigration
Coalition on Racial & Ethnic Justice
Commission on Youth at Risk
Law Student Division
Standing Committee on Legal Aid and Indigent Defendants
Standing Committee on the Delivery of Legal Services
Commission on Women in the Profession
Standing Committee on Pro Bono and Public Service
Diversity Entities

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11. Contact Name and Address Information. (Prior to the meeting. Please include name, address, telephone number and e-mail address)

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12. Contact Name and Address Information. (Who will present the report to the House? Please include name, address, telephone number, cell phone number and e-mail address.)

Robert Weiner – Chair, Section on Civil Rights and Social Justice and Chair, ABA Working Group on Building Public Trust in the American Justice System

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EXECUTIVE SUMMARY

1. Summary of the Resolution

This Resolution adopts the ABA Ten Guidelines on Court Fines and Fees and urges federal, state, local, territorial, and tribal legislative, judicial and other governmental bodies to promulgate law and policy consistent with, and otherwise to adhere to, the Guidelines.

2. Summary of the Issue that the Resolution Addresses

This resolution is intended to address the fundamental unfairness created when people are subjected to disproportionate sanctions, including imprisonment, simply because they do not have the ability to pay a fine or fee for a criminal offense or civil infraction.

3. Please Explain How the Proposed Policy Position will Address the Issue

A policy position from the ABA will provide much needed leadership and guidance to federal, state, local, territorial, and tribal legislative, judicial and other government bodies, and to advocates before those bodies, on how to lawfully impose and enforce court fines and fees and how to address ongoing constitutional violations.

4. Summary of Minority Views or Opposition Internal and/or External to the ABA Which Have Been Identified

None known.

EXHIBIT N



Report on the Economic Well-Being of U.S. Households in 2017

May 2018

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM



Report on the Economic Well-Being of U.S. Households in 2017

May 2018

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Preface

This survey and report were prepared by the Consumer and Community Development Research Section of the Federal Reserve Board's Division of Consumer and Community Affairs (DCCA).

DCCA directs consumer- and community-related functions performed by the Board, including conducting research on financial services policies and practices and their implications for consumer financial stability, community development, and neighborhood stabilization.

DCCA staff members Jeff Larrimore, Alex Durante, Kimberly Kreiss, Christina Park, and Claudia Sahn

prepared this report. Federal Reserve staff members Eric Belsky, Anna Alvarez Boyd, Andrea Brachtesende, Alexandra Brown, David Buchholz, Allen Fishbein, Heidi Kaplan, Madelyn Marchessault, Ellen Merry, Barbara Robles, Jenny Schuetz, Susan Stawick, and Jennifer Williams provided valuable comments on the survey and report. The authors would also like to thank Shannon Nelson and Lisa Lee for their feedback on the survey questions as well as Bob Torongo, Lisa Jackson, and Sergei Rodkin for their assistance fielding the survey. If you have questions about the survey or this report, please email SHED@frb.gov.

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Executive Summary

This report describes the responses to the fifth annual Survey of Household Economics and Decisionmaking (SHED). The survey is designed to enhance our understanding of how adults in the United States are faring financially.¹ The findings show many signs of growth and improvement along with remaining pockets of distress and fragility. They also reveal new insights into how households approach their financial lives and decisions.

In many ways, the latest findings underscore the overall economic recovery and expansion over the five years of the survey. Not surprisingly, the improvement in individuals' own assessment of their finances largely parallels other measures, such as the falling national unemployment rate. And in 2017, more people say they are managing okay financially and would be able to handle a small, unexpected expense than in previous years since at least 2013.

The survey also highlights some aspects of subjective well-being and emerging issues that can be missed in long-standing measures of objective outcomes. Our understanding of full employment and how to measure it is a key example. Many workers in the survey have a full-time job with regular hours, pay raises, and good benefits. Others who are also employed describe a very different experience: fewer hours than they want to work, only a few days' notice on work schedules, and little in benefits or pay increases. Still others supplement their income through odd jobs and gig work.

Additionally, alongside the improvements in the years following the Great Recession, several areas of concern remain. Disparities in economic well-being

and outcomes are common among minorities, those with less education, and those living in lower-income neighborhoods. Small emergency expenses would still challenge a troubling number of households, and the opioid crisis appears to have touched many families. Individuals also point to financial struggles across a lifetime—from repaying college loans to managing retirement savings.

Altogether, the survey findings provide a snapshot of people's financial lives in late 2017. It is a story of overall improvement consistent with the national economic expansion. It is also a complex story of variation among different groups in the country and remaining areas of economic vulnerability.

Economic Well-Being

A large majority of individuals report that financially they are doing okay or living comfortably, and overall economic well-being has improved over the past five years. Even so, notable differences remain across various subpopulations, including those of race, ethnicity, and educational attainment.

- When asked about their finances, 74 percent of adults said they were either doing okay or living comfortably in 2017—over 10 percentage points more than in the first survey in 2013.
- Individuals of all education levels have shared in the improvement over the past five years, though the more educated still report greater well-being than those less educated.
- Over three-fourths of whites were at least doing okay financially in 2017 versus less than two-thirds of blacks and Hispanics.
- Three in five urban residents describe the economy in their local community as good or excellent versus two in five rural residents who offer this positive of an assessment of local conditions.

¹ The latest SHED interviewed a sample of over 12,000 individuals—roughly twice the number in prior years—with an online survey in November and December 2017. The anonymized data, as well as a supplement containing the complete SHED questionnaire and responses to responses to all questions in the order asked, are also available at www.federalreserve.gov/consumerscommunities/shed.htm.

- In an effort to understand how the opioid crisis may relate to economic well-being, the survey asked questions related to opioids for the first time. About one-fifth of adults (and one-quarter of white adults) personally know someone who has been addicted to opioids. Exposure to opioid addiction was much more common among whites—at all education levels—than minorities. Those who have been exposed to addiction have somewhat less favorable assessments of economic conditions than those who have not been exposed.

Income

Changes in family income from month to month remain a source of financial strain for some individuals. Financial support from family or friends is also common, particularly among young adults.

- Three in 10 adults have family income that varies from month to month, and 1 in 10 adults experienced hardship because of monthly changes in income.
- Nearly 25 percent of young adults under age 30, and 10 percent of all adults, receive some form of financial support from someone living outside their home.

Employment

Most workers are satisfied with the wages and benefits from their current job and are optimistic about their future job opportunities. Even so, challenges, such as irregular job scheduling, remain for some. Three in 10 adults work in the “gig economy,” though generally as a supplemental source of income.

- Less than one-fifth of non-retired adults are pessimistic about their future employment opportunities, although pessimism is greater among those looking for work or working part time for economic reasons.
- One-sixth of workers have irregular work schedules imposed by their employer, and one-tenth of workers receive their work schedule less than a week in advance.
- For many, stability of income is valued highly. Three-fifths of workers would prefer a hypothetical job with stable pay over one with varying but somewhat higher pay. Those who work an irregular schedule in their actual job are somewhat more

likely to prefer varying pay in the hypothetical choice than those who work a set schedule.

- Three in 10 adults participated in the gig economy in 2017. This is up slightly from 2016 due to an increase in gig activities that are not computer- or internet-based, such as child care or house cleaning.

Dealing with Unexpected Expenses

While self-reported financial preparedness has improved substantially over the past five years, a sizeable share of adults nonetheless say that they would struggle with a modest unexpected expense.

- Four in 10 adults, if faced with an unexpected expense of \$400, would either not be able to cover it or would cover it by selling something or borrowing money. This is an improvement from half of adults in 2013 being ill-prepared for such an expense.
- Over one-fifth of adults are not able to pay all of their current month’s bills in full.
- Over one-fourth of adults skipped necessary medical care in 2017 due to being unable to afford the cost.

Banking and Credit

Access to bank accounts expanded further in 2017. However, substantial gaps in banking and credit services exist among minorities and those with low incomes.

- Nearly 95 percent of all adults have a bank or credit union account. However, this varies by race and ethnicity. One in 10 blacks and Hispanics lack a bank account, and an additional 3 in 10 have an account but also utilize alternative financial services, such as money orders and check cashing services.
- One-fourth of blacks are not confident that a new credit card application for them would be approved—twice the rate among whites.

Housing and Neighborhoods

Satisfaction with one’s housing and neighborhood is generally high, although notably less so in lower-income communities. Renters face varying degrees of housing strain, including some who report difficulty

getting repairs done or being forced to move due to a threat of eviction.

- While 8 in 10 adults living in middle- and upper-income neighborhoods are satisfied with the overall quality of their community, only 6 in 10 living in low- and moderate-income neighborhoods are satisfied.
- Nearly half of adults age 22 and older currently live within 10 miles of where they lived in high school, but those who have moved farther from home are more likely to be satisfied with the overall quality of their neighborhood.
- Three percent of renters were evicted or moved because of the threat of eviction in the past two years.

Higher Education

Economic well-being rises with education, and most of those holding a postsecondary degree think that attending college paid off. The net benefits of education are less evident among those who started college but did not complete their degree; the same is true among those who attended for-profit institutions.

- Two-thirds of graduates from bachelor's degree programs feel that their educational investment paid off, but less than one-third of those who started but did not complete a degree share this view.
- Just over half of those who attended a for-profit institution say that they would attend a different school if they had a chance to go back and make their college choices again. By comparison, less than one-quarter of those who attended not-for-profit institutions would want to attend a different school.

Student Loans

Over half of college attendees under age 30 took on some debt to pay for their education. Most borrowers are current on their payments or have successfully paid off their loans, although those who failed to complete a degree and those who attended for-profit institutions are more likely to have fallen behind on their payments.

- Among those making payments on their student loans, the typical monthly payment is between \$200 and \$300 per month.
- Nearly one-fourth of borrowers who went to for-profit schools are behind on their loan payments, versus less than one-tenth of borrowers who went to public or private not-for-profit institutions.

Retirement

Many adults feel behind in their savings for retirement. Even among those who have some savings, people commonly lack financial knowledge and are uncomfortable making investment decisions.

- Less than two-fifths of non-retired adults think that their retirement savings are on track, and one-fourth have no retirement savings or pension whatsoever.
- Three-fifths of non-retirees with self-directed retirement savings accounts, such as a 401(k) or IRA, have little or no comfort in managing their investments.
- On average, people answer fewer than three out of five basic financial literacy questions correctly, with lower scores among those who are less comfortable managing their retirement savings.

Economic Well-Being

In 2017, more people gave a positive assessment of their own economic well-being than in the prior year, a trend that has continued annually over the five years of this survey. This improvement in self-reported well-being is consistent with the broader economic expansion over that same period. The national unemployment rate was 4.1 percent at the time of the most recent survey in 2017, down from 6.9 percent at the first survey in 2013.² Despite these gains, stark differences in economic well-being remain, in particular, by education and race.

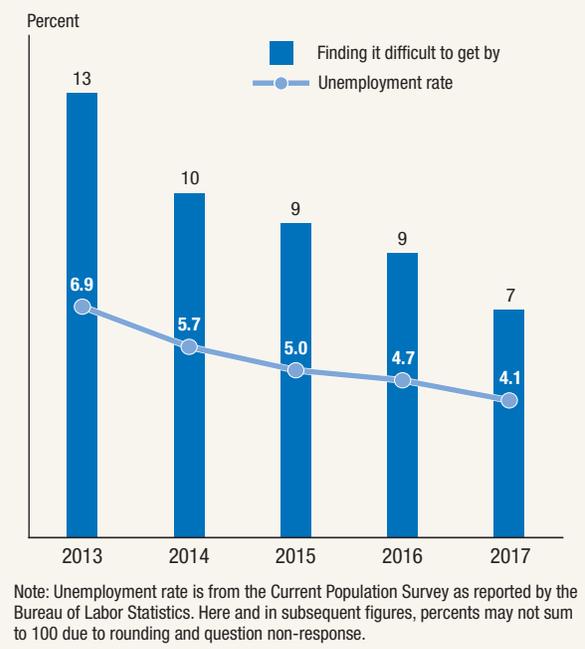
Current Financial Situation

Nearly three-quarters of adults say they are either living comfortably (33 percent) or doing okay (40 percent), when asked to describe how they are managing financially. The share who are at least managing okay has risen consistently over the past five years and is over 10 percentage points higher than in 2013 when this survey began.

Similarly, fewer people are finding it difficult to get by, or just getting by, than was the case five years ago. The 7 percent of adults in 2017 who find it difficult to get by financially is about half of what was seen in 2013. This decline in financial hardship is consistent with the decline in the national unemployment rate over this period (figure 1).

The overall positive trend in self-reported well-being masks some notable differences across groups. Adults with a bachelor's degree or higher are far more likely (85 percent) to be at least doing okay financially than those with a high school degree or less (66 percent). Despite this persistent gap, eco-

Figure 1. Self-report struggling financially and the national unemployment rate (by survey year)

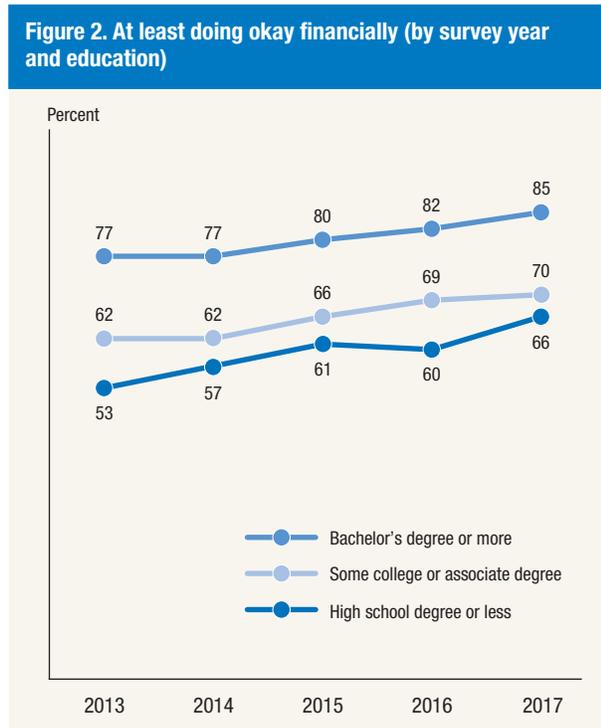


nomics well-being improved in 2017, and over the past five years, at every education level (figure 2).

More education is associated with greater economic well-being; however, at each education level, blacks and Hispanics are worse off than whites.³ In fact, whites with only a high school degree are more likely to report doing okay financially than blacks or Hispanics with some college education or an associate degree (figure 3). This pattern, combined with the fact that blacks and Hispanics typically have completed less education, results in substantially lower

² The 2017 SHED was fielded in November and December 2017. Since 2013, the SHED has been fielded in the fourth quarter of the year, though the exact survey period has varied somewhat. Any comparison to statistics from other sources, such as the national unemployment rate from the Census Bureau's Current Population Survey, is made relative to the fourth quarter of the year.

³ These differences persist across different age groups. With the exception of those over age 60, who report higher levels of economic well-being, relatively little variation exists by age. As a result, the gaps in self-reported well-being by race and ethnicity within education levels generally remain even after taking age into account.



Differences in well-being extend beyond education and race and ethnicity—and are also apparent by income level, marital and parental status, and community characteristics (table 1).⁵ Urban residents, for example, are slightly more positive about their financial situation than those living in rural areas. Although differences across these groups remain, economic well-being has generally improved over the past year, and since 2013, for individuals with a wide range of backgrounds.

The financial well-being question discussed so far has the advantage of being broadly defined and easy for respondents to understand. However, it may miss some aspects of well-being. As a check, respondents also complete a series of five questions on specific components of their financial lives.⁶ The responses to these questions are then converted to a single

overall economic well-being for black and Hispanic adults.⁴

⁴ For details on educational attainment by race and ethnicity, see Camille L. Ryan and Kurt Bauman, *Educational Attainment in*

the United States: 2015 (Washington: United States Census Bureau, March 2016).

⁵ Income is measured as the income of the respondent and his or her spouse or partner. Urban communities are those in a metropolitan statistical area and rural ones are those outside of a metropolitan statistical area.

⁶ The Consumer Financial Protection Bureau (CFPB) developed the five questions and the mapping of responses to a 100-point scale. The questions focus on how well certain statements describe the respondent's situation. Examples include "because of my money situation, I feel like I will never have the things I want in life" and "my finances control my life." The CFPB's financial well-being scale was added to the SHED in 2017 to support further study of the scale.

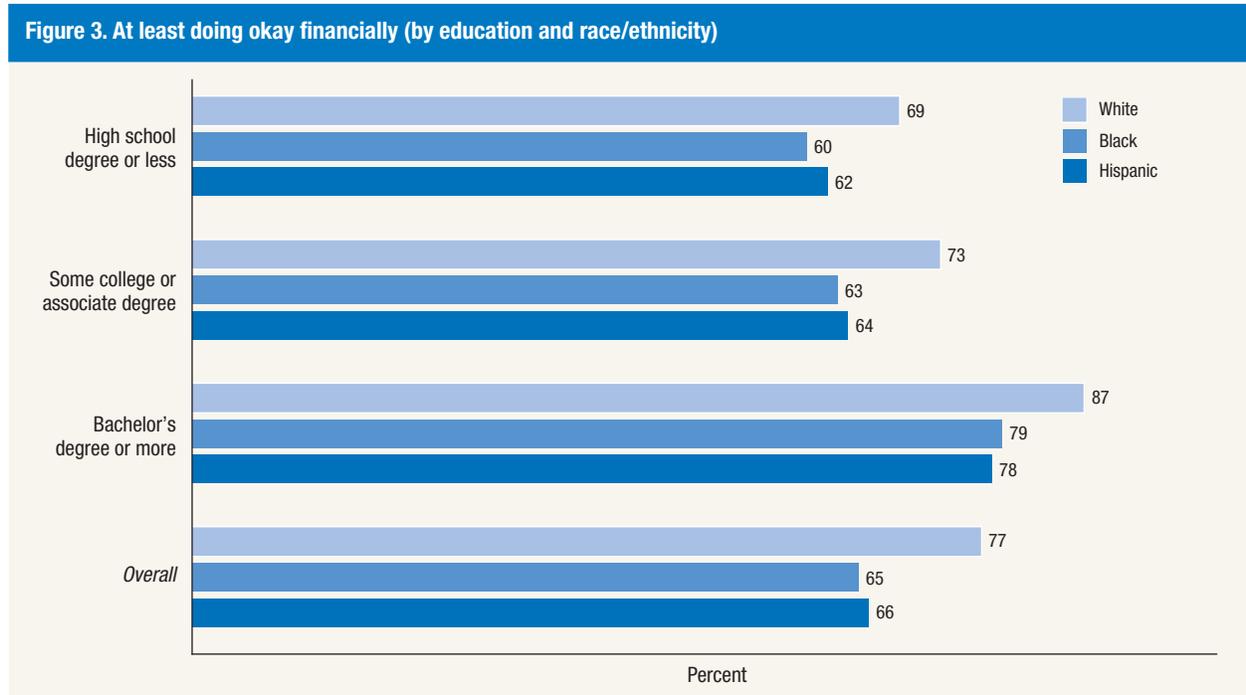


Table 1. Share of adults at least doing okay financially (by demographic characteristics)

Percent			
Characteristic	2017	Change from 2016	Change from 2013
Family income			
Less than \$40,000	56	+5	+14
\$40,000–\$100,000	78	+2	+13
Greater than \$100,000	94	+2	+11
Race/ethnicity			
White	77	+5	+12
Black	65	+1	+12
Hispanic	66	+2	+10
Urban/rural residence			
Urban	74	+4	+11
Rural	71	+4	+12
Neighborhood income			
Low or moderate income ¹	63	+3	n/a
Middle or upper income	77	+4	n/a
Marital/parent status			
Unmarried, no children under 18	66	+3	+8
Married, no children under 18	84	+4	+9
Unmarried, children under 18	57	+2	+14
Married, children under 18	76	+3	+14
Overall	74	+4	+11

Note: Census tracts were not included in the 2013 SHED so changes since 2013 are not available. Here and in subsequent tables, percents may not sum to 100 due to rounding and question non-response.

¹ Low- and moderate-income neighborhoods are defined here as those census tracts with a median family income less than 80 percent of the national median income.

n/a Not applicable.

score on a 100-point scale of financial well-being. Earlier research found that a score of 50 or below on this scale is associated with a high probability of material hardship, such as the inability to afford food, medical treatment, housing, or utilities. A score over 60 is associated with low rates of material hardship.⁷

This alternative multiple-question measure of well-being shows somewhat higher rates of financial challenges than the single-question measure. About 2 in 5 adults have scores that suggest a high likelihood of material hardship, which is above the share who said

See *Financial Well-Being in America* (September 2017), www.consumerfinance.gov/documents/5606/201709_cfpb_financial-well-being-in-America.pdf, for details on the development of these questions and their relation to material hardships. Mapping to the well-being scale uses Austin Nichols's PFWB package in Stata: Austin Nichols, "PFWB: Stata Module to Predict Financial-Well-Being Scale Scores from CFPB Survey Instrument," Statistical Software Components S458353 (2017), Boston College Department of Economics.

⁷ Ibid.

Table 2. Financial well-being score (by demographic characteristics)

Percent		
Characteristic	High likelihood of material hardship ¹	Low likelihood of material hardship ¹
Education		
High school degree or less	50	24
Some college or associate degree	46	27
Bachelor's degree or more	29	39
Race/ethnicity		
White	38	34
Black	46	26
Hispanic	52	22
Urban/rural residence		
Urban	41	31
Rural	45	28
Neighborhood income		
Low or moderate income	51	22
Middle or upper income	38	33
Overall	42	30

Note: See table 1 for definitions of low- and moderate-income neighborhoods.

¹ Individuals with a high likelihood of material hardship are those with a financial well-being score of 50 or below. Individuals with a low likelihood of material hardship are those with a financial well-being score of above 60.

that they are “just getting by” or “finding it difficult to get by.” However, by either measure, those with more education, white adults, and people living in middle- and upper-income neighborhoods areas exhibit higher levels of financial well-being (table 2).

Changes in Financial Situation over Time

More individuals say that their financial situation improved in the year prior to the survey (33 percent) than indicate it worsened (15 percent). Additionally, the share with improving finances is higher than in the 2016 survey.

Those with less education report less improvement financially than those with more education, consistent with the pattern in the past two surveys. Even so, at all education levels, reports of improving finances are more common than worsening finances (table 3). In 2017, at each education level, blacks and Hispanics experienced similar rates of improvement as whites. This contrasts with the previous two years when racial and ethnic minorities had larger

Table 3. Change in financial situation compared to 12 months ago (by education and race/ethnicity)

Percent			
Characteristic	Better off	Same	Worse off
High school degree or less			
White	25	59	15
Black	29	53	19
Hispanic	31	49	19
Overall	27	56	17
Some college			
White	30	53	16
Black	36	44	19
Hispanic	31	49	19
Overall	31	51	17
Bachelor's or more			
White	38	50	12
Black	43	42	15
Hispanic	50	37	13
Overall	39	49	12
Overall	33	52	15

improvements than whites, thereby narrowing the gap in well-being.

Local and National Economic Conditions

In addition to their own family's finances, individuals are asked to assess the economic conditions in their local community and in the nation as a whole. Generally, people have a more positive attitude about their local economy than the nation's. Individuals are substantially more likely to view their local economy as "good" or "excellent" (57 percent) than the national economy (41 percent).

Table 4. Self-assessment of the local and national economy as good or excellent (by select characteristics)

Percent		
Characteristic	Local economy	National economy
Race/ethnicity		
White	61	44
Black	45	29
Hispanic	51	39
Urban/rural residence		
Urban	60	42
Rural	38	35
Neighborhood income		
Low or moderate income	38	34
Middle or upper income	64	43
Overall	57	41

Note: See table 1 for definitions of low- and moderate-income neighborhoods.

This more positive assessment of local than national conditions varies across the country. In particular, individuals in urban areas are 22 percentage points more likely to report that their local economy is faring well than individuals in rural areas. This urban-rural gap also holds for opinions about the national economy, though less starkly so (table 4).

Residents of low- and moderate-income neighborhoods have less favorable views of economic conditions than those living in higher-income areas. Blacks and Hispanics are less likely than whites to have a positive impression of either the local or national economic situation. Other individual and neighborhood attributes, such as exposure to the opioid epidemic, may also relate to differing perceptions of economic conditions (see box 1).

Box 1. Local Economic Conditions and the Opioid Epidemic

The sharp rise in opioid addiction and overdoses is a subject of national concern, so the 2017 SHED added a question on opioids to explore links to economic well-being.¹ One hypothesis, advanced by Anne Case and Angus Deaton, is that a long-standing decline in economic opportunities was an important driver of the current opioid epidemic (2017).² They refer to these as “deaths of despair.” Yet, the existing evidence on the role of economic conditions is mixed. For example, Christopher Ruhm (2018) has argued against this hypothesis, using geographic variation in economic outcomes.³ This year’s survey sheds light on the debate by linking individual-level exposure to opioid addiction with subjective assessments of economic conditions. There are large differences in exposure to the opioid epidemic by race and ethnicity and smaller differences by economic conditions.

To measure exposure to the opioid epidemic, individuals report whether they “personally know someone who has been addicted to opioids or prescription painkillers.”⁴ By this measure, about one-fifth of adults have been personally exposed to the opioid epidemic. White adults, regardless of education, are about twice as likely to be personally exposed to opioid addiction as black or Hispanic adults (figure A).⁵

To investigate the “deaths of despair” hypothesis, figure B compares individuals’ assessments of local and national economic conditions by their exposure to the opioid epidemic. Adults who have been personally exposed to the opioid epidemic have somewhat less favorable assessments of economic conditions than those who have not been exposed. Among whites, the gap in perceptions of economic conditions by opioid exposure is larger. However, local unemployment rates are similar in the neighborhoods where those exposed to opioids live and where those not exposed live.⁶ Subjective assess-

Figure A. Personally exposed to the opioid epidemic (by race/ethnicity and education)

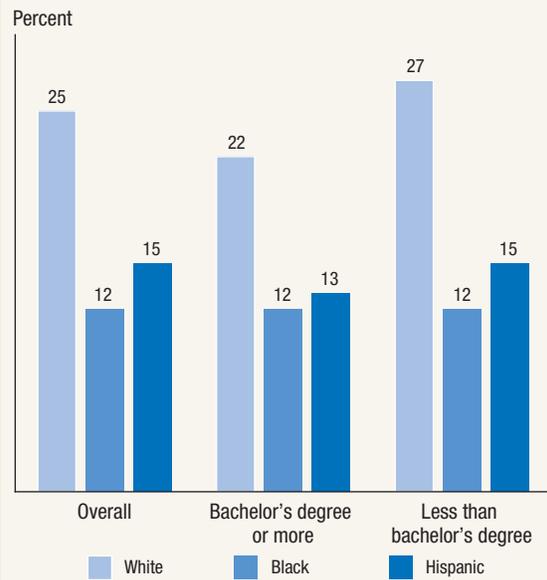
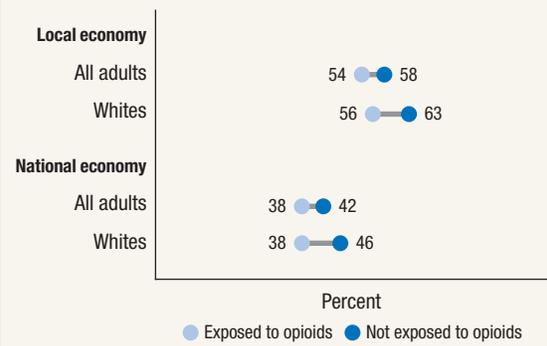


Figure B. Self-assessment of the local and national economy as good or excellent (by exposure to opioid epidemic)



ments of economic conditions do show more support for the “deaths of despair” hypothesis than objective outcomes, like local unemployment. Still, over half of adults exposed to opioid addiction say that their local economy is good or excellent. Altogether, this analysis suggests the need to look beyond economic conditions to understand the roots of the current opioid epidemic.

of the respondent, are 7.4 percent for those exposed and 7.3 percent for those who are not. The gap, while still modest, is somewhat larger for the local employment-population ratios for working-age adults (ages 25 to 64), 72.7 percent versus 73.2 percent.

¹ See, for example, analysis from the Centers for Disease Control and Prevention on opioid-related deaths, “Understanding the Epidemic,” www.cdc.gov/drugoverdose/epidemic/index.html.
² Anne Case and Angus Deaton, “Mortality and Morbidity in the 21st Century,” *Brookings Papers on Economic Activity* (Spring 2017): 397–476.
³ Christopher J. Ruhm, “Deaths of Despair or Drug Problem?” NBER Working Paper 24188 (2018).
⁴ This question is modeled after an April 2017 survey that found 27 percent of adults personally knew someone addicted to opioids (American Psychiatric Association, APA Public Opinion Poll – Annual Meeting 2017, www.psychiatry.org/newsroom/apa-public-opinion-poll-annual-meeting-2017). Two other recent surveys found even higher rates of exposure (Robert J. Blendon and John M. Benson, “The Public and the Opioid-Abuse Epidemic,” *New England Journal of Medicine* 378 (2018): 407–11).
⁵ The survey does not include potentially more-sensitive questions about illicit drug use or an individual’s own use of opioids. Since the measure does not ask about the respondent’s own addiction, it may not reflect the ethnicities, education, or geographies of people personally struggling with addiction.
⁶ The local unemployment rates, measured with the five-year average from the 2012–16 American Community Survey at the census tract

Income

Income is central to economic well-being. The ability to meet current expenses and also save for the future depends on that income being sufficient and reliable. Frequent changes in the level of family income, referred to here as “income volatility,” can also be a source of economic hardship.

Level and Source

Family income in this survey is the income from all sources that the individual respondent and his or her spouse or partner received during the previous year. Income is collected in dollar ranges as opposed to exact amounts. Over one-quarter of adults had less than \$25,000 of family income during 2017, and nearly two-fifths had less than \$40,000 (figure 4).⁸

⁸ The income distribution in the SHED is largely similar to the 2017 March Current Population Survey, although a higher fraction of adults in the SHED have family incomes between \$40,000 and \$200,000 and a lower fraction have incomes between \$5,000 and \$39,999. The higher income may partly reflect the fact that unmarried partners are treated as one family in the SHED, while the Current Population Survey treats them as two separate families.

Wages and salaries are the most common source of family income; nearly 70 percent of adults and their spouse or partner received wage income during 2017 (table 5).⁹ Yet, many families also rely on non-wage income sources. Over 3 in 10 received some income from self-employment or gig work.¹⁰

Sources of non-wage income vary with age. Among young adults (ages 18 to 29), gig work was the most common source of non-wage income. Among older people, income from gig work is less prevalent, while interest, dividend, and rental income is more common. Additionally, over three-quarters of adults age 60 and older received Social Security or pension income. (The sources of income among retirees are discussed further in the “[Retirement](#)” section of this

⁹ Since the survey was fielded in November and December of 2017, references to activities in 2017 consider the 12-month period before the survey (typically from November 2016 through November 2017) rather than the precise calendar year.

¹⁰ Gig work in the 2017 survey is asked about as “occasional work activities or side jobs” to be consistent with the phrasing in the employment section of the survey. In the 2015 and 2016 surveys, this was phrased as “freelance work or hobby income.” This change may have resulted in the increase in people reporting gig work as an income source in 2017.

Figure 4. Family income distribution

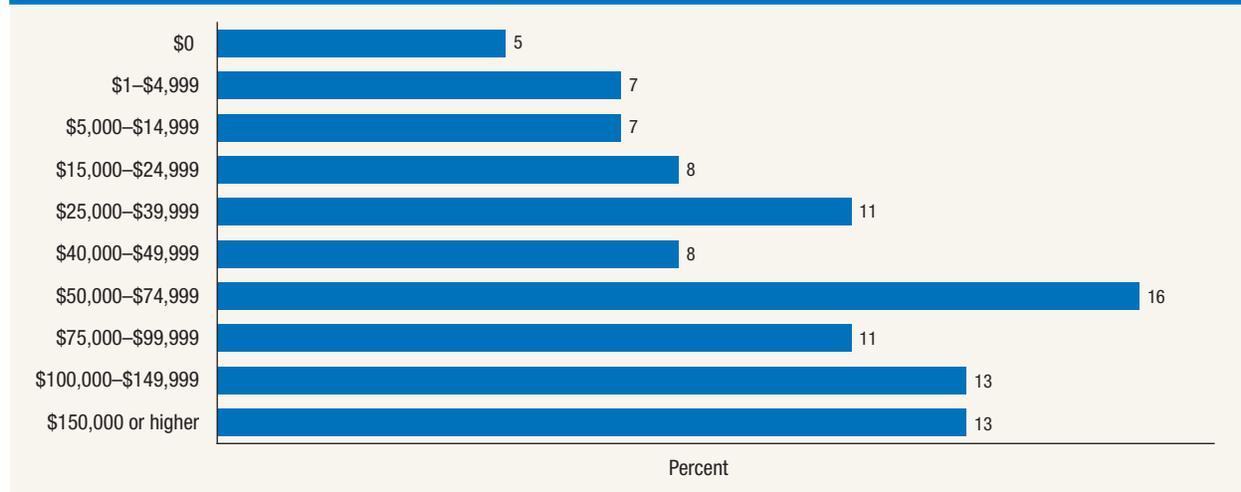


Table 5. Family income sources (by age)

Percent

Income source	18–29	30–39	40–49	50–59	60+	Overall
Wages or salaries	77	81	84	80	38	68
Interest, dividends, or rental income	16	19	26	30	44	29
Social Security	1	4	7	13	77	27
Gig work (occasional work activities or side jobs)	35	27	24	22	15	24
Pension income	1	1	3	12	52	18
Self-employment	13	17	18	18	15	16
Supplemental Security (SSI)	4	3	5	6	5	5
Unemployment income	3	3	4	3	2	3
Any other income	7	5	6	7	17	9

Note: Respondents can select multiple answers.

report.) Both the common sources of income and the distribution of income are largely similar to previous surveys.

Financial Support

Some families also depend on financial support from, or provide such support to, their family or friends. This support can be sharing a home to save money (as discussed in the “[Housing and Neighborhoods](#)” section of this report), as well as assistance from individuals living elsewhere.

Approximately 1 in 10 adults receive some form of financial support from someone living outside of their home. Nearly one-quarter of young adults received such support during 2017 ([table 6](#)). Among young adults with incomes under \$40,000, over one-third receive some support from outside their home. Conversely, older adults are more likely to *provide* financial support to individuals outside their home—peaking at 23 percent of adults in their 50s.

This support is mainly between parents and adult children. Parents were among the providers for just over 6 in 10 support recipients, including 8 in 10 of those under age 30. Additionally, adult children are support providers for over half of people over age 60 who are receiving some assistance.

Financial support from family and friends takes many forms. Over half of those receiving financial support received money for general expenses, and about one-third received help with their rent or mortgage ([figure 5](#)). In addition, almost one-quarter of all recipients, and over one-third of recipients

Table 6. Receiving and providing financial support outside of the home (by age)

Percent

Age	Receive support	Provide support
18–29	24	10
30–39	12	12
40–49	8	20
50–59	4	23
60+	4	16
Overall	10	16

under age 30, received help with educational expenses or student loan payments.

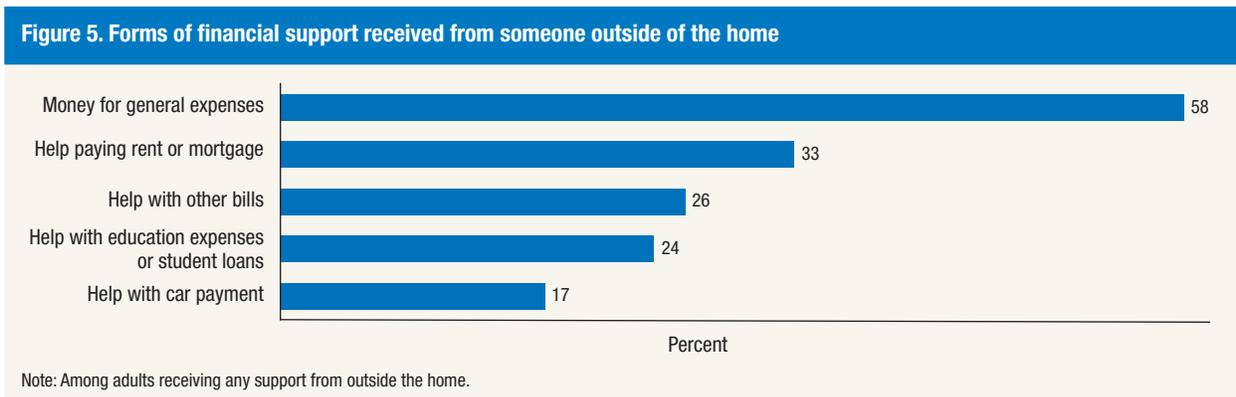
Income Volatility

The level of income during the year as a whole may mask substantial changes in income from month to month. The survey considers how mismatches between the timing of income and expenses lead to financial challenges.

Income in 2017 was roughly the same from month to month for 7 in 10 adults, varied occasionally for 2 in 10, and varied quite often for slightly less than 1 in 10.

Some families can manage frequent changes in income easily, but for others this may cause financial hardship. In fact, one-third of those with varying income, or 10 percent of all adults, say they struggled to pay their bills at least once in the past year due to varying income.

Those with less access to credit are much more likely to report financial hardship due to income volatility.



For example, one-fourth of adults who are not confident in their ability to get approved for a credit card have experienced hardship from income volatility in the past year, versus only 6 percent of those who are confident in their credit availability (table 7). (Access to credit is discussed further in the “Banking and Credit” section of this report.)

Individuals may be willing to accept more-volatile income if their income is higher on average as a result. Tolerance for income variability may also differ across individuals. In a hypothetical scenario, the survey asks workers to choose between two new jobs: the first pays their current annual income in stable monthly amounts, and the second pays more for the year but the monthly income varies.¹¹ The increase in the second job’s annual income is randomized across “a little” more, “somewhat” more, or “a lot” more.

Overall, many prefer stable income. Six in 10 workers choose the first job with stable income over the second job with varying income that pays a little or somewhat more annually. Only when the second job pays a lot more does the preference for the stable job

¹¹ Self-employed workers are excluded from this analysis.

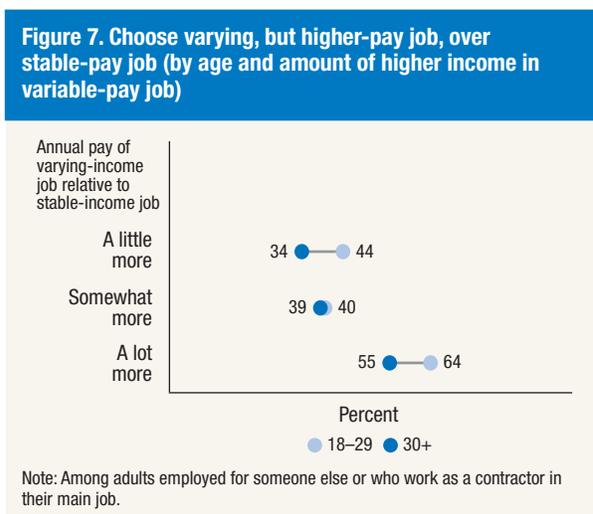
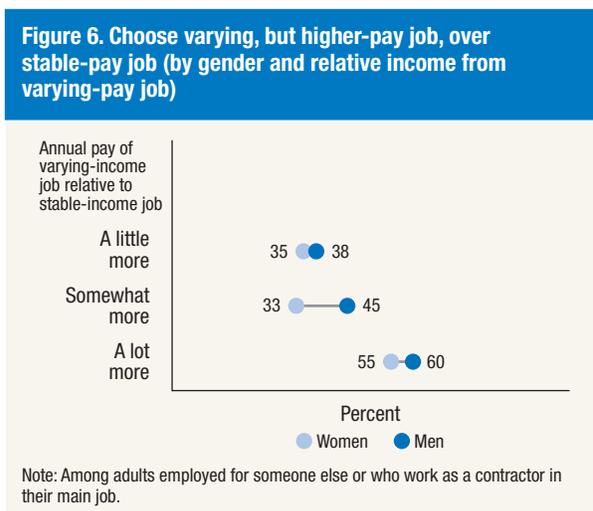
Table 7. Income volatility and related hardship (by credit confidence)

Percent

Expect credit card application would be approved	Stable income	Varying income	
		No hardship	Causes hardship
Confident	73	20	6
Not confident	65	10	24
Overall	71	19	10

Note: “Overall” includes those who don’t know if they are confident about credit availability.

fall to 4 in 10 workers. Men and younger workers have a greater tolerance for income volatility and are more willing to accept the variability in exchange for additional income (figure 6 and figure 7).



Employment

Wages and many other aspects of employment affect the economic well-being of workers and their families, including hours worked, employee benefits, and work scheduling. In 2017, most adults were optimistic about their future labor market opportunities. Three in 10 adults work in the “gig economy,” though generally as a supplemental source of income.

Overview

In 2017, 61 percent of adults were employed at some point in the month prior to the survey.¹² In their main job, 41 percent of adults were working full time for someone else; 10 percent were working part time for someone else; and 10 percent were self-employed, in a partnership, or a contractor (table 8). Those not working do so for a variety of reasons, including those who are full-time students or retired.

Although most people work consistent hours with one employer, some have more complicated work lives that involve multiple jobs or transitions in and out of employment. This is especially true for the self-employed, among whom one-third were also employed for someone else and one in seven were also not working at least some time in the prior month. Eight percent of the adult population (13 percent of workers) use multiple activities (including working for someone else, self-employed, on layoff, or not employed) to describe their past month.

Among those working part time, economic conditions are often cited as a barrier to full-time employment. One-fourth of part-time workers (2 percent of

¹² The rate of employment in the SHED is comparable to the Current Population Survey. In the 2017 SHED, 61 percent of individuals over age 20 report having a job of any kind in the month prior to the survey, similar to 62 percent in the Current Population Survey in 2017:Q4 based on four reference weeks (see www.bls.gov/web/empsit/cpseea08a.htm). Unlike the Current Population Survey, the SHED allows the employed to select multiple employment statuses to describe the past month.

Table 8. Form of employment in main job

Percent

Form of employment	Among adult population	Among workers
Full time for someone else	41	67
Part time for someone else	10	16
For non-economic reasons	7	12
For economic reasons	2	4
Self-employed or partnership	8	14
Contractor	2	3

all adults) indicate that they are working part time for economic reasons.¹³

Among the two-fifths of adults who were not working at some point in the prior month, 6 in 10 are retired and 1 in 10 have a disability but are not retired.¹⁴ Including retirees and those with a disability who were looking for work, nearly 2 in 10 of those who spent time not working had also looked for work.

Other than retirement, child care and other family obligations are the dominant reasons for why people are not working or are working part time. One-eighth of those not working, and one-fourth of those working part time, cite these reasons (table 9).

Those who have been unable to find full-time work due to economic conditions are also more pessimistic about their future job prospects. Overall, 16 percent

¹³ This compares to 19 percent of part-time workers in the November Current Population Survey who were working part time for economic reasons. The somewhat higher share observed in the SHED may be due to the SHED allowing workers to select all the reasons that they work part time, whereas the Current Population Survey focuses on the main reason.

¹⁴ The survey asks respondents about their employment status—and includes subsequent questions on the reasons for not working among those who explicitly report that they were not employed during a period in the past month. Approximately 9 percent of adults replied “no” to all three questions of whether they were employed, self-employed, or not employed in the past month. These respondents are excluded from the discussion of reasons for not working.

Table 9. Reasons for not working or working part time

Percent

Reason	Among non-workers	Among part-time workers
Retired	59	16
Have a disability but not retired	9	n/a
Business conditions or lack of work	11	36
Child care or family obligations	13	22
Medical limitations	4	12
School	6	22
Reason not specified	7	19
Selected multiple reasons	7	22

Note: Among adults who are either not working or working part time for someone else. For the retired and those with disabilities, other reasons are not considered. With the exception of the retired and those with disabilities, respondents can select multiple answers.
n/a Not applicable.

of non-retired adults in 2017 are pessimistic about their future job opportunities. By comparison, among those working part time for economic reasons, that share rises to 30 percent. Among those who were not working and looking for work, it is 27 percent.

Another way to assess labor market conditions is the frequency at which workers receive raises, voluntarily change jobs, or are laid off. Additional workers asking for raises, receiving raises, or voluntarily changing jobs are indications of a strong labor market where workers have more bargaining power. In 2017, 18 percent of employed workers asked for a raise (table 10)—up slightly from 16 percent in the 2016 survey. Overall, 52 percent of employed workers received a raise in 2017, up from 46 percent in 2016. Consistent with a strengthening labor market, a rising share of adults applied for and started a new job. However, the share that were laid off or fired in 2017 also increased modestly.

Additionally, the increased likelihood of receiving a raise relative to 2016 is observed for each education level. For workers with a high school degree or less, the increase was particularly large. Forty-nine percent of these workers received a raise in 2017, versus 38 percent who received a raise in 2016.

Scheduling and Benefits

Job schedules and notice of shifts can also affect the economic well-being derived from employment. Predictable part-time schedules may even support

Table 10. Employment activities in the past year

Percent

Action taken	2016	2017
Asked for a raise at work (among currently employed)	16	18
Received a raise at work (among currently employed)	46	52
Applied for a new job	24	29
Started a new job	14	17
Voluntarily left a job	10	10
Got laid off or fired from a job	4	5

Note: Among all adults, except for questions about asking for a raise at work and receiving a raise at work, which are asked only of adults who are currently employed. Respondents can select multiple answers.

greater labor force engagement, since the predictability would allow workers to seek additional employment and supplement their income. Three-fourths of workers normally work the same hours each day, 9 percent work schedules that vary at their own request, and 16 percent have schedules that vary by their employers' needs. Many of these workers with irregular schedules would prefer a job with stable pay, even if it paid them less overall (see box 2).

The prevalence of irregular schedules set by employers differs across industries and education levels of the workers. One in 5 workers with a high school degree or less has this variability, compared to 1 in 10 workers with a bachelor's degree or more. Similarly, within the retail, wholesale, food services, and entertainment industries, about one-third of workers have employer-set irregular schedules—approximately twice the rate observed for workers as a whole.¹⁵

Among workers whose employer varies their schedule, just over half say that they usually are told the hours that they will work three or fewer days in advance, with 36 percent reporting that their employer usually tells them their hours one day or less in advance, including on-call scheduling. This compares to 15 percent who are given at least three weeks of advance notice (figure 8).

Less-educated workers with irregular schedules also receive less advance notice about their work sched-

¹⁵ Joan Williams and coauthors (2018) discuss some of the reasons for variable work schedules in retail, as well as the results of an experiment to increase schedule stability at a large national retailer (*Stable Scheduling Increases Productivity and Sales: The Stable Scheduling Study*, www.worklifeflow.org/publications/Stable-Scheduling-Study-Report.pdf).

Box 2. Irregular Work Schedules, Part Time for Economic Reasons, and Preferences for Stable Pay

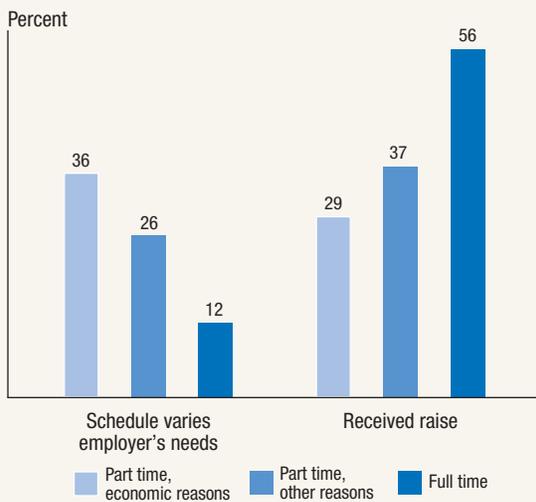
Variable work schedules give employers the ability to match their workforce to shifts in customer demand and other changes in business conditions. Yet work hours set by employers on short notice may cause financial strain, particularly for low-income workers. In the U.S. Financial Diaries, an ethnographic study of over 200 low- and moderate-income families by Jonathan Morduch and Rachel Schneider, monthly swings in income, even by modest amounts, and unpredictable work hours frequently led to an inability to pay expenses.¹ In addition, unpredictable hours may make it difficult for part-time workers to take on additional jobs and increase their family income.

In the survey, more than one-third of non-retirees working part time for economic reasons in 2017 have a variable work schedule set by their employer (figure A). One-quarter of non-retired individuals working part time for non-economic reasons, and 12 percent of full-time workers, have such an irregular schedule. This means that many of the part-time workers who would potentially work more hours (and thus are not currently at their full employment) also face the challenge of unpredictable hours. As another sign of differences in employees' status, 3 in 10 of those

working part time for economic reasons received a raise in the past year versus more than half of full-time workers who received a raise.

Some individuals may be more willing to take on unpredictable hours than others. For example, those with a cushion of savings, fewer fixed expenses, or a greater flexibility, in general, may be willing to exchange stable hours for higher pay or other job characteristics. A hypothetical job choice in the survey suggests that those who actually work irregular schedules—particularly those who request the flexibility—are somewhat more tolerant of varying income than those who work a fixed schedule (figure B). Even with this relationship between actual and hypothetical job choices, it is striking how many individuals always prefer the stable job in the hypothetical scenario. Even when the varying job pays a lot more, two-fifths of non-retirees would still choose the stable-pay job. In an experimental setting, Alexandre Mas and Amanda Pallais (2016) found that workers were willing to give up one-fifth of their weekly wages to avoid a work schedule set by their employer with a week's advance notice.²

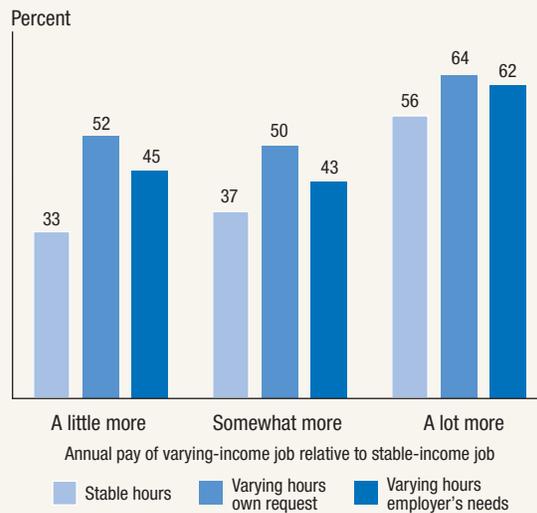
Figure A. Irregular work schedule and pay raises (by employment status)



Note: Among non-retired adults employed for someone else in their main job.

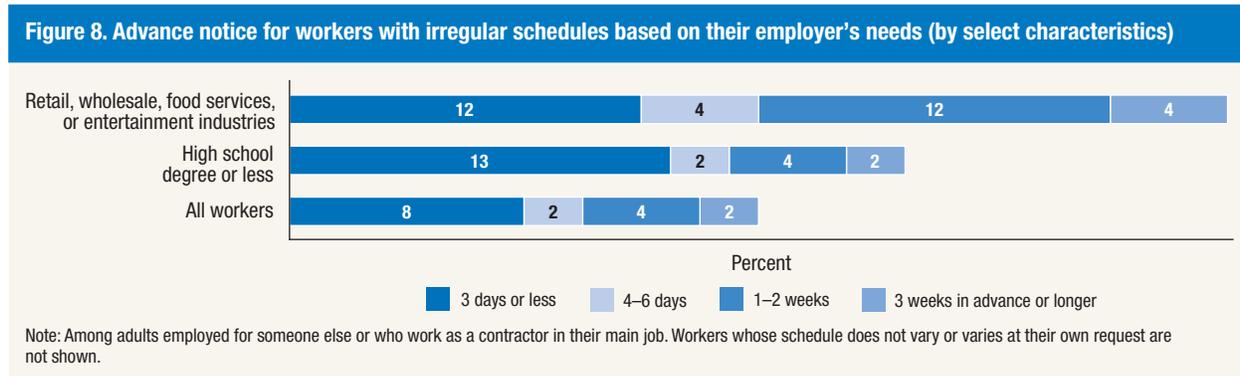
¹ Jonathan Morduch and Rachel Schneider, *The Financial Diaries: How American Families Cope in a World of Uncertainty* (Princeton, NJ: Princeton University Press, 2016); see also the U.S. Financial Diaries website, www.usfinancialdiaries.org/.

Figure B. Choose hypothetical varying-pay job over stable-pay job (by current actual work schedule and relative income from hypothetical varying job)



Note: Among non-retired adults employed for someone else or working as a contractor in their main job.

² Alexandre Mas and Amanda Pallais, "Valuing Alternative Work Arrangements," *American Economic Review* 107, no. 12 (2017): 3722–59.



ules. Sixty-one percent of irregular-schedule workers with no education beyond high school receive their schedule three days in advance or less. This compares to 44 percent of those with a bachelor’s degree who are given only this level of advance notice.

Employee benefits are an additional component of employment conditions. Over three-fourths of workers indicate that their employer offers paid vacation time and health insurance, making those two benefits the most commonly offered (table 11).¹⁶ Retirement benefits and paid sick leave are each offered to just over two-thirds of employees while maternity or paternity leave is offered to over half of workers.¹⁷

The offering of these benefits is closely tied to employment status, with full-time workers much

more likely to be offered nearly all forms of benefits than part-time workers or contractors. For example, 77 percent of full-time workers are offered paid sick leave, compared to 32 percent of part-time workers and 15 percent of contract workers.

Part-time and contract workers are also less satisfied with their benefits packages than full-time workers. While 70 percent of full-time workers are somewhat or very satisfied with their employee benefits overall, one-third of part-time workers and 3 in 10 contract workers are satisfied with their benefits. Among those who are working part time for economic reasons, an even lower one-fourth of workers are satisfied with their benefits. The difference in satisfaction with benefits is much larger than for wages: 67 percent of full-time workers versus 55 percent of contractors and 52 percent of part-time workers are satisfied with their wages or salary.

¹⁶ The survey asks respondents whether their employer offers each of these benefits, irrespective of whether they personally use the benefit.

¹⁷ The fraction of workers in the SHED being offered each benefit is broadly consistent with that reported by the Bureau of Labor Statistics in the National Compensation Survey (see www.bls.gov/ncs/ebs/benefits/2017/home.htm).

Gig Economy

The gig economy, with independent workers and short-term contracts, can also be a source of employment and income. Here, gig work covers three types of non-traditional activities: offline service activities, such as child care or house cleaning; offline sales, such as selling items at flea markets or thrift stores; and online services or sales, such as driving using a ride-sharing app or selling items online.¹⁸ This definition of gig work, encompassing

Table 11. Employment benefits offered to workers (by employment status)

Percent

Benefit	Full time	Part time	Contractor	All workers
Paid vacation or personal leave	90	36	17	78
Health insurance	89	35	20	77
Retirement benefits	78	31	16	67
Paid sick leave	77	32	15	67
Life insurance	75	22	11	63
Maternity or paternity leave	63	22	11	54
Tuition assistance	44	17	6	38
Ability to work from home	28	16	50	26

Note: Among adults employed for someone else or who work as a contractor in their main job. Respondents can select multiple answers.

¹⁸ The findings in this section are from different survey questions than in the “Income” section of this report. For question wording, see appendix A of the supplemental appendixes to this report (www.federalreserve.gov/consumerscommunities/shed_publications.htm). The measurement of an evolving issue, like the gig economy, can be particularly challenging, since the terms and practices are not widely understood. This survey explores various ways to ask about gig work, providing rich, but sometimes conflicting information on this form of employment and source of income.

Table 12. Gig work (by education)
Percent

Activity	High school degree or less	Some college	Bachelor's or more	Overall
Offline services	17	15	10	14
Offline sales	9	8	9	9
Online activities	13	16	19	16
Unspecified activities	3	4	5	4
Overall	30	31	31	31

Note: Respondents can select multiple answers.

both online and offline activities, takes a broad view of the gig economy and underscores the fact that such supplemental work predates the internet. Gig work is largely done in addition to a main job, so this is often distinct from those who work as contractors in their main job.¹⁹

Overall in 2017, 31 percent of all adults engaged in gig work in the month before the survey, up slightly from 28 percent in 2016. This increase was predominantly due to an increase in participation in offline activities—which rose to 20 percent in 2017 from 17 percent in 2016. Younger individuals are more likely to perform gig work: 43 percent of those ages

¹⁹ See Barbara Robles and Marysol McGee, “Exploring Online and Offline Informal Work: Findings from the Enterprising and Informal Work Activities (EIWA) Survey” Finance and Economics Discussion series 2016-089 (Washington: Board of Governors of the Federal Reserve System, October, 2016); and Government Accountability Office, *Contingent Workforce: Size, Characteristics, Earnings, and Benefits* (Washington: Government Accountability Office, April 2015), for additional discussion on measuring gig work.

25 to 34 versus 18 percent of those age 65 or older.²⁰ The typical person working in the gig economy spends five hours per month on these activities.²¹

Online activities are the most common form of gig work, performed by 16 percent of adults (table 12). In addition, 14 percent earned money through offline service activities and 9 percent through offline sales activities. The mix of online and offline activities varies by education, but the overall differences in gig work across education groups is narrower than in 2016.

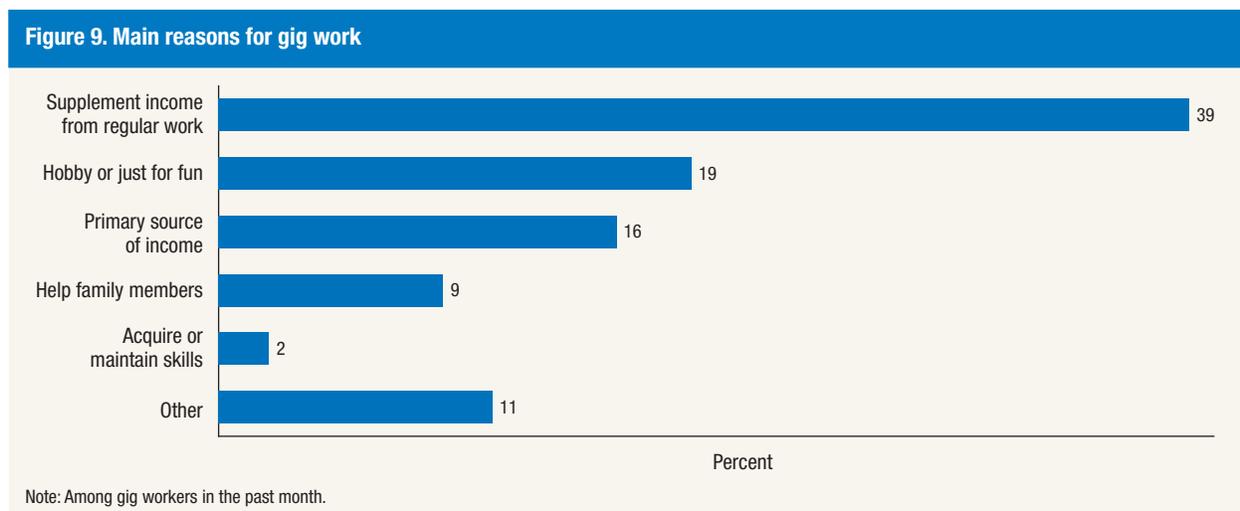
To earn extra money is, by far, the most common reason that individuals engage in gig work (figure 9). Two-fifths of gig workers (12 percent of all adults) are doing these side jobs to supplement income from main jobs, and for an additional 16 percent of gig workers, this is their primary source of income.

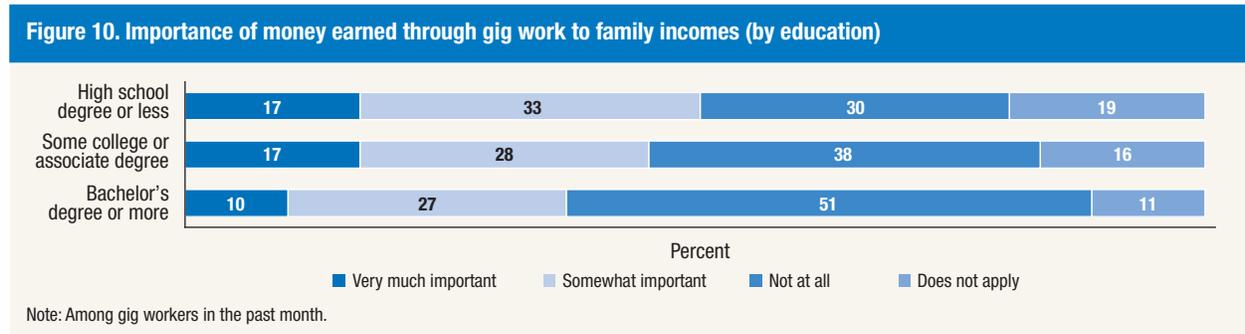
Gig work is typically a modest share of family income. For over three-fourths of gig workers, these activities account for 10 percent or less of their family income.²² This work comprises over half

²⁰ The 2017 survey offers different response options to the gig work questions than in 2016. In particular, “driving using a ride-sharing app” is now listed as a separate task. Such changes in the question wording may affect the year-to-year comparisons.

²¹ Throughout this report, references to the typical person reflect the median response.

²² The small fraction of income earned from gig work may help explain why some gig workers do not report these activities as sources of family income, as described in the previous “Income” section. In addition, the richer descriptions of the gig work, including specific online and offline activities, may have captured more gig work than the brief response option in the income question.





of family income for only 5 percent of gig workers. Despite the modest share of family income, many gig workers (45 percent) say that this income is at least somewhat important, including 15 percent who say it is very important. The greater subjective value placed on this income may be related to its ability to smooth out unexpected changes in earnings from main jobs even if the actual amount of money earned is relatively small.

Half of gig workers with a high school degree or less say that the work is an important source of income for their families (figure 10). The financial importance of gig work declines with education, but even 37 percent of gig workers with a bachelor's degree or higher say it is important.

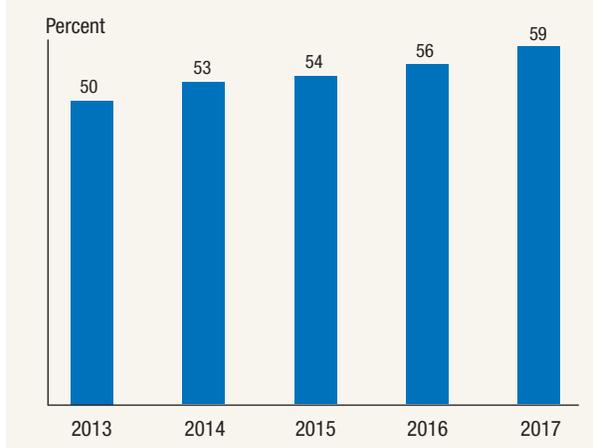
Dealing with Unexpected Expenses

Four in 10 adults in 2017 would either borrow, sell something, or not be able to pay if faced with a \$400 emergency expense. While still disconcertingly large, the share of families who would struggle with such an expense has decreased over the past five years. In 2013, half of adults could not easily cover such an expense. Even with the improvement, financial challenges remain for many families. One in five adults cannot cover their current month's bills, and one in four skipped a medical treatment in the past year due to an inability to pay.

Small, Unexpected Expenses

Relatively small, unexpected expenses, such as a car repair or replacing a broken appliance, can be a hardship for many families without savings. When faced with a hypothetical expense of only \$400, 59 percent of adults in 2017 say they could easily cover it, using entirely cash, savings, or a credit card paid off at the next statement (referred to, altogether, as "cash or its equivalent"). Over the past five years, as the economy has recovered, the fraction of families able to easily cover this emergency expense has increased by about 9 percentage points (figure 11).

Figure 11. Would cover a \$400 emergency expense using cash or its equivalent (by survey year)



Among the remaining 4 in 10 adults who would have more difficulty covering such an expense, the most common approaches include carrying a balance on credit cards and borrowing from friends or family (figure 12). Far fewer people would turn to high-cost options, such as a payday loan, deposit advance, or a bank overdraft in these situations.

Figure 12. Other ways that individuals would cover a \$400 emergency expense

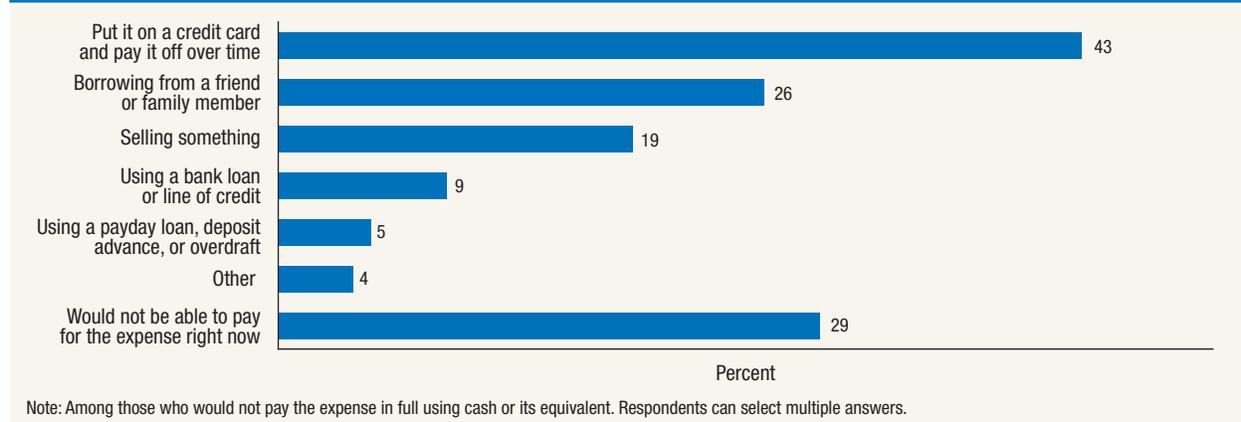


Table 13. Bills to leave unpaid or only partially paid in the month of the survey
Percent

Bill	Among adult population	Among those who expect to defer at least one bill
Housing-related bills		
Rent or mortgage	4	17
Water, gas, or electric bill	6	26
Overall	7	32
Non-housing-related bills		
Credit card	11	49
Phone or bill	6	27
Student loan	2	10
Car payment	3	14
Other	1	5
Overall	15	71
Unspecified bills	5	23
Overall	22	100

Note: Respondents can select multiple answers.

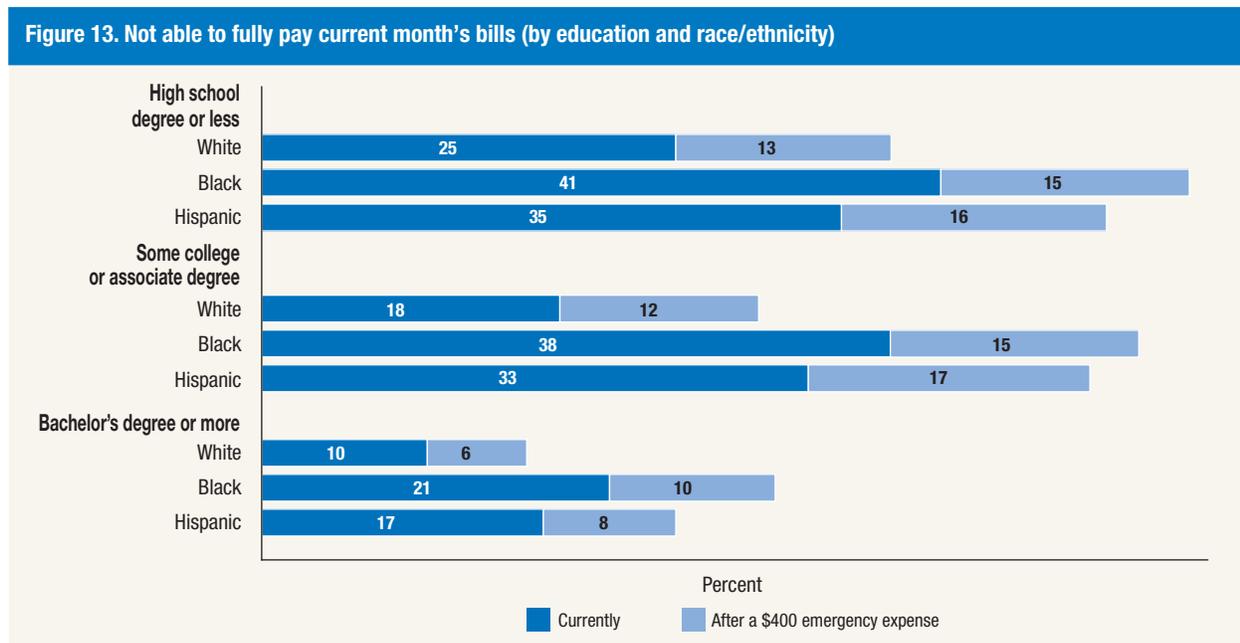
Inability to pay one’s actual bills is another sign of economic vulnerability. Even without an unexpected expense, 22 percent of adults expected to forgo payment on some of their bills in the month of the survey. Most frequently, this involves not paying, or making a partial payment on, a credit card bill (table 13). One-third of those who are not able to

pay all their bills say that their rent, mortgage, or utility bills will be left at least partially unpaid.

Another 11 percent of adults would be unable to pay their current month’s bills if they also had an unexpected \$400 expense that they had to pay. Altogether, one-third of adults are either unable to pay their bills or are one modest financial setback away from financial hardship, slightly less than in 2016 (35 percent).

Those with less education are also less able to handle unexpected expenses. Of those adults with at least a bachelor’s degree, over 80 percent could handle an unexpected \$400 expense on top of their regular bills. By comparison, the same was true for 54 percent of those with a high school degree or less. Racial and ethnic minorities of each education level are even less able to handle a financial setback (figure 13).

Some financial challenges require a greater level of preparation and advanced planning than a relatively small, unexpected expense. One common measure of financial preparation is whether people have savings sufficient to cover three months of expenses if they lost their job. Half of people have set aside dedicated emergency savings of this level. Another one-fifth say that they could cover three months of expenses by borrowing or selling assets. In total, 7 in 10 adults



could tap savings or borrow in a financial setback of this magnitude.

Health Care Expenses

Out-of-pocket spending for health care is a common unexpected expense that can be a substantial hardship for those without a financial cushion. As with the small financial setbacks discussed above, many adults are not financially prepared for health-related costs. During 2017, over one-fifth of adults had major, unexpected medical bills to pay, with a median expense of \$1,200. Among those with medical expenses, 37 percent have unpaid debt from those bills. In addition to the financial strain of additional debt, over one-quarter of adults went without some form of medical care due to an inability to pay. This was up slightly from 2016 but still lower than the one-third who skipped medical care due to cost five years ago in 2013 (figure 14).

Dental care was the most frequently skipped treatment (19 percent), followed by visiting a doctor (13 percent) and taking prescription medicines

(11 percent). Most of the decline in skipped coverage in the past five years resulted from fewer people skipping dentists' and doctors' visits—although skipping other forms of medical care also declined (table 14).

Those with less income are more likely than others to forgo medical care due to cost. Among those with family income less than \$40,000, 39 percent went without some medical treatment in 2017. This share falls to 25 percent of those with incomes between \$40,000 and \$100,000 and 9 percent of those making over \$100,000.

Health insurance is one way to help families handle the financial burden of large, unexpected medical expenses. In 2017, 91 percent of adults had health insurance. This includes nearly three-fifths of adults who have health insurance through an employer or labor union and just under one-fourth who have insurance through Medicare. Four percent of people purchased health insurance through one of the health insurance exchanges. Those with health insurance are less likely to forgo medical treatment due to an inability to pay. Among the uninsured, 42 percent went without medical treatment due to an inability to pay, versus 25 percent among the insured.²³

Figure 14. Skipped medical treatment due to cost (by survey year)

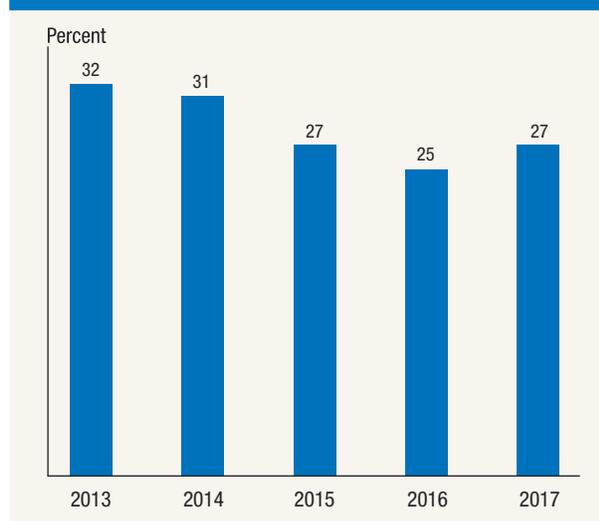


Table 14. Forms of skipped medical treatment due to cost (by survey year)

Treatment skipped	2013	2015	2017
Prescription medicine	14	11	11
To see a doctor	16	12	13
Mental health care or counseling	6	5	6
Dental care	24	20	19
To see a specialist	11	9	8
Follow-up care	10	7	6

Note: Respondents can select multiple answers.

²³ Since the survey asks respondents about their current health insurance status, but also asks about whether they missed medical treatments in the previous year, it is possible that some respondents who currently have insurance were uninsured at the point at which they were unable to afford treatment.

Banking and Credit

Access to bank accounts edged up in 2017 to include almost 95 percent of adults, continuing the upward trend in previous years. The rate of self-reported credit denial has also declined substantially over the past five years, although, increasingly, applicants who are approved for credit report receiving a smaller amount than requested. Notable gaps in access to these basic financial services still exist among minorities and those with low income.

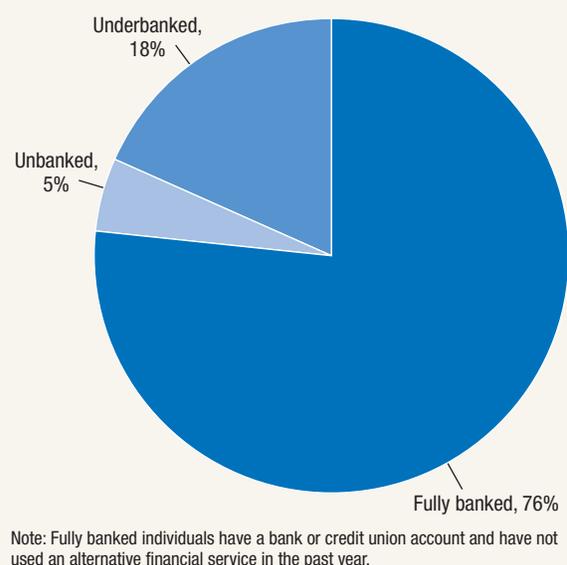
Unbanked and Underbanked

About 5 percent of adults in 2017—or 13 million people—do not have a checking, savings, or money market account (often referred to as the “unbanked”). The fraction who are unbanked is down from 7 percent in 2016 and 8 percent in 2015.²⁴ Half of the unbanked used some form of alternative financial service during 2017—such as a check cashing service, money order, pawn shop loan, auto title loan, paycheck advance, or payday loan. In addition, 18 percent of adults are “underbanked”: they have a bank account but also used an alternative financial service product (figure 15). The fraction who are underbanked is down from 19 percent in 2016 and 21 percent in 2015. The remaining three-quarters of adults are fully banked, with a bank account and no use of alternative financial products.

The unbanked and underbanked are more likely to have low income, less education, or be in a racial or ethnic minority group. Just 1 percent of those with incomes over \$40,000 are unbanked, versus one in

²⁴ The most recent FDIC National Survey of Unbanked and Underbanked Households in 2015 observed that a similar 7 percent of households were unbanked and 20 percent of households were underbanked. However, the FDIC uses a broader underbanked definition, which includes international remittances and rent-to-own services as alternative financial services. See Federal Deposit Insurance Corporation, *2015 FDIC National Survey of Unbanked and Underbanked Households* (Washington: Federal Deposit Insurance Corporation, October 2016), www.economicinclusion.gov/surveys/2015household/.

Figure 15. Banking status



eight with incomes under that threshold. Similarly, 11 percent of blacks and Hispanics are unbanked, versus 3 percent of whites (table 15).

Use of alternative financial services reflects a decision, by choice or necessity, to conduct certain financial transactions through providers other than traditional banks and credit unions. The vast majority (74 percent) of people using alternative financial services sent or received a money order (table 16). One-third used a check cashing service, and 26 percent borrowed money with an alternative financial service product, including pawn shop loans, payday loans, auto title loans, paycheck advances, and tax refund anticipation loans.

Credit Outcomes

During 2017, 4 in 10 adults applied for some type of credit, which is similar to the share who did so during 2016 and up from the 3 in 10 who applied for

Table 15. Banking status (by family income, education, and race/ethnicity)
Percent

Characteristic	Unbanked	Underbanked	Fully banked
Income			
Less than \$40,000	12	26	62
\$40,000–\$100,000	1	17	81
Greater than \$100,000	*	9	90
Education			
High school degree or less	10	23	66
Some college or associate degree	4	21	75
Bachelor's degree or more	1	11	87
Race/ethnicity			
White	3	13	84
Black	11	36	52
Hispanic	11	26	63
Overall	5	18	76

* Less than 1 percent.

Table 16. Forms of alternative financial services used
Percent

Alternative financial service	Among adult population	Among those using any alternative financial services
Money order	16	74
Check cashing services	7	34
Borrowing services		
Tax refund anticipation loan	2	7
Pawn shop, payday, or auto title loan	5	22
Overall	6	26

credit during 2013 when the survey began. The most common credit applications were for credit cards and auto loans (figure 16).

One-quarter of those who applied for credit were denied at least once in the past year, and 32 percent were either denied or offered less credit than they requested. The rate of denials has declined relative to five years ago, although this has been counterbal-

anced by an increase in the share offered less credit than requested (table 17).

The rate at which individuals are denied or offered less credit than requested differs by the type of credit application. Thirty-four percent of credit card applicants experienced at least one of these adverse events versus 16 percent of auto loan applicants (figure 17).

The rate of denial also differs by the family income of the applicant and by their race and ethnicity. Lower-income individuals are substantially more likely to experience adverse outcomes with their credit applications than those with higher incomes. Among applicants with incomes under \$40,000, 39 percent were denied credit versus 10 percent of

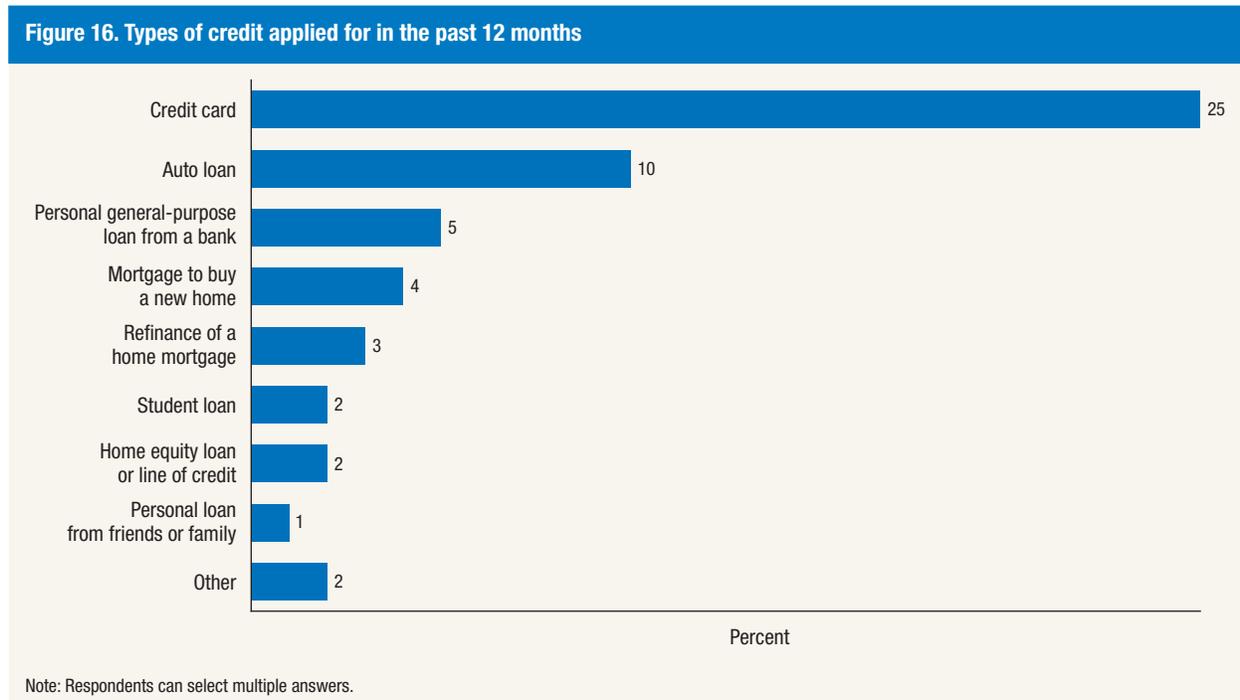


Table 17. Experiences of adults who applied for credit (by survey year)
Percent

Credit outcome	2013	2014	2015	2016	2017
Denied credit	28	24	26	23	24
Offered less credit than applied for	14	16	17	16	18
Either adverse outcome	32	32	33	31	32

Note: Among adults who applied for some form of credit in the past 12 months. Respondents can select multiple answers.

Table 18. Credit applicants with adverse credit outcomes (by family income and race/ethnicity)
Percent

Characteristic	Denied	Denied or approved for less credit than requested (combined)
Less than \$40,000		
White	33	40
Black	53	70
Hispanic	43	52
Overall	39	49
\$40,000–\$100,000		
White	17	24
Black	30	43
Hispanic	27	42
Overall	21	30
Greater than \$100,000		
White	9	12
Black	14	21
Hispanic	23	33
Overall	10	16
All incomes		
White	18	24
Black	38	53
Hispanic	34	45
Overall	24	32

Note: Among adults who applied for some form of credit in the past 12 months.

applicants with incomes over \$100,000. Within each income bracket, black and Hispanic individuals are more likely to report an adverse credit outcome (table 18).

Credit Perceptions

One in nine adults put off at least one credit application because they thought that their credit application would be denied. This includes 7 percent who applied for some credit, but opted against submitting other applications because they expected to be denied, and 4 percent who desired credit but did not apply at all for fear of denial. Thus, negative perceptions may be an additional barrier to credit.

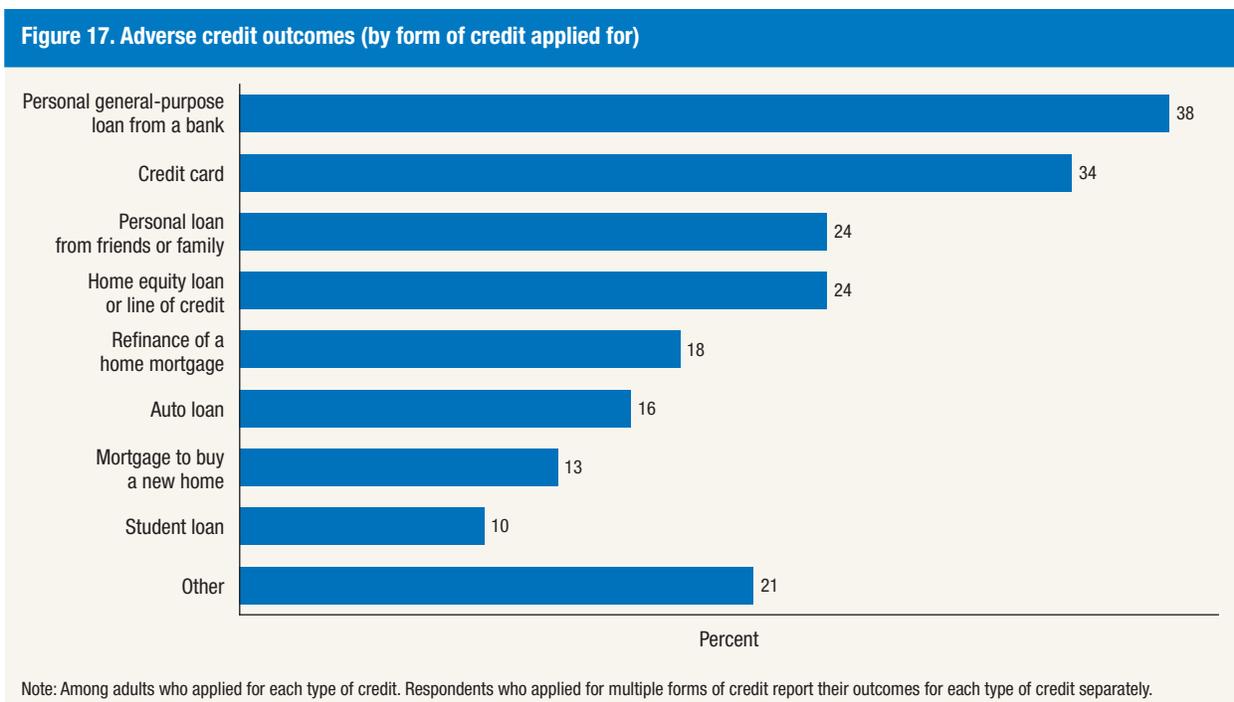


Table 19. Confidence that a credit card application would be approved (by family income and race/ethnicity)
Percent

Characteristic	Confident	Not confident	Don't know
Less than \$40,000			
White	65	25	10
Black	47	38	15
Hispanic	57	30	12
Overall	60	28	12
\$40,000–\$100,000			
White	89	9	2
Black	80	16	4
Hispanic	78	16	6
Overall	86	11	3
Greater than \$100,000			
White	96	2	1
Black	86	9	4
Hispanic	95	4	0
Overall	95	3	2
All incomes			
White	83	12	5
Black	64	26	10
Hispanic	70	21	8
Overall	78	15	6

Note: "Confident" includes people reporting that they are either very confident or somewhat confident.

Although some people are forgoing credit applications because they expect a denial, most adults (78 percent) are confident that they could obtain a credit card if they were to apply for one. Those with low incomes are substantially less confident about being approved than those with high incomes (table 19). Additionally, credit perceptions differ by race and ethnicity, although these gaps may be at least partially attributable to other socioeconomic factors that also vary by race.²⁵ The patterns in 2017 are consistent with those seen in recent years.

Credit Cards

Overall, 83 percent of adults have at least one credit card, and the share with a credit card is higher among those with higher incomes, more education, or who are white (table 20). These credit cards can be

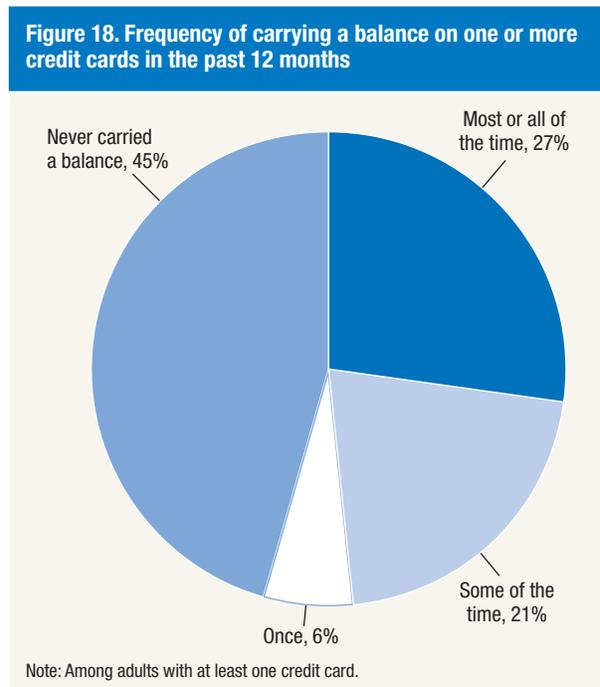
²⁵ In a regression controlling for marital status, age, education, income, employment status, region, and urban/rural residence, the difference in confidence between black and white adults and between Hispanic and white adults remains significant.

Table 20. Has at least one credit card (by family income, education, and race/ethnicity)

Characteristic	Percent
Income	
Less than \$40,000	65
\$40,000–\$100,000	91
Greater than \$100,000	97
Education	
High school degree or less	73
Some college or associate degree	81
Bachelor's degree or more	95
Race/ethnicity	
White	87
Black	70
Hispanic	76
Overall	83

used as a convenient way to pay for purchases or as a way to borrow money by carrying balances from one month to the next.

Among those with a credit card, about half always or almost always paid their bill in full each month, while 2 in 10 did so some of the time and slightly over one-fourth carried a balance most of the time (figure 18). Twenty-eight percent of those with a credit card paid only the minimum on their bill at least some of the time. The frequency of regular borrowing with credit cards during 2017 is similar to 2016.



Financial Management

Individuals use a wide range of approaches to manage their finances. Slightly over 7 in 10 adults keep track of their spending and over half follow a budget or spending plan. Also common is the use of technology to track or automate financial management. For example, 62 percent of adults use auto-pay for some bills; 52 percent get electronic account alerts; and 46 percent use automatic saving (table 21). While the frequency of budgeting is similar by income, lower-income individuals are less likely to use automatic bill payments or automatic savings withdrawals.

Younger adults are more likely to use newer technology in their financial management than older adults. Among those who track their spending or follow a budget, two-thirds of adults ages 18 to 29 use an electronic tool, such as a spreadsheet or mobile app, while 61 percent over age 60 use a paper-based tool, such as checkbook (table 22).²⁶

²⁶ New technologies are also used for interactions with banks and credit unions. For example, young adults are more likely than

Table 21. Financial management techniques

Technique	Percent
Follow a budget	53
Track spending	73
Review paper statements or bills	70
Automatic bill payment	62
Save for periodic expenses	55
Get account alerts	52
Automatic savings transfers	46
Use cash or a prepaid card to avoid overdrafts	26
Pay bills with a budget payment plan	18

Note: Respondents can select multiple answers.

older individuals to use mobile banking and are less likely to have spoken with a bank teller in the past year. For additional discussion of mobile banking see Ellen Merry, "Mobile Banking: A Closer Look at Survey Measures," Finance and Economics Discussion Series Notes (Washington: Board of Governors of the Federal Reserve System, March 27, 2018).

Table 22. Method of budgeting or tracking spending (by age)

Percent

Budgeting method	18–29	30–39	40–49	50–59	60+	Overall
Electronic methods						
Electronic program through a bank	41	39	38	35	39	38
Nonbank program (e.g., online service, software, or mobile app)	18	20	19	14	11	16
Spreadsheet	29	27	28	21	18	24
Overall	64	63	63	55	55	59
Paper-based system						
Paper-based system	32	33	42	51	61	46
Other	3	2	2	2	3	2

Note: Among adults who follow a budget or spending plan or track their spending. Respondents can select multiple answers.

Housing and Neighborhoods

Three-quarters of adults were satisfied with their neighborhood in 2017, and a similar share were satisfied with their house or apartment. However, satisfaction was notably lower in low-income communities. As one example of strain, nearly half of renters requested a repair from their landlord, and 18 percent of renters had moderate or substantial difficulty getting their landlord to complete a repair. Three percent of renters experienced an eviction during the previous two years.

Living Arrangements

Living arrangements are important for family finances and well-being. Sixteen percent of adults were living alone in 2017, and over half were living in a household solely with their spouse or partner and/or children under age 18 (referred to as a nuclear family). The remaining one-third of adults have living arrangements with other people that extend beyond the traditional concept of a nuclear family. Twelve percent of adults live with their parents, 10 percent live with an adult child not in school, 10 percent live with extended family members, and 5 percent live with roommates (table 23).

Over a quarter of young adults ages 25 to 29, and slightly more than 1 in 10 in their 30s, live with their

Table 23. People living in household

Category	Percent
Live alone	16
Spouse or partner	66
Children under age 18	28
Adult children (all in school full time)	5
Adult children (at least one not a full-time student or unknown)	10
Parents	12
Extended family	10
Roommates	5
Other	1

Note: With the exception of living alone, respondents can select multiple answers.

parents (table 24). Hispanics in their late 20s are more likely to live with their parents (45 percent) than similarly aged blacks (27 percent) or whites (21 percent). A substantial majority of people living with their parents say that saving money is a reason for the living arrangement. As people age, however, the financial relationship flips for some families. Over two-fifths of young adults in their late 20s provide financial assistance to their parents; twice that seen among those in their early 20s. Moreover, nearly one-third choose this living arrangement at least in part to care for sick or elderly relatives.

Housing

For housing, 66 percent of adults own a home, 25 percent rent, and 8 percent have some other arrangement. Renters, on average, are younger and have lower incomes than homeowners. Among those with family incomes under \$40,000, less than half of people own their home (table 25).

The median monthly rent is between \$750 and \$1,000, and among low-income renters whose income is below \$40,000 per year, the median monthly rent is between \$500 and \$750. Seven in 10

Table 24. Reasons for living with parents among young adults (by age)

Category	18–21	22–24	25–29	30–39
Percent living with parents	68	52	28	11
Reason for living with parents				
To save money	69	87	84	71
To provide financial assistance	23	17	42	52
To care for sick or elderly relatives	10	9	30	42
To receive assistance with child care	4	1	13	12
For companionship/prefer living with others	43	35	42	35

Note: Among adults who live with their parents. Respondents can select multiple reasons for living with others.

Table 25. Housing tenure (by age and family income)
Percent

Characteristic	Own	Rent	Neither own nor rent
Age			
18–24	18	36	46
25–29	36	47	17
30–39	60	34	6
40–49	71	25	4
50–59	79	17	3
60+	83	15	2
Family income			
Less than \$40,000	43	39	17
\$40,000–\$100,000	74	22	4
Greater than \$100,000	89	10	1
Overall	66	25	8

Note: “Other” includes people who live in a house that neither they nor their spouse own without paying rent.

broken appliance, during the year prior to the survey, and one-fourth experienced at least some difficulty working with their landlord to get the repair done. Just under one-fifth of all renters (or 39 percent of those who requested a repair) experienced moderate or substantial difficulty. The share reporting any difficulty with repairs is basically unchanged from 2016, although more now report moderate or substantial challenges.

Among renters requesting a repair from their landlord, white renters are more likely to say that those repairs were completed without difficulty. Slightly over half of whites requesting a repair had no problems getting it completed, compared to 35 percent of black renters and 43 percent of Hispanic renters who requested a repair. This gap largely reflects more black and Hispanic renters having a little difficulty, rather than more serious difficulties (figure 19).

low-income renters spend more than 30 percent of their monthly income on rent, which is the standard for housing affordability used by the Department of Housing and Urban Development.²⁷

One way to assess rental quality is whether the landlord makes repairs promptly.²⁸ Nearly half of renters requested at least one repair, such as a leak or a

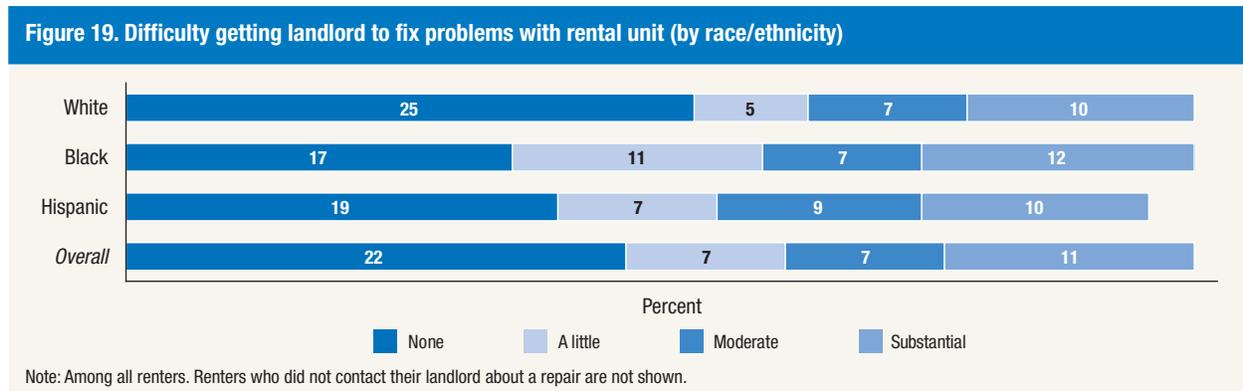
Eviction is a less common, but more acute, sign of strain among renters and among those who previously rented but now rely on others for housing. Three percent of all non-homeowners were evicted or moved because of the threat of eviction in the past two years—which represents 9 percent of all non-homeowners who moved from another rental unit over this time. This frequency of eviction is unchanged from the 2015 to 2016 period. These evictions are somewhat more common in urban than rural areas, contributing to 9 percent of recent moves in urban areas versus 6 percent in rural areas.

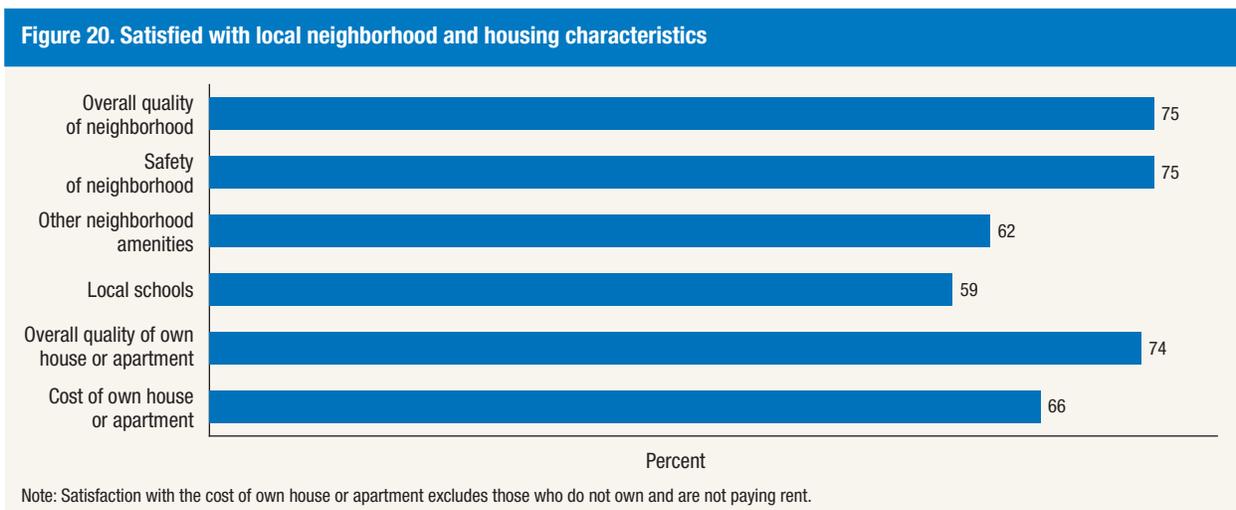
²⁷ Rent-to-income ratios are calculated based on the midpoints of the ranged income and rent responses. Renters who report no income are excluded. Alternatively, when including those reporting no income, 73 percent of low-income renters have rent burdens over this threshold. See Jeff Larrimore and Jenny Schuetz, “Assessing the Severity of Rent Burden on Low-Income Families,” Finance and Economics Discussion Series Notes (Washington: Board of Governors of the Federal Reserve System, December 22, 2017) for a discussion of rent burdens among low-income families.

²⁸ Matthew Desmond, *Evicted: Poverty and Profit in the American City* (New York: Crown, 2016) highlights the challenges of rental housing repairs among low-income renters.

Neighborhoods

Where to live and whether to buy a home are influenced by several factors, including where someone grew up, neighborhood amenities, and housing costs.





Reflecting low rates of geographic mobility, nearly half of adults live within 10 miles of where they went to high school (see [box 3](#) for a discussion of geographic mobility). But most people are generally happy with where they live. Overall, three-fourths of people are satisfied (either somewhat or very) with the quality of their neighborhood, and a similarly high share are satisfied with the quality of their home or apartment. Most are also satisfied with specific aspects of their neighborhood—including local schools, safety, and other amenities ([figure 20](#)).

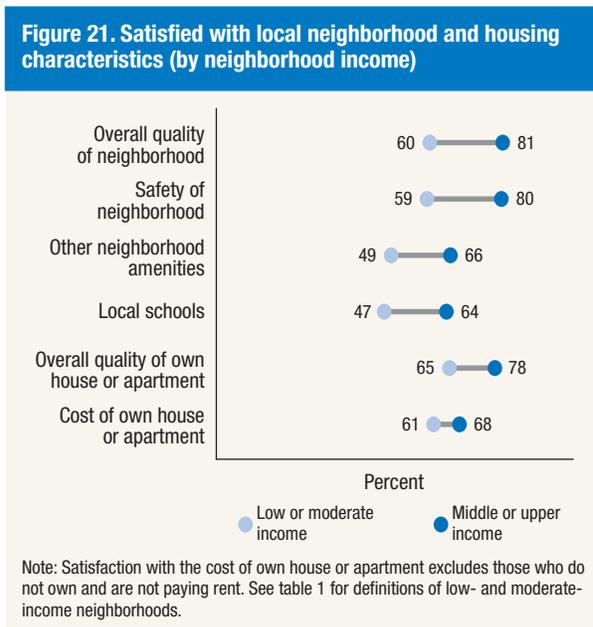
The rate of overall neighborhood satisfaction is slightly higher among urban residents (76 percent) than rural residents (72 percent). Additionally, adults living in low- and moderate-income neighborhoods are much less likely to be satisfied with their neighborhood (60 percent) than those in middle- and upper-income communities (81 percent).²⁹ Satisfaction with specific amenities, such as the quality of local schools, also varies with neighborhood income ([figure 21](#)).

Neighborhood satisfaction is also lower among blacks and Hispanics than among whites, due in part

²⁹ Low- and moderate-income neighborhoods are census tracts with median family income less than 80 percent of the national median income. Middle- and upper-income neighborhoods are those with family median income above the threshold. Neighborhood designations are calculated with the five-year averages from the 2012–16 American Community Survey. An alternate definition of low- and moderate-income neighborhoods based on average incomes relative to the surrounding area, rather than relative to national averages, produces similar results.

to differences in their own incomes and those of their neighborhoods. Eight in 10 whites are satisfied with their neighborhood, compared to two-thirds of blacks and Hispanics who are satisfied. The racial/ethnic gaps in neighborhood satisfaction extend to specific amenities, including local schools and safety ([table 26](#)).

In evaluating the desirability of neighborhoods, people focus on different amenities that are most important to their lifestyle. The importance of some specific amenities varies by age. People of all ages think that it is at least moderately important to have



a grocery store in their neighborhood and to have shops or restaurants nearby. However, while a local bank or credit union is important to those of all ages, it is less important to younger age cohorts than it is to those over age 60. Similarly, older age groups consider it more important to have a church or place of worship nearby. Conversely, younger adults—and especially those ages 30 to 39—place a higher premium on local parks and playgrounds than do older individuals (table 27).

The importance of neighborhood amenities also differs across urban and rural environments. Rural residents place a greater importance on a local church or place of worship than urban residents, but are less likely than urban residents to cite each of the other amenities considered as important to their location decision (figure 22).

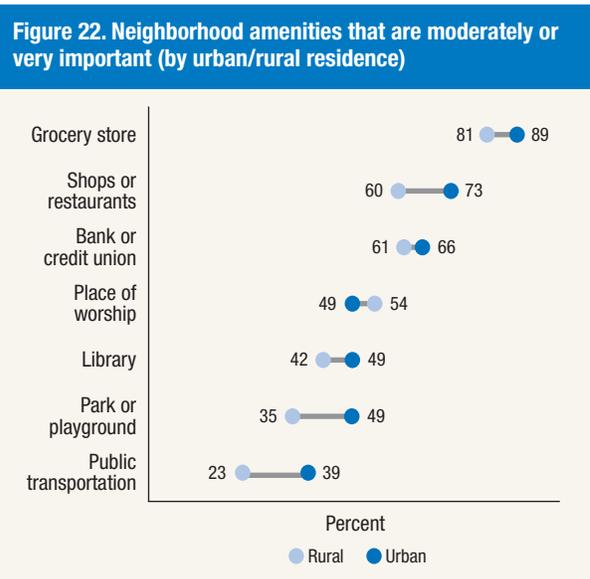


Table 26. Satisfied with local neighborhood and housing characteristics (by race/ethnicity)

Percent

Characteristic	White	Black	Hispanic	Overall
Overall quality of neighborhood	80	66	66	75
Safety of neighborhood	80	64	65	75
Other neighborhood amenities	64	56	56	62
Local schools	62	54	55	59
Overall quality of own house or apartment	78	68	66	74
Cost of own house or apartment	70	61	60	66

Note: Satisfaction with the cost of own house or apartment excludes those who do not own and are not paying rent.

Table 27. Neighborhood amenities that are moderately or very important (by age)

Percent

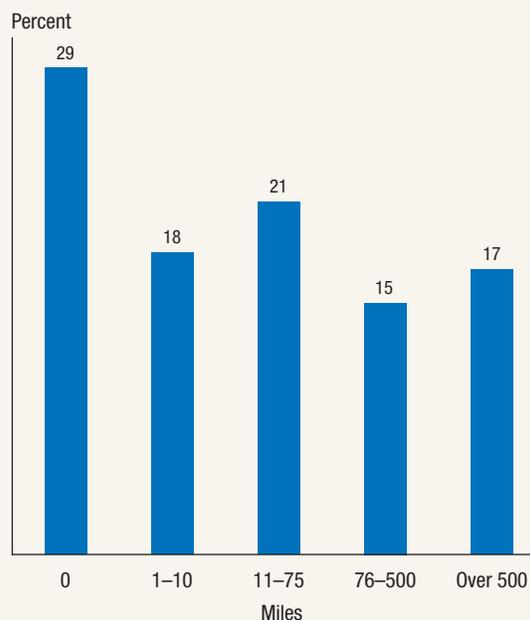
Category	18–29	30–39	40–49	50–59	60+	Overall
Grocery store	88	83	87	88	90	88
Shops or restaurants	72	67	69	72	72	71
Bank or credit union	63	55	60	68	74	65
Place of worship	43	44	46	53	58	50
Library	48	52	48	44	48	48
Park or playground	51	60	51	44	37	47
Public transportation	40	39	36	35	34	36

Box 3. Geographic Mobility, Neighborhood Characteristics, and Family Support

Over the past several decades, the rate at which Americans move—both short distances within states and longer distances across the country—has steadily fallen. This reduction in geographic mobility also fits within a pattern of less job switching, more generally, or reduced labor market fluidity, as documented by Molloy and coauthors (2016).¹ While the reasons for reduced geographic mobility remain an open question among researchers, evidence is mounting on the importance of local communities on individuals' economic outcomes. As one recent example, Chetty and coauthors (2014) have shown that upward income mobility from one generation to the next varies widely across the country and even within a single metro area.² This year's survey can also be used to study geographic mobility and to pair it with subjective assessments.

In order to gain insight into geographic mobility, respondents are asked to provide their location when they started high school, which can then be mapped against their current place of residence.³ The distance in miles between the ZIP code where individuals currently live and the ZIP code where they were living in high school is calculated for each survey respondent.⁴ As figure A shows, almost 3 in 10 adults (age 22 and older) still live in the same ZIP

Figure A. Distance of current residence from ZIP code in high school



Note: Among adults age 22 and older.

code as where they started high school, and nearly half live within 10 miles. Those who have moved farther away from home are split fairly evenly between distances of 11 to 75 miles, 76 to 500 miles, and more than 500 miles.

A major predictor of whether individuals move away from their hometown is their level of education. Three-fifths of adults with a bachelor's degree live more than 10 miles away from where they grew up, versus two-fifths of those who have a high school degree or less. Those who move also have greater levels of income, which is consistent both with their

¹ Raven Molloy, Christopher L. Smith, Riccardo Trezzi, and Abigail Wozniak, "Understanding Declining Fluidity in the U.S. Labor Market," *Brookings Papers on Economic Activity* (Spring 2016), pp. 183–237.

² Raj Chetty, Nathaniel Hendren, Patrick Kline, and Emmanuel Saez, "Where Is the Land of Opportunity? The Geography of Intergenerational Mobility in the United States," *Quarterly Journal of Economics* 129 (December 2014): 1553–1624.

³ The ZIP code of the current residence is available for all respondents, while the ZIP code of high school residence is available for roughly three-quarters of respondents. The analysis in this box is limited to individuals with both a current and high school ZIP code. Perhaps reflecting that ZIP codes were not introduced until 1963, older respondents are less likely to provide the ZIP code of their high school and will therefore be underrepresented in this analysis. Information on geographic location for individuals is not included in the public-access data set to maintain the privacy of the respondents.

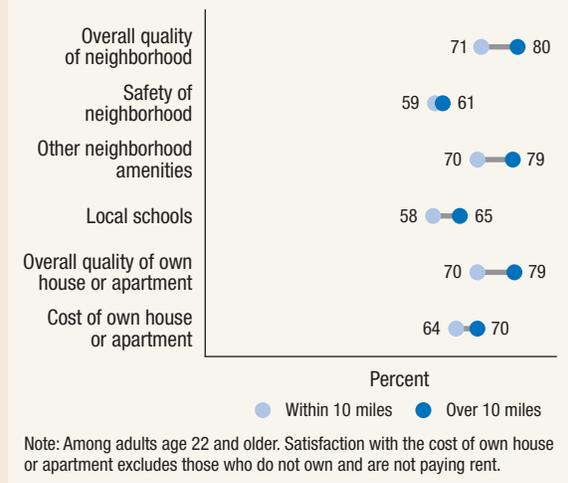
⁴ Distance is calculated by matching each ZIP code to latitude and longitude coordinates and then imputing distance using Austin Nichols's Vincenty package in Stata: Austin Nichols "VINCENTY: Stata Module to Calculate Distances on the Earth's Surface," Sta-

tistical Software Components S456815 (2003), Boston College Department of Economics, revised February 16, 2007.

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Box 3. Geographic Mobility, Neighborhood Characteristics, and Family Support—continued

Figure B. Satisfied with local neighborhood and housing characteristics (by distance currently living from where lived in high school)



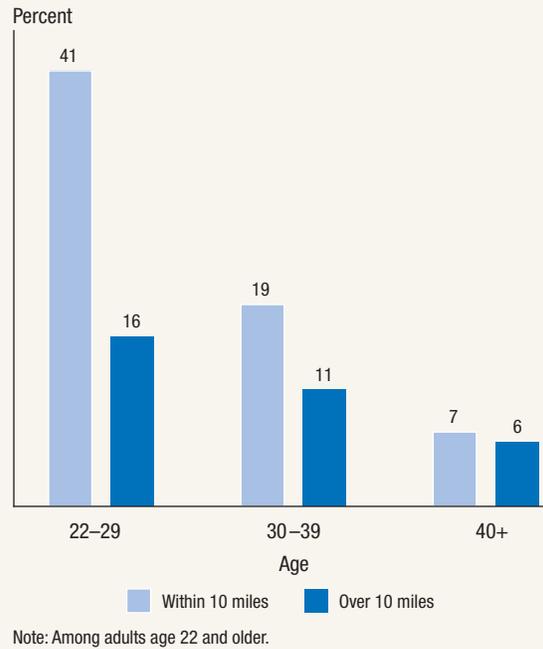
higher education levels and with moving to seek out better economic opportunities.

An additional reason to move away from home would be to live in a community that better fits an individual’s preferences and needs than the community that his or her parents had chosen for themselves. While the majority of adults are satisfied with the overall quality of their current neighborhood, those who have moved away from where they grew up are more satisfied with their neighborhood and their housing than those who stayed close to home (figure B).

According to a study by the Pew Research Center (2008), family ties are one of the main reasons that people are reluctant to move away from their hometown.⁵ Likewise, this year’s survey shows a similar

⁵ D’Vera Cohn and Rich Morin, *Who Moves? Who Stays Put? Where’s Home?* (Washington: Pew Research Center, December 17, 2008), www.pewsocialtrends.org/files/2010/10/Movers-and-Stayers.pdf.

Figure C. Receiving financial support from outside the home or living with others without paying rent (by age and distance currently living from where lived in high school)



pattern. Among young adults, in particular, these family ties often come with important financial support. Forty-one percent of young adults (ages 22 to 29) living within 10 miles of where they went to high school either receive financial support from outside their home or are living with others without paying rent (figure C). Young adults who have moved farther away are less likely to receive such support. Financial support from others also declines with age, particularly for those living close to home. These data highlight how family ties and financial support are linked with mobility decisions as individuals enter adulthood.

Higher Education

A college education is widely recognized as a path to higher income and greater financial well-being. In fact, two-thirds of graduates from private not-for-profit and public institutions view the benefits of their own education as larger than the costs. To those who started college but did not complete their degree, and to those who attended private for-profit institutions, the net benefits of their additional education are less clear cut.

Value of Higher Education

Among all adults, 7 in 10 have ever enrolled in some educational degree program beyond high school and one-third have received a bachelor's degree. Economic well-being rises with education. Associate degree holders are somewhat more likely to be at least doing okay financially than those with some college or less, although a larger increase is associated with a completion of a bachelor's degree (figure 23).

Among those who have attended college, just over half say that the lifetime financial benefits of their higher education exceed the financial costs, versus one in five who say the costs are higher. The rest see

the benefits as about the same as the costs. These self-assessments of education have changed little since the question was first asked in 2014.

The self-assessed value of higher education, while generally positive, depends on several aspects of a person's educational experience. Most importantly, those who complete their program and receive a degree are more likely to see net benefits than non-completers. For example, among those who attended college but are not enrolled and did not complete at least an associate degree (referred to in this section as having no degree), only one in three say their education was worth the cost. This fraction jumps to 46 percent for those with just an associate degree and 67 percent among those with at least a bachelor's degree (table 28).

The value of higher education also differs by type of institution attended.³⁰ Over 60 percent of graduates

³⁰ Individuals do not self-report the type of institution in the survey. Instead, the institution type is assigned by matching the name and location of the college reported by the individual with data from the Center on Postsecondary Research at the Indiana University School of Education.

Figure 23. At least doing okay financially (by education)

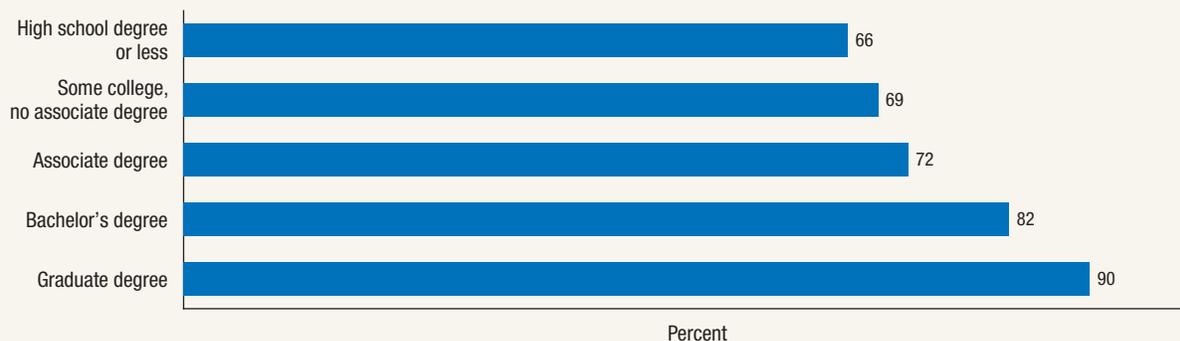


Table 28. Self-assessed value of higher education (by education level)
Percent

Education	Benefits larger	About the same	Costs larger
Some college, no degree	32	38	26
Associate degree	46	34	19
Bachelor's degree or more	67	18	14

Note: Among adults who attended college.

of bachelor's degree programs from public and not-for-profit institutions see benefits greater than the costs, versus less than 40 percent of graduates from for-profit institutions (figure 24). Because the survey collects information about specific schools, they can also be placed on a selectivity spectrum, based on standardized test scores, established by the Carnegie Classification.³¹ Using this measure, public and not-for-profit institutions that are classified as less selective also outperform for-profit institutions as a whole on perceived value. After excluding selective and more selective institutions, 54 percent of graduates from public or not-for-profit schools still say the benefits of their education outweigh the costs, well above the share of graduates from for-profit institutions with this view.

³¹ Selective institutions, as defined by the Carnegie Classification, are those whose first-year students' test scores are in the middle two-fifths of baccalaureate institutions; more selective institutions are in the top fifth of baccalaureate institutions. See also "Carnegie Classification of Institutes of Higher Education," web page, <http://carnegieclassifications.iu.edu/>.

The self-assessed value of higher education also varies by field of study (figure 25). Among those who completed a bachelor's degree, the share reporting benefits larger than costs range from 86 percent for engineering to 46 percent for vocational or technical fields.

Older adults are more likely to report net benefits from their education than are younger individuals. Nearly 8 in 10 people age 50 or older with a bachelor's degree say that the lifetime benefits of their degree are larger than the costs, versus about half of those under age 30. The age profile of self-assessment is similar to that from when the question was first asked in 2014 (figure 26). However, the age differences could either reflect smaller net benefits from education among younger graduates or the fact that younger graduates have not had enough time to fully experience the financial benefits of their education.

Look Back on Education Decisions

Most people value the education they have, yet with the benefit of hindsight and life experience, it is also common to think that different educational decisions would have been better. Among those without a college degree, almost three-quarters would like to have completed more education, and 13 percent would rather have completed less education in general or not have attended college (table 29). This strong desire for additional education is similarly true among those who feel that the education they received did not pay off.

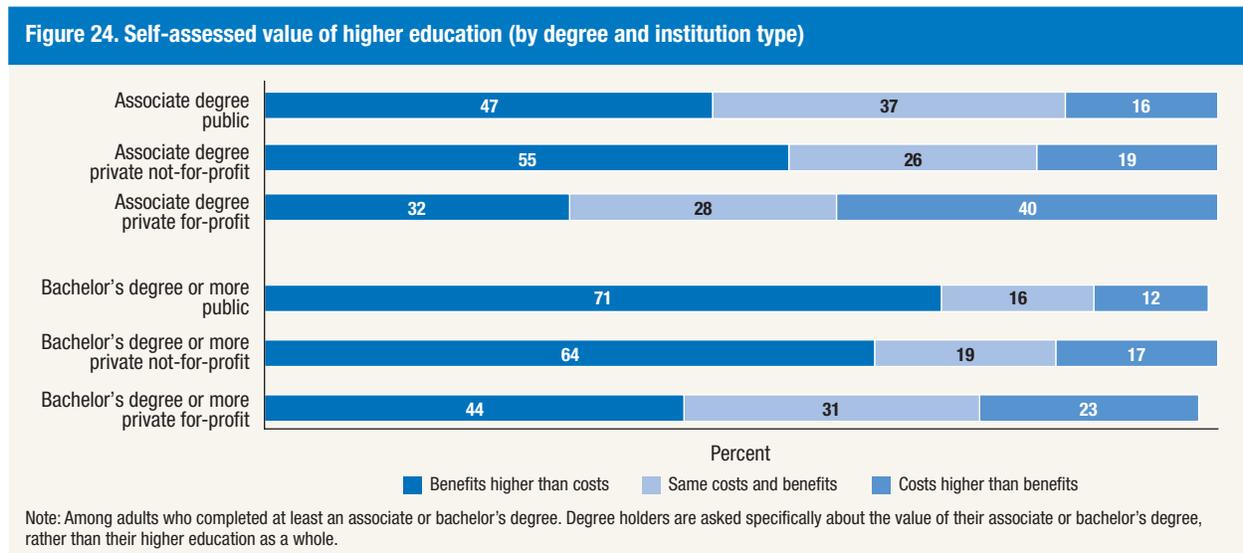
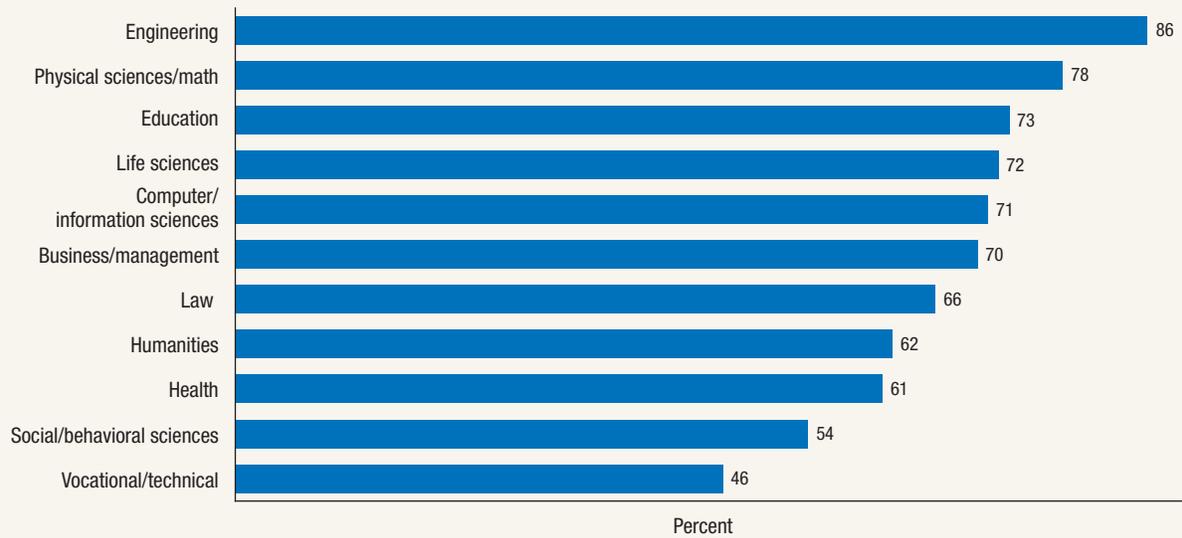


Figure 25. Benefits of education outweigh costs (by field of study)

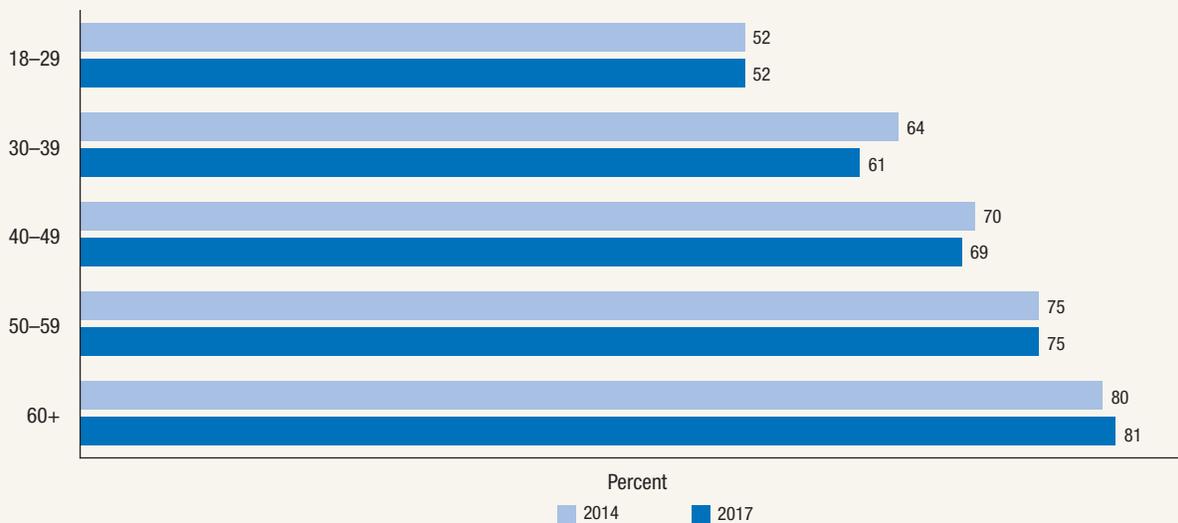


Note: Among adults who completed at least a bachelor's degree.

Likewise, among those who completed at least an associate degree, the most common desired change (44 percent) is to have completed more education. Seven percent of those with an associate degree and 5 percent of those with at least a bachelor's degree would like to have had less education.

The reassessment of education decisions also varies by the type of institution attended. Just over half of those who attended a for-profit institution say they would like to have attended a different school, versus one-fourth of those attending a private not-for-profit institution and less than one-fourth of those attend-

Figure 26. Lifetime financial benefits of bachelor's degree exceed the costs (by age and survey year)



Note: Among adults who completed at least a bachelor's degree. 2014 is the earliest year for which data are available.

Table 29. Changes would make now to earlier education decisions (by education)
Percent

Change	No degree	Associate degree	At least a bachelor's degree
Completed more education	74	67	37
Not attended college or less education	13	7	5
Chosen a different field of study	39	34	37
Attended a different school	34	25	21

Note: Among adults who completed at least some college. Degree denotes at least an associate degree or a bachelor's degree. Respondents can select multiple answers.

ing a public institution (figure 27). This difference remains even after accounting for the selectiveness of the institution, level of education completed, and demographic characteristics of the student.

College Attendance

Having parents with additional education noticeably increases one's own likelihood of obtaining a college degree. Among young adults (ages 22 to 29) who have a parent with a bachelor's degree, 71 percent received a bachelor's degree themselves, whereas 7 percent have a high school degree or less

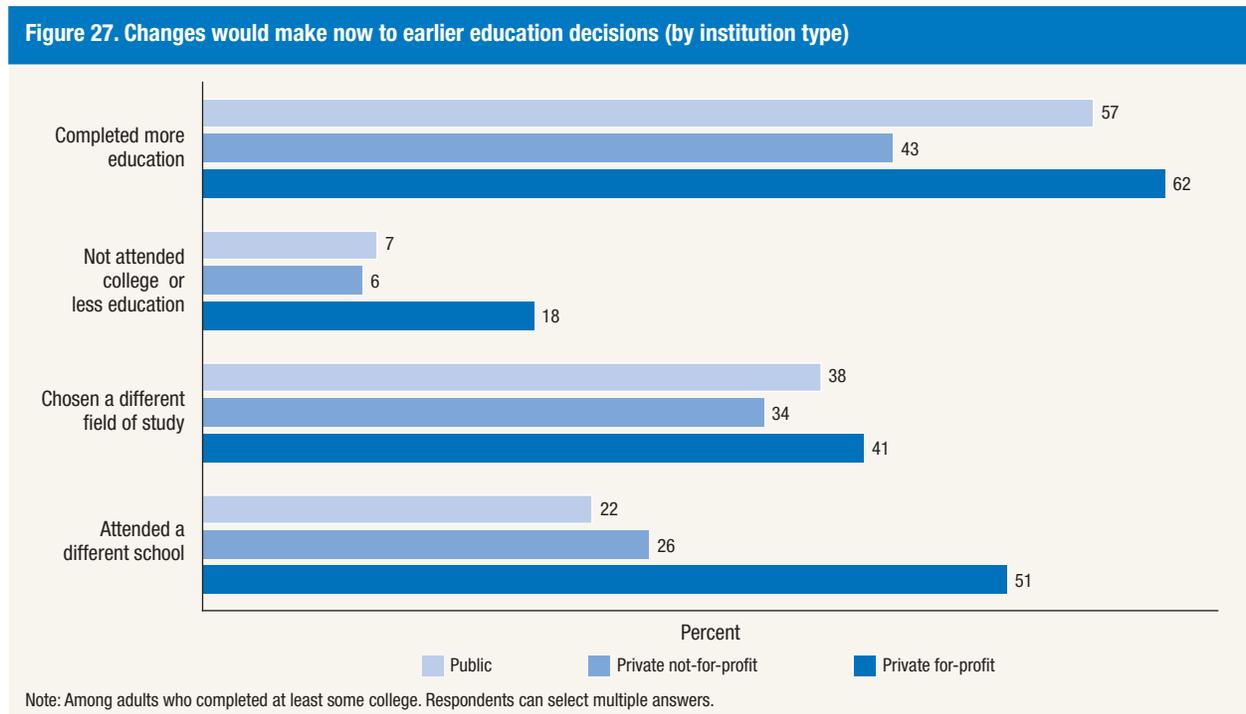
(figure 28).³² In contrast, over half of young adults whose parents' education ended with high school also received a high school degree or less, and 19 percent obtained a bachelor's degree.

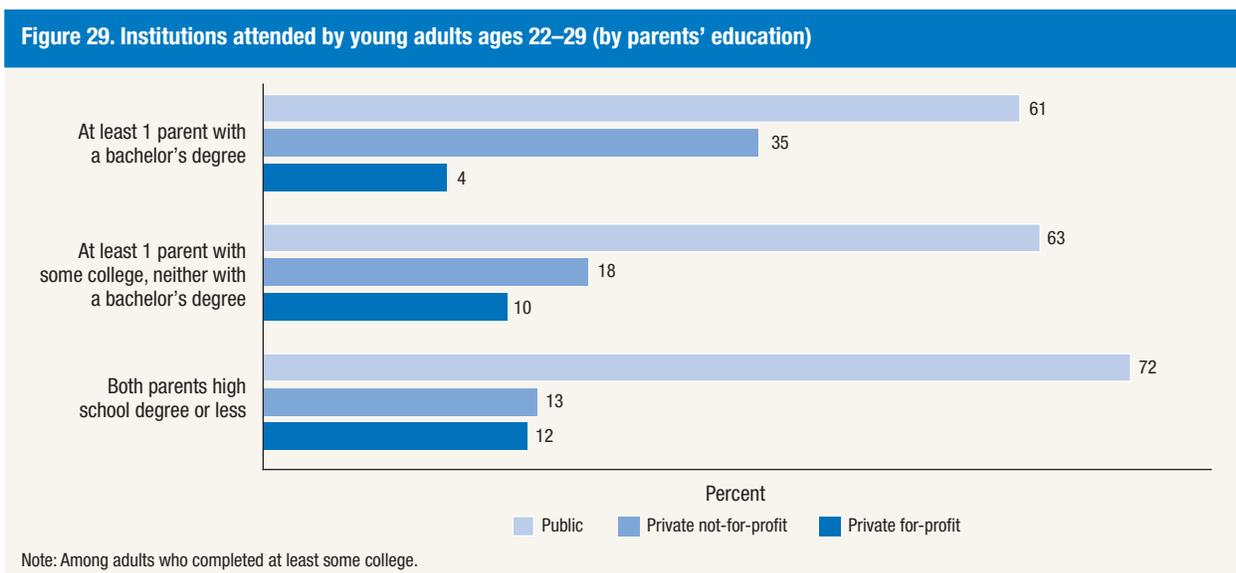
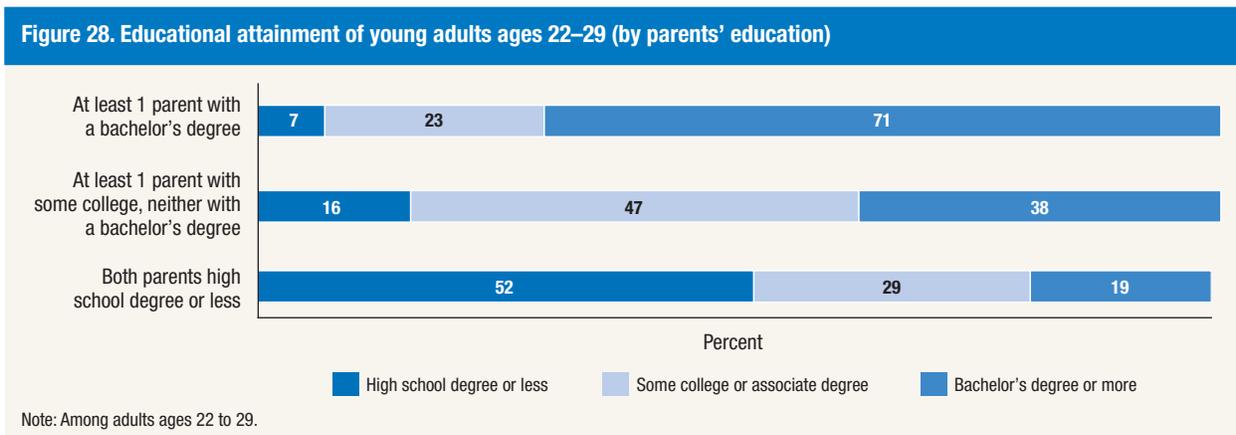
The type of institution attended also varies with parental education. Young adults whose parents did not attend college are much more likely to attend a private for-profit institution than those who have a parent with a bachelor's degree—12 percent versus 4 percent, respectively (figure 29).³³

Notable differences in types of institution attended also exist by the race and ethnicity of the student. Five percent of white young adults who attended college went to a for-profit institution, whereas among black and Hispanic college-goers the rate is nearly three times higher (figure 30). Differences in the quality of institutions attended likely contribute to disparities in financial well-being by race and

³² Individuals ages 18 to 21 are excluded here from the category "young adults" to reflect that many individuals in that age cohort have not yet completed their education. Results are also similar with a larger age exclusion to account for those continuing their education up through age 24.

³³ This gap is wider among people currently in their 30s, among whom nearly one-fourth of those with parents who did not go to college attended a for-profit, versus 5 percent of those with a parent who has a bachelor's degree.





ethnicity, even within educational groups, as discussed elsewhere in this report.

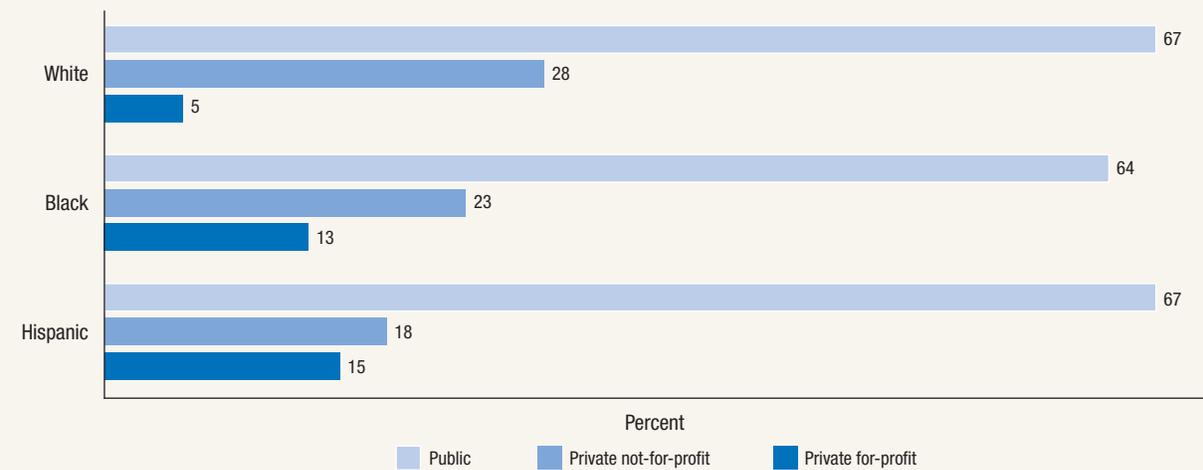
No College Degree

A wide range of reasons including financial costs, life events, or a lack of interest can explain why some people do not attend college or complete a degree. Financial considerations, including tuition being too expensive or a need to earn money, are the most common reasons, collectively affecting two-thirds of those who did not attend college and nearly three-

fifths who did not complete their degree (table 30). A lack of interest in college, a desire to work, or family responsibilities such as child care were also important factors for some.

In some cases, women and men have different reasons for not completing a college degree. For example, women are much more likely than men to cite family responsibilities as a factor. In contrast, men are more likely than women to indicate a lack of interest in college or a desire to work instead of pursuing more education (table 31).

Figure 30. Institutions attended by young adults ages 22–29 (by race/ethnicity)



Note: Among adults who completed at least some college.

Table 30. Reasons for not attending college or not completing college degree

Reason	Did not attend college	Did not complete degree	Overall
Financial considerations			
Too expensive	37	32	34
Needed to earn money	29	41	36
Did not think benefits outweighed costs	22	14	17
Family responsibilities			
Child care responsibilities	14	19	17
Supported or cared for parents or siblings	6	5	6
Lack of interest in college, desire to work			
Simply was not interested in college	31	17	22
Wanted to work	36	22	27
Educational ability			
Was not admitted	1	n/a	1
Low grades	n/a	11	11

Note: Among adults who did not attend college and are under age 30 or who went to college in the past decade but did not complete their degree and are not currently enrolled in school. Respondents can select multiple answers.
n/a Not applicable.

Table 31. Reasons for not attending college or not completing college degree (by gender)

Reason	Men	Women
Financial considerations		
Too expensive	33	34
Needed to earn money	36	36
Did not think benefits outweighed costs	19	15
Family responsibilities		
Child care responsibilities	9	25
Supported or cared for parents or siblings	6	5
Lack of interest in college, desire to work		
Simply was not interested in college	25	19
Wanted to work	34	20
Educational ability		
Was not admitted	*	2
Low grades	14	9

Note: Among adults who did not attend college or who went to college but did not complete their degree and are not currently enrolled in school. Respondents can select multiple answers.

* Less than 1 percent.

Student Loans

Over half of young adults who went to college took on some debt, including student loans, for their education. Repayment of this debt can be challenging.

In 2017, one-fifth of those with education debt were behind on their payments. Individuals who did not complete their degree or who attended a for-profit institution are more likely to struggle with repayment than those who took on large amounts of debt but completed a degree from a public or not-for-profit institution.

Overview

Forty-two percent of those who attended college, representing 30 percent of all adults, have incurred at least some debt from their education. This includes 22 percent who still owe money and 20 percent who have already repaid their debt. Adults under the age of 30 who attended college are more likely to have taken out loans than older adults, consistent with the upward trend in educational borrowing over the past several decades (figure 31).³⁴

Many forms of debt are used to finance education. Student loans are by far the most common form, held by 94 percent of those with their own education debt outstanding. In addition, 30 percent have some other form of debt for their education, including 25 percent who have borrowed with credit cards, 6 percent with a home equity line of credit, and 7 percent with some other form.³⁵ The typical

amount of education debt in 2017 among those with any outstanding was between \$20,000 and \$25,000.³⁶

Almost 3 in 10 adults with outstanding education debt are not currently required to make payments on their loans. Such deferments are common for those still in college. Of those who are making payments, the typical monthly payment is between \$200 and \$300 per month.

Education debt is also taken out to assist family members with their education (either through a co-signed loan with the student or a loan taken out independently). Although this is less frequent than borrowing for one's own education, 4 percent of adults owe money for a spouse's or partner's education and 5 percent have debt that paid for a child's or grandchild's education. Similar to debt outstanding for the borrower's education, debt for a child's or grandchild's education can be in forms other than a student loan (table 32).

Student Loan Payment Status

Among those with outstanding student loans from their own education, 20 percent were behind on their payments in 2017. This rate is up slightly from 19 percent in 2016 and 18 percent in 2015.

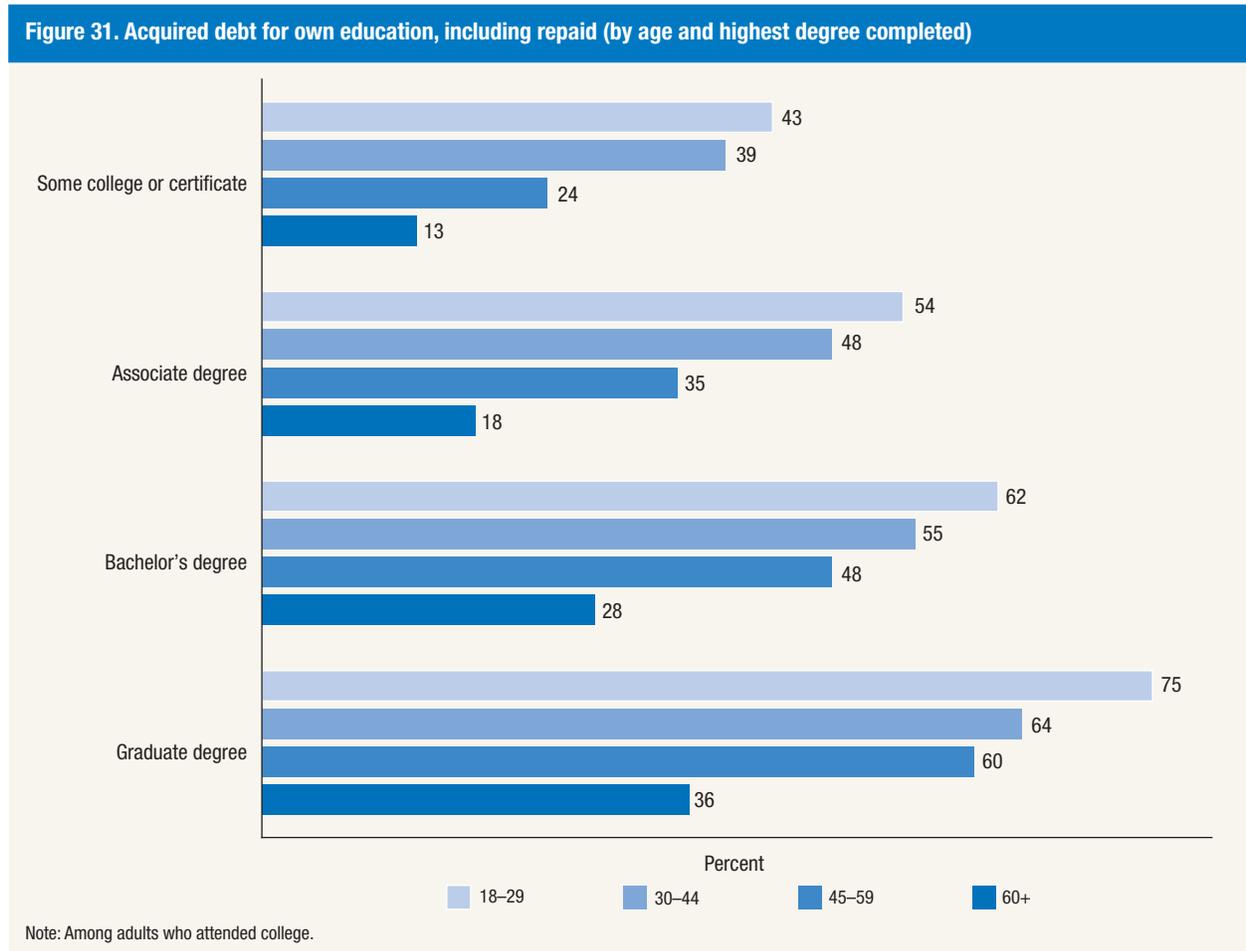
Those who did not complete their degree are the most likely to be behind on payments. Over one-third with student loans outstanding and less than an associate degree are behind versus one-quarter of borrowers with an associate degree.³⁷ The delin-

³⁴ Student loan borrowing has declined since its peak in 2010–11 but remains substantially above the levels from the mid-1990s (Sandy Baum, Jennifer Ma, Matea Pender, and Meredith Welch, *Trends in Student Aid 2017* (New York: The College Board, 2017), www.trends.collegeboard.org/sites/default/files/2017-trends-student-aid.pdf).

³⁵ Respondents who indicate that they have other debt for their education are asked to specify its form. Among those who provide additional specificity to this follow-up question, the most common responses are auto loans, personal loans, or borrowing from relatives.

³⁶ Education debt levels and monthly payments are asked in ranges rather than exact dollar amounts.

³⁷ The rate of being behind on payments for those with some college, a certificate, or a technical degree who are behind on their payments includes respondents who report that their highest degree is a high school degree or less who report that they are behind. These respondents likely incurred debt for higher education, but given their lack of completion of a higher degree, still consider their highest level of education to be their high school education.



quency rate is even lower among borrowers with a bachelor's degree (11 percent) or graduate degree (5 percent).

Since the level of education rises with debt levels, those with more debt often have less difficulty with repayments. Twenty-seven percent of borrowers with less than \$10,000 of outstanding debt, and 20 percent of those with between \$10,000 and \$25,000 of debt, are behind on their payments. Among those with \$100,000 of debt or more, the fraction who are behind is 13 percent.

Table 32. Type of education debt (by whose education funded)

Percent

Form of debt	Own education	Child's/ grandchild's education
Student loan	94	82
Credit card	25	22
Home equity loan	6	14
Other loan	7	7

Note: Among adults who have at least some debt outstanding for their own education or a child's or grandchild's education. Some people have more than one type of debt.

Excluding those who have already repaid their student loans could overstate difficulties with repayment. The remainder of this section therefore considers the repayment status of all borrowers, including those who have completely repaid their loan. Among those who ever incurred debt from their education, 11 percent are currently behind on their payments, 42 percent have outstanding debt and are current on their payments, and 47 percent have completely paid off their loans.

Borrowers who were first-generation college students are more likely to be behind on their payments than those with a parent who completed college.³⁸ Among borrowers under age 30, first-generation college students are four times as likely to be behind on their payments as those with a parent who completed a bachelor’s degree (figure 32).

are much more likely than white borrowers to be behind on their loan repayment and are less likely to have repaid their loans (figure 33). These patterns partly reflect differences in rates of degree completion and subsequent wages.

Difficulties with repayment also vary across race and ethnicity. Black and Hispanic education borrowers

Repayment status also differs by the type of institution attended. Nearly one-fourth of borrowers who attended for-profit institutions are behind on student loan payments, versus 9 percent who attended public institutions and 6 percent who attended nonprofit institutions (table 33).

³⁸ First-generation college students are defined here as those who do not have at least one parent who completed a bachelor’s degree.

Figure 32. Payment status of loans for own education (by parents’ education and current age)

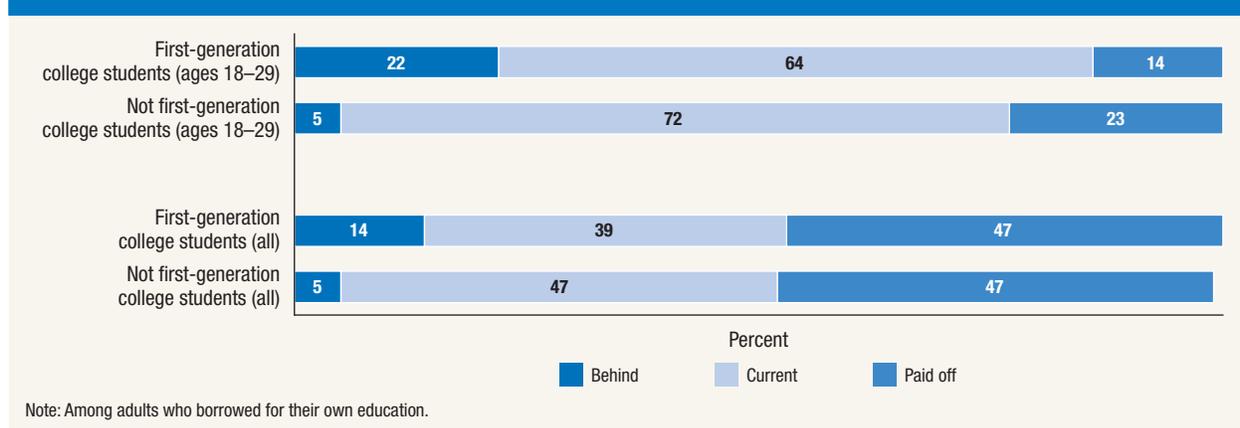


Figure 33. Payment status of loans for own education (by current age and race/ethnicity)

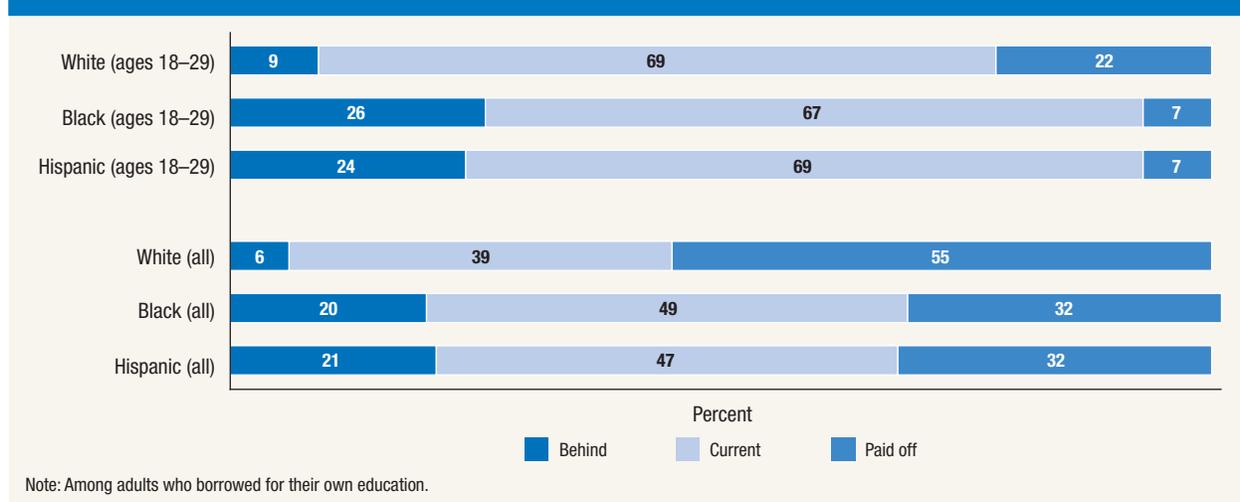


Table 33. Payment status of loans for own education (by institution type)

Percent

Institution type	Behind	Current	Paid off
Public	9	43	49
Private not-for-profit	6	42	53
Private for-profit	23	46	31
Overall	10	43	48

Note: Among adults who borrowed to pay for their own education.

Greater difficulties with loan repayment among attendees of for-profit institutions may partly reflect

the lower returns on these degrees.³⁹ It could also relate to differences in the educational backgrounds of students. Test scores of first-year students, a measure of admissions selectivity (also used in the “Higher Education” section), tend to be lower at for-profit institutions than at public or nonprofit institutions. However, even when selective schools are excluded, a gap in repayment remains.

³⁹ See David J. Deming, Claudia Goldin, and Lawrence F. Katz, “The For-Profit Postsecondary School Sector: Nimble Critters or Agile Predators?” *Journal of Economic Perspectives* 26, no. 1 (Winter 2012): 139–64, for a discussion of the rates of return by education sector.

Retirement

Many adults are struggling to save for retirement, and less than two-fifths feel that they are on track with their savings. While preparedness for retirement increases with age, concerns about inadequate savings are still common for those near retirement age. Additionally, many with self-directed retirement savings are not comfortable managing the investments.

Retirement Savings

Less than two-fifths of non-retired adults think their retirement savings plan is on track, whereas over two-fifths think it is not on track and about one-fifth are not sure. In fact, one-quarter of the non-retired indicate that they have no retirement savings or pension whatsoever.

Among those who do have retirement savings, a defined contribution plan, such as a 401(k) or 403(b) plan, is most common. Over half of non-retirees have money in this form (figure 34). These accounts are more than twice as frequent as traditional defined benefit pension plans, which are held by 26 percent of non-retirees.

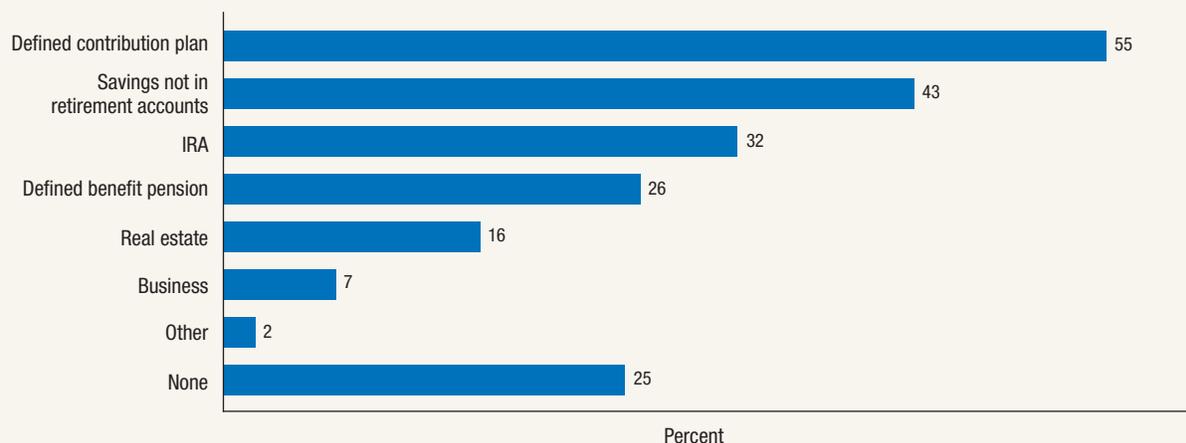
Older adults are more likely to have retirement savings and to view their savings as on track than younger adults. Nevertheless, even among non-retirees in their 50s and 60s, one in eight lacks any retirement savings and less than half think their retirement savings are on track (figure 35).

Additionally, retirement savings vary substantially by race and ethnicity. White non-retirees are 14 percentage points more likely than black non-retirees to have any retirement savings, and they are 18 percentage points more likely to view their retirement savings as on track (figure 36).⁴⁰

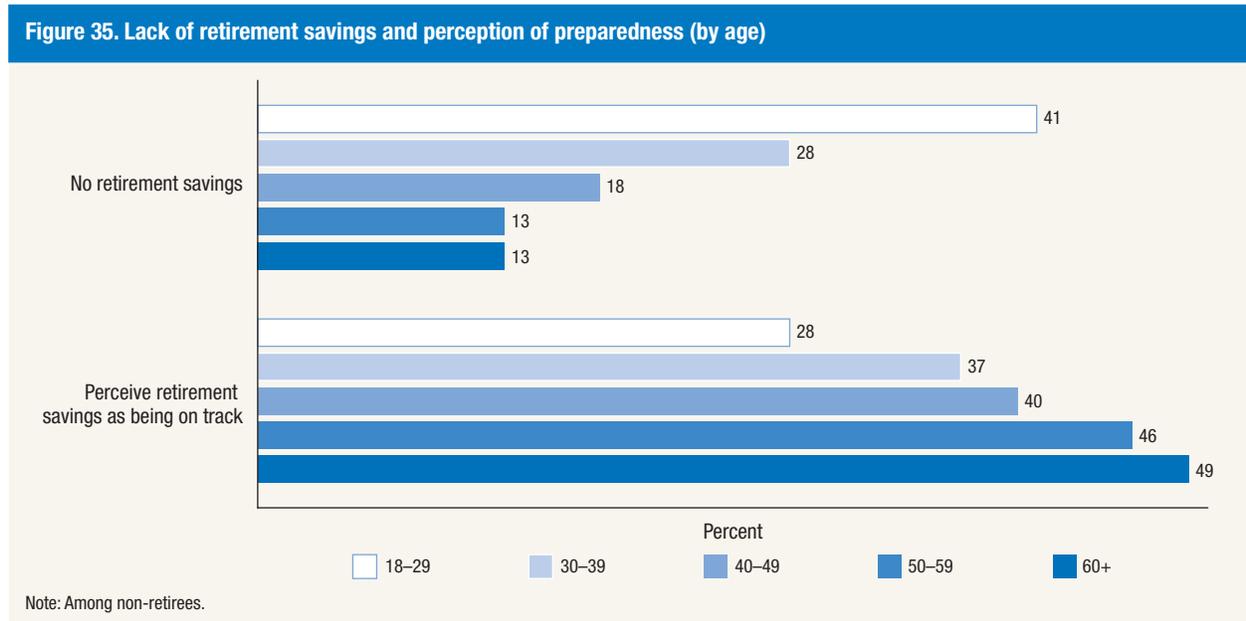
Self-assessments of retirement preparedness vary with the amount of current savings and time remaining until retirement. Among young adults under age 30, people typically believe that their savings are on track if they have at least \$10,000 set aside for retirement (figure 37). The amount of savings needed for a majority to think they are on track increases as

⁴⁰ Blacks and Hispanics are younger than whites, on average, which contributes to these racial and ethnic gaps. However, even within age cohorts, substantial differences remain in retirement savings.

Figure 34. Forms of retirement savings among non-retirees



Note: Among non-retirees. Respondents can select multiple answers.



people near retirement, rising to at least \$100,000 of retirement savings among those age 40 and older. Approximately 9 in 10 people with at least \$500,000 of retirement savings think that they are on track, regardless of their age.

Some people withdraw money from their retirement accounts early for purposes other than retirement, despite the fact that they may incur a substantial tax penalty. Overall, 5 percent of non-retirees have borrowed money from their retirement accounts in the past year, 4 percent have permanently withdrawn funds, and 1 percent have done both. Those who have withdrawn early are less likely to view their retirement savings as on track than those who have not—27 percent versus 39 percent (figure 38).

Financial Literacy and Comfort Investing

Among those with self-directed retirement savings, including 401(k)s, IRAs, and savings outside of formal retirement accounts, comfort in managing these investments is mixed. Three-fifths of non-retirees with these accounts have little or no comfort managing their investments.

On average, women of all education levels and less-educated men are less comfortable managing their retirement investments (figure 39). While 60 percent of men with at least a bachelor’s degree are largely comfortable making these investment decisions,

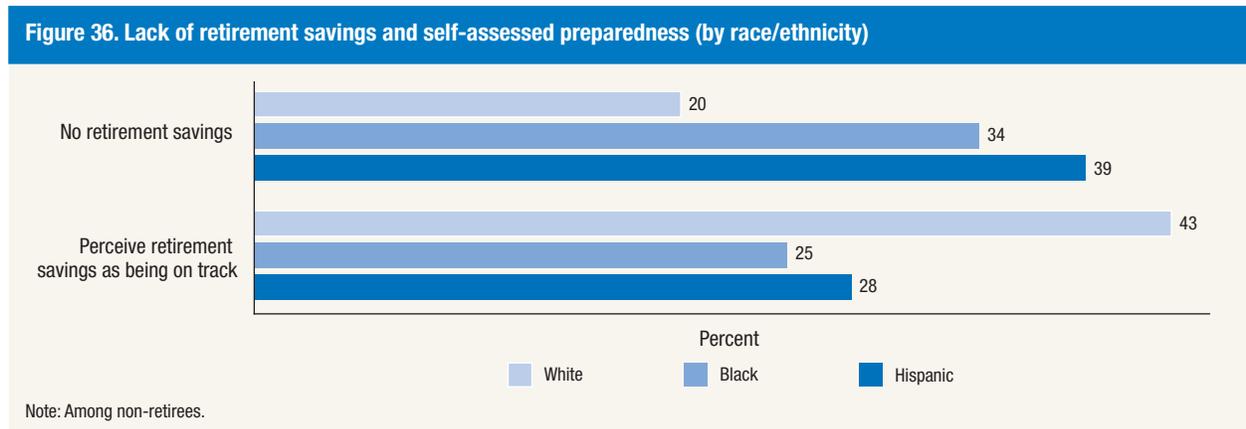
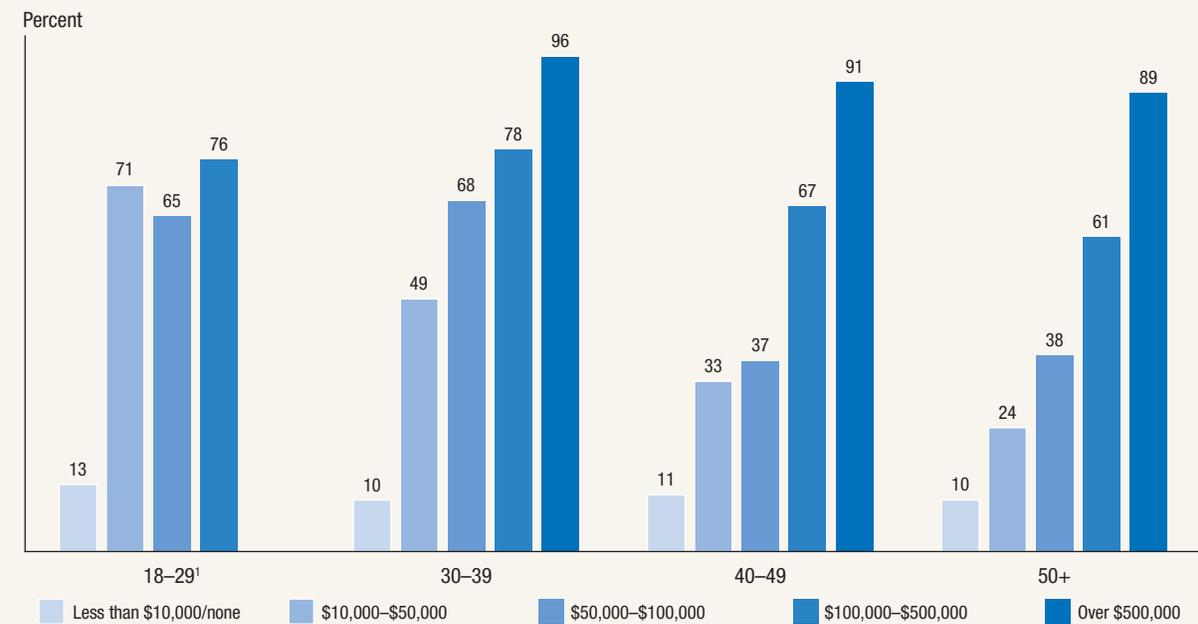


Figure 37. Retirement savings are on track (by age and amount of savings for retirement)



Note: Among non-retirees.

¹ Respondents ages 18 to 29 with over \$500,000 saved for retirement are excluded due to the small sample size.

41 percent of men with a high school degree or less are comfortable. Among women with any level of education, investment comfort is lower than among similarly educated men. Thirty-five percent of women with a bachelor’s degree are comfortable managing their investments. Women’s comfort with their investments also rises less with education than men’s.

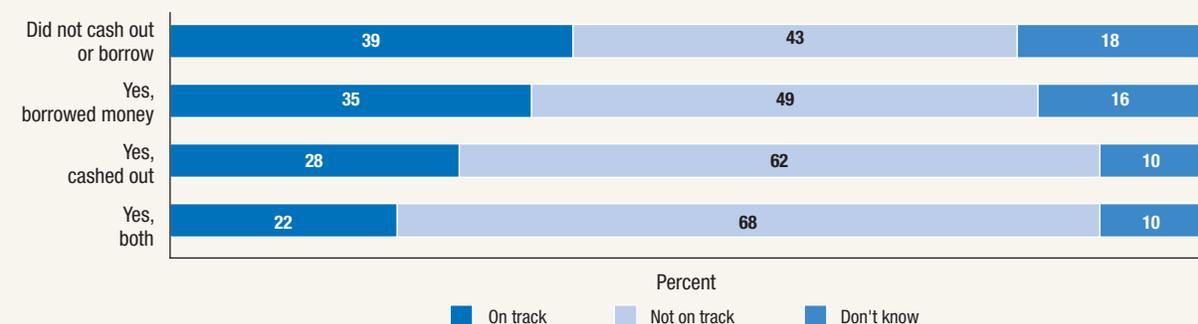
Expressed comfort in financial decisionmaking may or may not correlate with actual knowledge about how to do so. To assess actual financial literacy, respondents are asked five basic questions about

finances (table 34).⁴¹ The average number of correct answers is 2.8 with one-fifth of adults getting all five correct.

The average number of correct financial literacy questions is higher for those who are generally com-

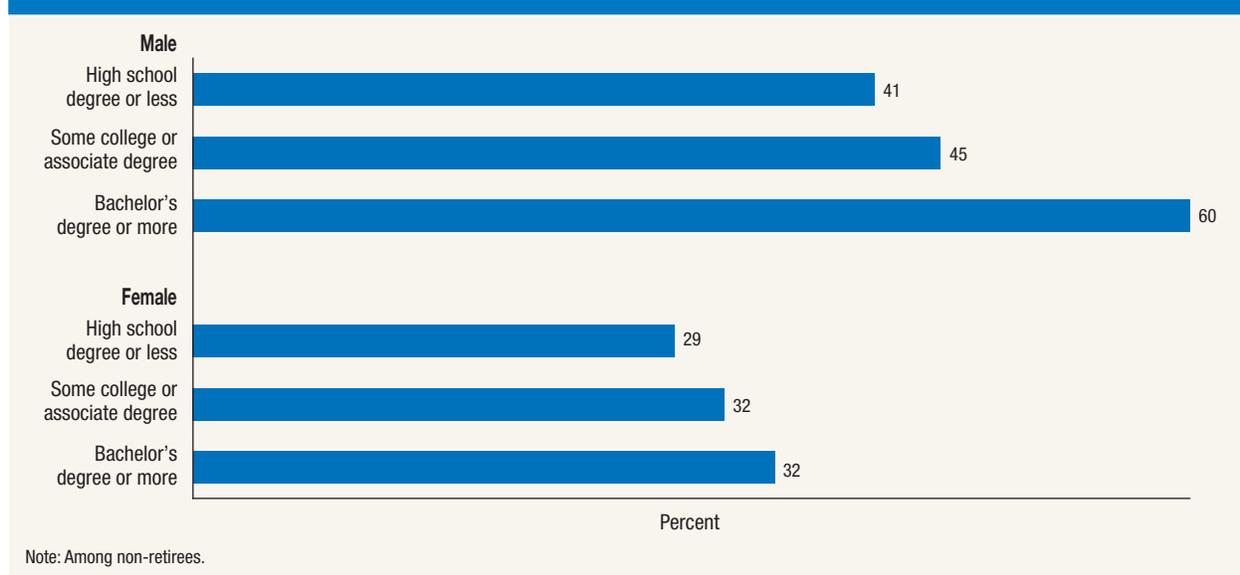
⁴¹ Three of these questions are the “big 3” financial literacy questions developed by Annamaria Lusardi and Olivia Mitchell (see “Financial Literacy around the World: An Overview,” *Journal of Pension Economics and Finance* 10, no. 4 (2011): 497–508, <https://doi.org/10.1017/S1474747211000448>). Of just those three questions, people answered 60 percent of questions correctly, on average.

Figure 38. Perception that retirement savings are on track (by borrowing and withdrawing from retirement savings accounts)



Note: Among non-retirees.

Figure 39. Mostly or very comfortable investing self-directed retirement savings (by gender and education)



fortable with managing their retirement accounts (3.5 questions) than those who have savings but limited comfort (2.9 questions) (table 35). Notably, the number of incorrect answers does not vary with investment comfort. Instead, the number of “don’t know” responses falls as investment comfort rises.

and 64.⁴² Average retirement ages differ by race and ethnicity, with black and Hispanic retirees more likely to have retired before age 62 (58 percent and 55 percent, respectively) than white retirees (48 percent).

Retirement

Half of retirees in 2017 retired before age 62, and an additional one-fourth retired between the ages of 62

⁴² This discussion of current retirees considers everyone who reports that they are currently retired, even if they also indicate that they still are working in some capacity. Sixteen percent of retirees indicate that they are still working—either for themselves or for someone else. Analysis of the ages retired excludes those who don’t know.

Table 34. Financial literacy questions

Question	Correct	Incorrect	Don't know or no answer
Housing prices in the United States can never go down? [True or False]	60	19	22
Buying a single company's stock usually provides a safer return than a stock mutual fund? [True or False]	46	4	50
Considering a long time period (for example, 10 or 20 years), which asset described below normally gives the highest returns? [Stocks , Bonds, Savings accounts, Precious metals]	42	20	37
Imagine that the interest rate on your savings account was 1% per year and inflation was 2% per year. After 1 year, how much would you be able to buy with the money in this account? [More than today, Exactly the same, Less than today]	62	12	25
Suppose you had \$100 in a savings account and the interest rate was 2% per year. After 5 years, how much do you think you would have in the account if you left the money to grow? [More than \$102 , Exactly \$102, Less than \$102]	71	12	16
Average score	56	13	31

Note: Correct answers provided in bold. “Don’t know” includes individuals who did not provide an answer. For each question, less than 2 percent of respondents did not reply.

Table 35. Financial literacy (by retirement savings and comfort investing)
Number of answers out of five

Investment comfort and presence of retirement savings	Correct	Incorrect	Don't know
Has self-directed retirement savings	3.2	0.6	1.2
Mostly or very comfortable investing	3.5	0.6	0.8
Not or slightly comfortable investing	2.9	0.6	1.5
No self-directed retirement savings	2.4	0.7	1.8
Retired	3.0	0.6	1.4
Overall	2.8	0.7	1.5

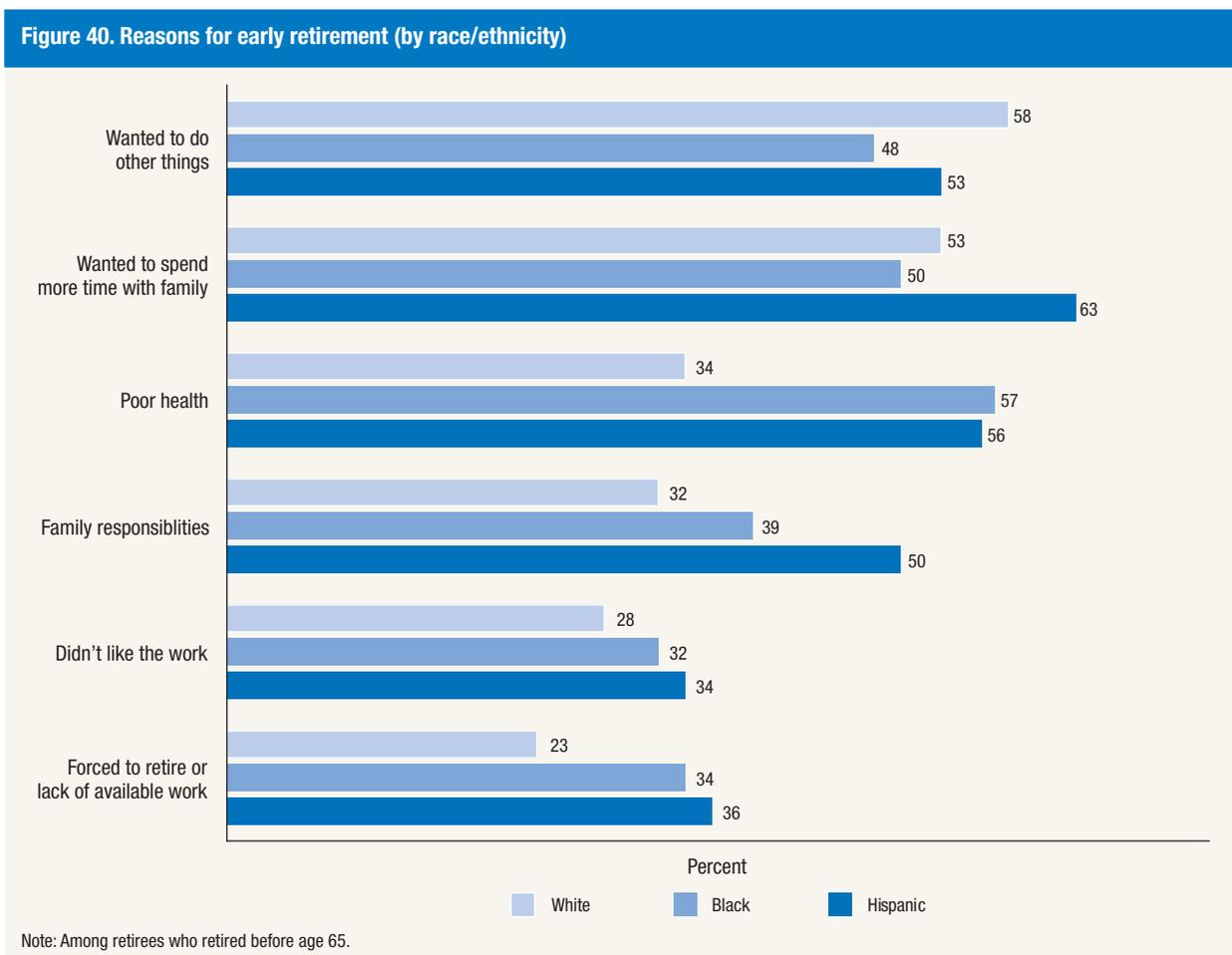
Table 36. Reasons for when to retire (by age retired)
Percent

Reason	Don't know	61 or earlier	62-65	65+
Wanted to do other things	48	56	62	61
Wanted to spend more time with family	54	52	57	57
Poor health	63	39	31	27
Family responsibilities	52	33	33	30
Didn't like the work	32	30	28	26
Forced to retire or lack of available work	38	23	26	25

Note: Among retirees. Respondents can select multiple answers.

In choosing when to retire, a desire to do other things than work or to spend time with family were the most common factors. In addition, two-fifths of retirements before age 62—and one-third between ages 62 and 64—involved poor health as a contributing factor. About one-fourth of those who retired before age 65 said the lack of available work contributed to their decision (table 36).

Among blacks and Hispanics who retired early, health concerns are a more common factor than among white early retirees (figure 40). Conversely, whites who retired early are more likely to have retired, at least in part, because they wanted to do other things than work.



For income in retirement, 86 percent of retirees in 2017 receive Social Security benefits (table 37). Fifty-six percent draw on a defined benefit pension, and 58 percent use savings from an IRA, 401(k), or other defined contribution plan. The types of retirement savings for current retirees differs substantially from non-retirees, for whom defined contribution plans are much more common than defined benefit pensions.

The sources of retirement income also differ by race and ethnicity. Black and Hispanic retirees are less likely than whites to have self-directed savings. In aggregate, 71 percent of black retirees and 66 percent of Hispanic retirees are drawing from at least some private retirement savings (other than employment during retirement and relying on family), compared to 86 percent of white retirees.

Table 37. Sources of funds in retirement (by race/ethnicity)
Percent

Source of funds	White	Black	Hispanic	Overall
Social Security	89	83	73	86
Defined benefit pension	58	57	48	56
Savings outside a retirement account	59	33	33	53
IRA or 401(k)	65	38	41	58
Income from real estate	15	11	13	14
My spouse/partner has a job	32	35	33	32
I have a job	9	14	12	10
Income from a business	5	2	7	5
Relying on children or other family	3	4	8	4
Other retirement savings	22	9	18	20

Note: Among retirees. Respondents can select multiple answers.

Description of the Survey

The Survey of Household Economics and Decision-making (SHED) was fielded in November and December of 2017.⁴³ This is the fifth year of the survey, conducted annually in the fall of each year since 2013.⁴⁴

On average, the survey takes respondents 24 minutes (median time) to complete. The questions in the survey were written by staff of the Federal Reserve Board in consultation with other Federal Reserve System staff, outside academics, and professional survey experts.⁴⁵ In selecting questions, a priority is to provide new information on the financial experiences and challenges among low- and moderate-income populations. These questions are intended to complement and augment the base of knowledge from other data sources, including the Board's own Survey of Consumer Finances (SCF). In addition, some questions from other surveys are included to allow direct comparisons across datasets.⁴⁶ Most new survey questions were reviewed by survey design experts at NORC to improve comprehension and minimize potential confusion among respondents. The full survey questionnaire can be found in appendix A of the supplemental appendixes to this report (see www.federalreserve.gov/consumerscommunities/shed_publications.htm).

GfK, a private consumer research firm, administers the survey using its KnowledgePanel, a nationally

representative probability-based sample. GfK selects respondents into KnowledgePanel based on address-based sampling (ABS).⁴⁷ SHED respondents are then selected from this panel based on the criteria described below.

Survey Sample

The SHED sample is designed to be representative of adults ages 18 and older living in the United States. It includes a subset of respondents from the 2016 SHED ("re-interviewed respondents"), adults who did not participate in the previous year ("fresh respondents"), and an oversample of individuals with a household income less than \$40,000 per year ("lower-income oversample").

The respondents in the 2017 SHED had to agree to several separate decisions to participate. First, they agreed to participate in GfK's KnowledgePanel and complete an initial demographic profile survey. Second, they agreed to complete the 2017 SHED. Only 12 percent of individuals contacted to join KnowledgePanel agreed to join (recruitment rate), and 63.6 percent of these recruited participants completed the initial profile survey necessary to become a panel member (profile rate). Then, of the 22,355 panel members contacted to take the 2017 SHED, 12,246 participated, yielding a final-stage completion rate of 54.8 percent (table 38).⁴⁸ Taken together, the cumulative response rate is 4.2 percent.

GfK uses email reminders and small monetary incentives to encourage participation in the SHED. GfK sent two reminders to non-responders on the third and eleventh days in the field. GfK also maintains a

⁴³ The exact field dates were November 3 through November 18 and December 15 through December 24. The additional field dates in December were targeted at low-income and hard-to-reach populations in order to increase their participation.

⁴⁴ Data and reports of survey findings from all past years are available at www.federalreserve.gov/consumerscommunities/shed.htm.

⁴⁵ The survey instrument was also available for public comment through the Federal Reserve Board's website.

⁴⁶ For a comparison of results to select overlapping questions from the SHED and Census Bureau surveys, see Jeff Larrimore, Maximilian Schmeiser, and Sebastian Devlin-Foltz, "Should You Trust Things You Hear Online? Comparing SHED and Census Bureau Survey Results," Finance and Economics Discussion Series Notes (Washington: Board of Governors of the Federal Reserve System, October 15, 2015).

⁴⁷ Prior to 2009 respondents were also recruited using random-digit dialing.

⁴⁸ Of the 12,246 respondents who completed the survey, 59 were excluded from the analysis in this report due to either leaving responses to a large number of questions missing, completing the survey suspiciously quickly, or both. Hence, 12,187 respondents are included in the analysis in this report.

Table 38. Survey response statistics

Sample type	Number sampled	Completed responses	Completion rate (percent)
2016 re-interviews	2,913	2,305	79.1
Fresh cases	14,617	7,552	51.7
Lower-income oversample	4,825	2,389	49.5
Overall	22,355	12,246	54.8

modest incentive program with raffles and lotteries to encourage KnowledgePanel members to participate in surveys. Respondents receive a \$5 incentive for completing the SHED, in addition to the standard incentives offered by GfK.

Although the sample is designed to be nationally representative, some hard-to-reach populations will likely be excluded. Homeless populations are likely missed by address-based sampling, and non-English speakers may not participate in the survey conducted in English.⁴⁹ To better understand the effect of the language restriction, a portion of this year's survey was translated to Spanish and asked to a small sample of Spanish speakers. Box 4 discusses the results across the English and Spanish samples.

Survey Mode

While the sample is drawn using probability-based sample methods, the SHED is administered to respondents entirely online. Probability-based online interviews are less costly than telephone or in-person interviewing, and can still be an effective way to interview a representative population.⁵⁰ GfK's online panel offers some additional benefits. Their panel also allows the same respondents to be re-interviewed in subsequent surveys with relative ease, as they can be easily contacted for several years. Furthermore, internet panel surveys have numerous existing data points on respondents from previously

⁴⁹ For example, while the survey does weight to match the race and ethnicity of the entire U.S. adult population, there is evidence that the Hispanic population in the survey is somewhat more likely to speak English at home than the overall Hispanic population in the United States. Sixty-three percent of Hispanics who responded to the SHED speak Spanish at home, versus 73 percent of the overall Hispanic population who do so based on the American Community Survey. See table B16006 at factfinder.census.gov.

⁵⁰ David S. Yeager, Jon A. Krosnick, LinChiat Chang, Harold S. Javitz, Matthew S. Levendusky, Alberto Simpser, and Rui Wang, "Comparing the Accuracy of RDD Telephone Surveys and Internet Surveys Conducted with Probability and Non-Probability Samples," *Public Opinion Quarterly* 75, no. 4 (2011): 709–47.

administered surveys, including detailed demographic and economic information. This allows for the inclusion of additional information on respondents without increasing respondent burden. The respondent burdens are further reduced by automatically skipping irrelevant questions based on responses to previous answers.

The "digital divide" could bias participation in online surveys, so recruited panel members who do not have a computer or internet access are provided with a laptop and access to the internet to complete the surveys. Consequently, the raw distribution of KnowledgePanel mirrors that of U.S. adults fairly closely. Occasional disparities may occur in certain subgroups due to differential attrition rates among recruited panel members. Nonetheless, individuals who complete an online survey may have greater comfort or familiarity with the internet and technology than the overall adult population. For the 2017 SHED sample, 96 percent report that they or someone else in their household uses the internet at home. This is higher than the estimated three-quarters of adults reporting use of the internet at home in the July 2015 Computer and Internet Use Supplement to the Current Population Survey. This difference exists among both urban and rural respondents to the surveys. SHED respondents are also more likely than Current Population Survey respondents to use the internet at other locations, such as at work, suggesting that differences in internet usage across the surveys are due to different interests or comfort levels rather than availability.

Weighting

The selection methodology for the general population sample from KnowledgePanel ensures that the resulting samples behave as an equal probability of selection method (EPSEM) samples. This methodology starts by weighting the entire KnowledgePanel to the benchmarks in the latest March supplement of the Current Population Survey along several dimensions. This way, the weighted distribution of the KnowledgePanel matches that of U.S. adults. The geo-demographic dimensions used for weighting the entire KnowledgePanel include gender, age, race, ethnicity, education, census region, household income, home ownership status, and metropolitan area status.

Using the above weights as the measure of size (MOS) for each panel member, in the next step a

Box 4. Spanish-Language Sample

In the main SHED, the interview questions are all asked in English. People who are less fluent in English may, therefore, be less represented in the survey. To understand financial well-being among non-English speakers, in 2017 a subset of SHED questions were asked in Spanish to 260 additional respondents from GfK’s Spanish-language panel (“Spanish-language sample”).¹

Table A indicates some differences in the demographic characteristics of the two groups of Hispanic respondents. Hispanics interviewed in Spanish, on average, have lower incomes, less education, and are older than those interviewed in English. As discussed in the main report, ethnicity, income, education, and age are all used in weighting the survey data to be representative of the U.S. population. Therefore, by design, the combined sample of Hispanic respondents and the main SHED sample provide very similar estimates of the share of Hispanic adults with each of these demographic characteristics.

¹ A separate set of survey weights is used to combine this Spanish-language sample of Hispanics with the English-language SHED sample of Hispanics in the main survey report. With the weights, the combined responses are representative of the U.S. population.

Table A. Demographic characteristics of Hispanic respondents to SHED (by survey language)

Characteristic	Experimental survey of Hispanics (English and Spanish interviews)			Main survey sample of Hispanics (English interviews only)
	English-interview Hispanics	Spanish-interview Hispanics	Combined Hispanics	
Percent				
Family income				
Less than \$40,000	48	56	51	51
\$40,000–\$100,000	33	36	34	33
Over \$100,000	18	7	14	16
Education				
High school degree or less	45	69	53	50
Some college or associate degree	36	19	30	33
Bachelor’s degree or more	19	12	17	17
Age				
18–29	33	11	25	26
30+	67	89	75	74

Note: The English-language Hispanics weighted to match the Hispanic population represents the sample and weights used throughout this report.

(continued on next page)

probability proportional to size (PPS) procedure is used to select study specific samples. Since this survey includes a lower-income oversample, the departures caused by this oversample from an EPSEM design are corrected by adjusting the corresponding design weights accordingly with the Current Population Survey benchmarks serving as reference points.

Once the sample has been selected and fielded, and all the study data are collected and made final, a post-stratification process is used to adjust for any survey non-response as well as any non-coverage or under- and over-sampling resulting from the study specific sample design. The following variables were

used for the adjustment of weights for this study: age, gender, race, ethnicity, census region, residence in a metropolitan area, education, and household income. Demographic and geographic distributions for the noninstitutionalized, civilian population age 18 and over from the March Current Population Survey are used as benchmarks in this adjustment.

Although weights allow the sample population to match the U.S. population based on observable characteristics, similar to all survey methods, it remains possible that non-coverage or non-response results in differences between the sample population and the U.S. population that are not corrected using weights.

Box 4. Spanish-Language Sample—*continued*

The Hispanic respondents in the Spanish-language sample and the SHED sample also differ in their responses to survey questions (table B). Hispanics in the Spanish-language sample report lower levels of economic well-being and more financial distress than Hispanics who took the main survey in English. For example, 61 percent of Hispanics in the Spanish-language sample say they are at least doing okay financially, compared to 69 percent of those interviewed in English. Similarly, 47 percent of Spanish-language Hispanics would be able to pay all of their current month's bills if faced with an emergency \$400 expense, versus 55 percent of Hispanics interviewed in English. However, despite these differences, after weighting based on observable characteristics, the Hispanic sample who took the survey in English appears to reflect the Hispanic population as a whole across these measures.

Some differences between the English-language and combined samples remain when using survey weights. The share engaging in online gig work is somewhat lower for the combined sample of Hispanic respondents than is seen among just the SHED sample of Hispanic respondents who took the survey in English, whereas the share having problems with landlords and the share lacking a bank account are somewhat higher. As a result, readers of this report should keep in mind the potential for additional differences between the largely English-speaking population completing this survey and those with other language preferences that are less likely to be represented.

Table B. Selected survey measures among Hispanic respondents to SHED (by survey language)

Percent

Characteristic	Experimental survey of Hispanics (English and Spanish interviews)			Main survey sample of Hispanics (English interviews only)
	English-interview Hispanics	Spanish-interview Hispanics	Combined Hispanics	
At least doing okay financially	69	61	66	66
Dealing with emergencies				
Pay \$400 emergency using cash or equivalent	47	45	46	45
Could pay current month's bills in-full after \$400 expense	55	47	52	52
Gig economy employment				
Online gig activities	18	12	16	19
Offline gig activities	25	27	26	25
Any gig work	36	35	36	36
Rental experience				
Any challenge getting landlord to fix problems in rental unit (among renters)	24	33	28	25
Bank status				
Unbanked	11	23	15	11
Underbanked	25	26	25	26

Note: The English-language Hispanics weighted to match the Hispanic population represents the sample and weights used throughout this report.



www.federalreserve.gov

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EXHIBIT O



As of July 1, 2019 data.census.gov is now the primary way to access Census Bureau data, including the latest releases from the 2018 American Community Survey and 2017 Economic Census and the upcoming 2020 Census and more. American FactFinder will be decommissioned in 2020.

Read more about the [Census Bureau's transition to data.census.gov](https://www.census.gov/newsroom/2018-07-01).

GCT1701

PERCENT OF PEOPLE BELOW POVERTY LEVEL IN THE PAST 12 MONTHS (FOR WHOM POVERTY STATUS IS DETERMINED) - United States -- States; and Puerto Rico
Universe: Population for whom poverty status is determined
2013-2017 American Community Survey 5-Year Estimates

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities, and towns and estimates of housing units for states and counties.

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the [Technical Documentation](#) section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the [Methodology](#) section.

Geography: ▼

1
-
53
of
53

Geographic Area	Percent	Margin of Error
United States	14.6	+/-0.1
Alabama	18.0	+/-0.2
Alaska	10.2	+/-0.4
Arizona	17.0	+/-0.2
Arkansas	18.1	+/-0.3
California	15.1	+/-0.1
Colorado	11.5	+/-0.2
Connecticut	10.1	+/-0.2
Delaware	12.1	+/-0.4
District of Columbia	17.4	+/-0.5
Florida	15.5	+/-0.1
Georgia	16.9	+/-0.2
Hawaii	10.3	+/-0.3
Idaho	14.5	+/-0.4
Illinois	13.5	+/-0.1
Indiana	14.6	+/-0.2
Iowa	12.0	+/-0.2
Kansas	12.8	+/-0.2
Kentucky	18.3	+/-0.3
Louisiana	19.6	+/-0.3
Maine	12.9	+/-0.3
Maryland	9.7	+/-0.1
Massachusetts	11.1	+/-0.1
Michigan	15.6	+/-0.1
Minnesota	10.5	+/-0.1
Mississippi	21.5	+/-0.3
Missouri	14.6	+/-0.2
Montana	14.4	+/-0.3
Nebraska	12.0	+/-0.3
Nevada	14.2	+/-0.3
New Hampshire	8.1	+/-0.2
New Jersey	10.7	+/-0.1
New Mexico	20.6	+/-0.4
New York	15.1	+/-0.1
North Carolina	16.1	+/-0.2
North Dakota	11.0	+/-0.4
Ohio	14.9	+/-0.1
Oklahoma	16.2	+/-0.2
Oregon	14.9	+/-0.3
Pennsylvania	13.1	+/-0.1
Rhode Island	13.4	+/-0.4
South Carolina	16.6	+/-0.2
South Dakota	13.9	+/-0.5
Tennessee	16.7	+/-0.2
Texas	16.0	+/-0.1
Utah	11.0	+/-0.2
Vermont	11.4	+/-0.4
Virginia	11.2	+/-0.2

10/31/2019

American FactFinder - Results

Geographic Area	Percent	Margin of Error
Washington	12.2	+/-0.2
West Virginia	17.8	+/-0.3
Wisconsin	12.3	+/-0.2
Wyoming	11.1	+/-0.5
Puerto Rico	44.9	+/-0.3

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates

Explanation of Symbols:

An '***' entry in the margin of error column indicates that either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.

An '-' entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution.

An '-' following a median estimate means the median falls in the lowest interval of an open-ended distribution.

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An 'N' entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.

An '(X)' means that the estimate is not applicable or not available.

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see [Accuracy of the Data](#)). The effect of nonsampling error is not represented in these tables.

While the 2013-2017 American Community Survey (ACS) data generally reflect the February 2013 Office of Management and Budget (OMB) definitions of metropolitan and micropolitan statistical areas; in certain instances the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB definitions due to differences in the effective dates of the geographic entities.

Estimates of urban and rural populations, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2010 data. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

EXHIBIT P

NCHRP

NATIONAL
COOPERATIVE
HIGHWAY
RESEARCH
PROGRAM

REPORT 500

Guidance for Implementation of the
AASHTO Strategic Highway Safety Plan

Volume 2: A Guide for Addressing Collisions Involving Unlicensed Drivers and Drivers with Suspended or Revoked Licenses



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NATIONAL COOPERATIVE HIGHWAY RESEARCH PROGRAM

NCHRP REPORT 500

**Guidance for Implementation of
the AASHTO Strategic Highway
Safety Plan**

***Volume 2: A Guide for Addressing
Collisions Involving Unlicensed
Drivers and Drivers with
Suspended or Revoked Licenses***

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2003
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NATIONAL COOPERATIVE HIGHWAY RESEARCH PROGRAM

Systematic, well-designed research provides the most effective approach to the solution of many problems facing highway administrators and engineers. Often, highway problems are of local interest and can best be studied by highway departments individually or in cooperation with their state universities and others. However, the accelerating growth of highway transportation develops increasingly complex problems of wide interest to highway authorities. These problems are best studied through a coordinated program of cooperative research.

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NCHRP REPORT 500: Volume 2

Project G17-18(3) FY'00

ISSN 0077-5614

ISBN 0-309-06809-6

Library of Congress Control Number 2003104149

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Price \$20.00

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Each report is reviewed and accepted for publication by the technical committee according to procedures established and monitored by the Transportation Research Board Executive Committee and the Governing Board of the National Research Council.

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NATIONAL COOPERATIVE HIGHWAY RESEARCH PROGRAM

are available from:

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FOREWORD

By Charles W. Niessner
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The goal of the AASHTO Strategic Highway Safety Plan is to reduce annual highway fatalities by 5,000 to 7,000. This goal can be achieved through the widespread application of low-cost, proven countermeasures that reduce the number of crashes on the nation's highways. This second volume of *NCHRP Report 500: Guidance for Implementation of the AASHTO Strategic Highway Safety Plan* provides strategies that can be employed to reduce the number of crashes due to unlicensed drivers and drivers with suspended or revoked licenses. The report will be of particular interest to safety practitioners with responsibility for implementing programs to reduce injuries and fatalities on the highway system.

In 1998, AASHTO approved its Strategic Highway Safety Plan, which was developed by the AASHTO Standing Committee for Highway Traffic Safety with the assistance of the Federal Highway Administration, the National Highway Traffic Safety Administration, and the Transportation Research Board Committee on Transportation Safety Management. The plan includes strategies in 22 key emphasis areas that affect highway safety. The plan's goal is to reduce the annual number of highway deaths by 5,000 to 7,000. Each of the 22 emphasis areas includes strategies and an outline of what is needed to implement each strategy.

NCHRP Project 17-18(3) is developing a series of guides to assist state and local agencies in reducing injuries and fatalities in targeted areas. The guides correspond to the emphasis areas outlined in the AASHTO Strategic Highway Safety Plan. Each guide includes a brief introduction, a general description of the problem, the strategies/ countermeasures to address the problem, and a model implementation process.

This is the second volume of *NCHRP Report 500: Guidance for Implementation of the AASHTO Strategic Highway Safety Plan*, a series in which relevant information is assembled into single concise volumes, each pertaining to specific types of highway crashes (e.g., run-off-the-road, head-on) or contributing factors (e.g., aggressive driving). An expanded version of each volume, with additional reference material and links to other information sources, is available on the AASHTO Web site at <http://transportation1.org/safetyplan>. Future volumes of the report will be published and linked to the Web site as they are completed.

While each volume includes countermeasures for dealing with particular crash emphasis areas, *NCHRP Report 501: Integrated Management Process to Reduce Highway Injuries and Fatalities Statewide* provides an overall framework for coordinating a safety program. The integrated management process comprises the necessary steps for advancing from crash data to integrated action plans. The process includes methodologies to aid the practitioner in problem identification, resource optimization, and performance measurements. Together, the management process and the guides provide a comprehensive set of tools for managing a coordinated highway safety program.

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Acknowledgments

This series of six implementation guides was developed under NCHRP Project 17-18(3). The project was managed by CH2M Hill. The co-principal investigators were Ron Pfefer of Maron Engineering and Kevin Slack of CH2M Hill. Timothy Neuman of CH2M Hill served as the overall project director for the CH2M HILL team. Kelly Kennedy Hardy, also of CH2M Hill, participated in development of the guides.

This phase of the project involved the development of guide books addressing six different emphasis areas of AASHTO's Strategic Highway Safety Plan. The project team was organized around the specialized technical content contained in each guide. The CH2M HILL team included nationally recognized experts from many organizations. The following team of experts, selected based on their knowledge and expertise in a particular emphasis area, served as lead authors for each of the guides.

- Forrest Council of BMI led the development of "A Guide for Addressing Run-Off-Road Collisions"
- Doug Harwood of Midwest Research Institute led the development of "A Guide for Addressing Unsignalized Intersection Collisions"
- Hugh McGee of BMI led the development of "A Guide for Addressing Head-On Collisions"
- Richard Raub of Northwestern University Center for Public Safety led the development of "A Guide for Addressing Aggressive-Driving Collisions"
- Patricia Waller led the development of "A Guide for Addressing Collisions Involving Unlicensed Drivers and Drivers with Suspended or Revoked Licenses"
- Charlie Zegeer and Kevin Lacey of University of North Carolina Highway Safety Research Center led the development of "A Guide for Addressing Collisions Involving Trees in Hazardous Locations"

Development of the guides utilized the resources and expertise of many professionals from around the country and overseas. Through research, workshops, and actual demonstration of the guides by agencies, the resulting document represents best practices in each emphasis area. The project team is grateful to the following list of people and their agencies for their input on the guides and their support of the project:

American Association of State Highway and Transportation Officials

Tony Kane

Arizona Governor's Office of Highway Safety

Alberto Gutier

Bastrop, Texas, Police Department

Bill Anderson

Ben Gurion University of the Negev

David Shinar

California Department of Motor Vehicles

Dave DeYoung

California Department of Transportation

Roy Peterson

City of Lubbock, Texas

Jeryl Hart

City of Winston-Salem, North Carolina

Stan Polanis

Consultant

Terry Witkowski

ACKNOWLEDGMENTS

Craven County, North Carolina, Sheriff's Office

James Bradley
Richard Woods

CTTER

Stephen Blake

Dallas Trees and Parks Foundation

Mike Bradshaw

Delaware State Police

Mark Collender
Barbara Conley

Durham Police Department

James R. Cleary
Teen Ennis

Federal Highway Administration

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SECTION I

Summary

The Problem

No matter how well our highways and vehicles are designed and maintained, ultimately highway safety depends upon the behavior of users, especially drivers. Every state has a driver-licensing program that is charged with ensuring that drivers who are issued a license are competent to operate on the roadway system. There are strong pressures on licensing programs to limit imposition, including costs, on renewal applicants. At the same time, licensing agencies have a legal responsibility to the greater public to license only qualified drivers and to keep unqualified drivers off the road.

There are two groups of drivers who continue to drive without proper licensure. First, there is a small number of drivers who appear immune to countermeasures that have proved effective for most highway users. These “hard-core offenders” continue to drive even after losing a license and are overrepresented in subsequent violations and crashes. It is estimated that as many as three-fourths of suspended and revoked (S/R) drivers continue to drive, although they apparently drive less often and more carefully (van Oldenbeek and Coppin, 1965; Hagen et al., 1980; Ross and Gonzales, 1988; DeYoung, 1990). Even so, they are overrepresented in subsequent violations and crashes and, based on estimated exposure, are greatly overrepresented in fatal crashes (DeYoung et al., 1997). In California, based on an analysis of two-vehicle fatal crashes in which only one driver was judged to be at fault, compared with validly licensed drivers, S/R drivers were found to be overinvolved by a factor of 3.7:1.

A second group of drivers is those who have never held proper licensure. In at least some regions of the country, these are often illegal aliens who fear detection if licensure is sought. In the same California study, this driver group is reported to be even more overrepresented in crashes than S/R drivers by a factor of 4.9:1 (DeYoung et al., 1997). The threat of detection and deportation are believed to be a major reason this group avoids seeking licensure, and often their driving provides transportation for other illegal alien workers (DeYoung, personal communication, 2000). Because of the increasing numbers of these workers, as well as the dependence of significant segments of the economy on their labor, this issue is one that cries out for innovative solutions.

A recent report (Griffin and DeLaZerda, 2000) analyzing 5 years of Fatality Analysis Reporting System (FARS) data found that one out of five fatal crashes involves at least one driver who is not properly licensed (unlicensed, S/R, expired, canceled or denied, unknown). Because exposure data were not available, mileage rates of involvement could not be calculated for each category or for validly licensed drivers.

Exhibit I-1 shows the proportion of unlicensed or improperly licensed drivers in fatal crashes for the year 2000, the most recent year for which data are available. Here about 17 percent of drivers in fatal crashes are not properly licensed, a proportion far higher than

SECTION I—SUMMARY

estimated for all drivers. It should be noted that this table is based on drivers, not on number of crashes.

EXHIBIT I-1

Proportion of Drivers Not Licensed or Holding No Valid License for this Class of Vehicle, Fatal Crashes, 2000

First Harmful Event in Crash	Unlicensed/No Valid License, Percent
Overturn	18
Pedestrian	10
Pedal cycle	8
Motor vehicle in transport	17
Parked motor vehicle	24
Bridge abutment, rail; guardrail; concrete barrier	20
Sign, post, pole	22
Culvert, curb, ditch, embankment	22
Fence, wall	21
Tree, other fixed object	19
Involvement in any crash type listed above*	17

* Not every first harmful event is included, but for all events in original table, 17% of the total drivers were unlicensed or held no valid license for the class of vehicle operated.

Based on the Fatality Analysis Reporting System (FARS) Web-based encyclopedia, available at <http://www-fars.nhtsa.dot.gov/> (Accessed August 12, 2002).

Despite the marked over-involvement of improperly licensed drivers in fatal crashes, traffic violations are often not treated seriously in the court system, where prosecutors and others consider burglaries, assaults, and other crimes of greater import (even though people are at much greater risk of a crash injury than of being the victim of a crime). The use of separate traffic courts that handle only traffic offenses will increase the likelihood of appropriate sanctions.

These unlicensed/suspended/revoked (U/S/R) drivers are especially difficult to reach and to influence. However, there are some interventions that have shown promise and are worthy of further implementation.

The most severe sanctions have been evaluated primarily on the basis of driving-under-the-influence (DUI)¹ offenders, not drivers who are S/R for other reasons. However, DUI offenders have proved to be some of the most intractable, so that measures showing impact on this group are likely to be effective with other U/S/R drivers.

¹ Some jurisdictions use DWI, for driving while intoxicated, instead, and some states use both DUI and DWI, relating the terms to level of intoxication. In this document, DUI is used, even when a particular state may use DWI. The use of DUI in this report does not imply a particular level of alcohol intoxication.

Applicable Countermeasures

Exhibit I-2 shows the objectives and strategies identified for keeping U/S/R drivers off the road. Five major objectives are identified.

EXHIBIT I-2

Objectives and Strategies for Ensuring Drivers Are Fully Licensed and Competent by Keeping Unlicensed Drivers and Drivers with Suspended and Revoked Licenses Off the Road

Objectives	Strategies
2.1 A—Apply special enforcement practices	2.1 A1—Increase enforcement in selected areas 2.1 A2—Routinely link citations to driver record 2.1 A3—Create and distribute “hot sheets”
2.1 B—Restrict mobility through license plate modification or removal	2.1 B1—“Stripe” license plate 2.1 B2—Impound license plate
2.1 C—Restrict mobility through vehicle modification	2.1 C1—Immobilize/impound/seize vehicle 2.1 C2—Install ignition interlock device (IID)
2.1 D—Restrict mobility through direct intervention with offender	2.1 D1—Monitor electronically 2.1 D2—Incarcerate
2.1 E—Eliminate need to drive	2.1 E1—Provide alternative transportation service

Explanation of the Objectives

The strategies in this guide were identified from a number of sources, including the literature, contact with state and local agencies throughout the United States, and federal programs. Some of the strategies are widely used, while others are used at a state or even a local level. Some have been subjected to well-designed evaluations to prove their effectiveness. On the other hand, it was found that many strategies, including some that are widely used, have not been adequately evaluated.

The implication of the widely varying experiences with these strategies, as well as the range of knowledge about their effectiveness, is that the reader should be prepared to exercise caution in many cases before adopting a particular strategy for implementation.

Apply special enforcement practices. As can be seen in Exhibit I-2, reducing U/S/R driving can be addressed by a range of strategies. Enforcement is generally part of the intervention, and some interventions can be handled almost entirely by enforcement. These strategies include increasing enforcement in areas with previously detected high rates of improperly licensed drivers (e.g., crashes, high number of committed violations, or in routine license checks); and routine checking of citations against driver license file to identify drivers who have lost licensure but who may still carry a license that appears valid. A third enforcement

practice is to create and distribute to law enforcement “hot sheets” that list the U/S/R drivers living in the area.

Restrict mobility through license plate modification. Public identification of the license plate has been achieved through “zebra” striping of the plate, a measure that is readily identifiable by enforcement but is not usually noticed by the public at large. Vehicles displaying these plates alert officers to the possibility of an offending driver, although a validly licensed driver may drive the vehicle. Nevertheless, such striping makes the vehicle more likely to be checked. Another measure shown to be effective is impoundment of the license plate itself.

Restrict mobility of offender through vehicle modification. Restricting mobility by modifying the vehicle can be achieved by immobilizing or impounding the vehicle (and in extreme cases, seizing and disposing of the vehicle), modifying the vehicle with an ignition interlock device (IID) that ensures operation by a sober driver, and modifying the vehicle so that ignition requires a valid electronic drivers license. This latter strategy cannot be widely implemented until there is widespread development of vehicles and systems that are compatible with electronic licenses.

Restrict mobility of offender through direct intervention with the offender. Restricting mobility through direct intervention with the offender can take the form of electronic monitoring (“house arrest”) or incarceration. While the latter has long been used, it has not been shown to be highly effective by itself (although one cannot commit traffic offenses while incarcerated). Still, incarceration remains an important strategy to motivate compliance with other strategies, such as electronic monitoring. Interestingly, electronic monitoring has been used successfully since 1984 in at least one jurisdiction and generates sufficient income to make the program self-supporting. Incarceration, although used, is recommended primarily as an option to ensure compliance with other strategies.

Eliminate the need to drive. In areas where alternative transportation is available, it may be possible to enforce its use. Even if public transit is not readily available, as is the case in most communities, other forms of transportation exist, such as car-pooling, taking a taxi, using a dial-a-ride service, using a hired driver, or using other forms of paratransit. However, it could be difficult to ensure that convicted offenders restrict their mobility to such alternatives. Providing alternative transportation has been shown to be effective in at least one (affluent) community, but it is a potentially expensive strategy. At this time, it is unlikely to be a viable strategy in many communities, but where applicable, it should be seriously considered.

While some of these strategies require legislative authorization and must be implemented at the state level, others can be introduced at a local level by local enforcement agencies. Furthermore, legal authorization often exists for some of the strategies, but in the absence of local interest and commitment, implementation does not occur. For most strategies, whether national, state, or local, ultimately it is at the local level that implementation occurs (or does not occur). In trying to implement a strategy, it is often helpful to develop a coalition of key stakeholders to determine how best to proceed. Such a coalition can not only improve the quality of the program implemented but also generate broad support for the program.

One of the hallmarks of the AASHTO Strategic Highway Safety Plan is to approach safety problems in a comprehensive manner. The range of strategies available in the guides will

ultimately cover various aspects of the road user, the highway, the vehicle, the environment, and the management system. The guides strongly encourage the user to develop a program to tackle a particular emphasis area from each of these perspectives in a coordinated manner. To facilitate this program, the electronic form of the material uses hypertext linkages to enable seamless integration of various approaches to a given problem. As more guides are developed for other emphasis areas, the extent and usefulness of this form of implementation will become ever more apparent.

The goal is to move away from *independent* activities of engineers, law enforcement, educators, judges, and other highway-safety specialists. The implementation process outlined in the guides promotes the formation of working groups and alliances that represent all of the elements of the safety system. In so doing, highway-safety specialists can draw upon their combined expertise to reach the bottom-line goal of reducing crashes and fatalities associated with a particular emphasis area.

SECTION II

Introduction

No matter how well our highways and vehicles are designed and maintained, ultimately highway safety depends upon the behavior of users, especially drivers. Every state has a driver-licensing program that is charged with ensuring that drivers who are issued a license are competent to operate on the roadway system. However, states generally require re-licensure only once every several years (usually four or five; Insurance Institute for Highway Safety, 2002)¹, and this interval has been lengthened by many states in an effort to cut costs and reduce delays at license-issuing facilities. Some states do not even require in-person renewal, and those that do usually administer only perfunctory evaluation. There are also strong pressures on licensing programs to limit imposition, including costs, on renewal applicants. At the same time, licensing agencies have a legal responsibility to the greater public to license only qualified drivers and to keep unqualified drivers off the road.

Most drivers respond appropriately to enforcement measures aimed at reducing unsafe driving, and most drivers generally refrain from illegal driving in order to avoid legal sanctions (general deterrence). If they should be apprehended for a traffic violation, it is likely that the consequences will have the desired effect and discourage them from repeat offenses. However, there remain two groups of drivers who continue to drive without proper licensure: those whose license privilege has been taken away by suspension or revocation (S/R) and those driving without having ever received a license.

A recent report (Griffin and DeLaZerda, 2000) analyzing 5 years of Fatality Analysis Reporting System (FARS) data found that one out of five fatal crashes involves at least one driver who is not properly licensed (unlicensed, S/R, expired, canceled or denied, unknown). Because exposure data were not available, mileage rates of involvement could not be calculated for each category or for validly licensed drivers.

Exhibit II-1 shows the proportion of unlicensed or improperly licensed drivers in fatal crashes for the year 2000, the most recent year for which data are available. Here about 17 percent of drivers in fatal crashes are not properly licensed, a proportion far higher than that estimated for all drivers. It should be noted that this table is based on drivers, not on number of crashes.

¹ Insurance Institute for Highway Safety. U.S. Driver Licensing Renewal Procedures for Older Drivers as of May 2002. http://www.highwaysafety.org/safety_facts/state_laws/older_drivers.htm (Accessed July 19, 2002).

SECTION II—INTRODUCTION

EXHIBIT II-1

Proportion of Drivers Not Licensed or Holding No Valid License for this Class of Vehicle, Fatal Crashes, 2000

First Harmful Event in Crash	Unlicensed/No Valid License, Percent
Overturn	18
Pedestrian	10
Pedal cycle	8
Motor vehicle in transport	17
Parked motor vehicle	24
Bridge abutment, rail; guardrail; concrete barrier	20
Sign, post, pole	22
Culvert, curb, ditch, embankment	22
Fence, wall	21
Tree, other fixed object	19
Involvement in any crash type listed above*	17

* Not every first harmful event is included, but for all events in original table, 17% of the total drivers were unlicensed or held no valid license for the class of vehicle operated.

Based on the Fatality Analysis Reporting System (FARS) Web-based encyclopedia, available at <http://www-fars.nhtsa.dot.gov/> (Accessed August 12, 2002).

Despite the marked over-involvement of improperly licensed drivers in fatal crashes, traffic violations are often not treated seriously in the court system, where prosecutors and others consider burglaries, assaults, and other crimes of greater importance (even though people are at much greater risk of a crash injury than of being the victim of a crime). The use of separate traffic courts that handle only traffic offenses will increase the likelihood of appropriate sanctions.

These unlicensed/suspended/revoked (U/S/R) drivers are especially difficult to reach and to influence. However, there are some interventions that have shown promise and are worthy of further implementation.

The most severe sanctions have been evaluated primarily on the basis of DUI² offenders, not drivers who are S/R for other reasons. However, DUI offenders have proved to be some of the most intractable, so measures showing an impact on this group are likely to be effective with other U/S/R drivers.

² Some jurisdictions use DWI, for driving while intoxicated, instead, and some states use both DUI and DWI, relating the terms to level of intoxication. In this document, DUI is used, even when a particular state may use DWI. The use of DUI in this report does not imply a particular level of alcohol intoxication.

SECTION III

The Type of Problem Being Addressed

It is estimated that as many as three-fourths of S/R drivers continue to drive, although they apparently drive less often and more carefully (van Oldenbeek and Coppin, 1965; Hagen et al., 1980; Ross and Gonzales, 1988; DeYoung, 1990). Even so, S/R drivers who continue driving are overrepresented in subsequent violations and crashes.

In at least some regions of the country, drivers who have never held proper license are often illegal aliens who fear detection if licensure is sought. In a California study, this driver group is reported to be even more overrepresented in crashes than drivers with S/R licenses by a factor of 4.9:1 (DeYoung et al., 1997). The threat of detection and deportation are believed to be a major reason this group avoids seeking licensure, and often their driving provides transportation for other illegal alien workers (DeYoung, personal communication, 2000). Because of increasing numbers of these workers, as well as the dependence of significant segments of the economy on their labor, this issue is one that cries out for innovative solutions.

A recent report (Griffin and DeLaZerda, 2000) analyzing 5 years of FARS data found that one out of five fatal crashes involves at least one driver who is not properly licensed (U/S/R, expired, canceled or denied, unknown). Because exposure data were not available, mileage rates of involvement could not be calculated for each category or for validly licensed drivers.

Convicted drunken drivers (i.e., DUI or DWI offenders) probably represent the group of U/S/R drivers of greatest concern. These drivers are overrepresented in serious and fatal crashes. For all crashes, the risk is about sevenfold for drivers at 0.10 percent blood alcohol content (BAC) compared with drivers with zero alcohol, and for drivers at 0.15 percent BAC, the risk is twenty-five-fold (see Exhibit III-1). This is also the group that has been the focus of major interventions, so that there is solid evidence concerning the effectiveness of countermeasures. It should be noted that the most severe sanctions have been evaluated primarily on the basis of DUI offenders, not drivers who are U/S/R for other reasons. However, DUI offenders have proved to be some of the most intractable, so that measures effectively applied to that group are likely to be effective with other U/S/R drivers.

Based upon analyses of California data (DeYoung et al., 1997), and assuming these estimates are applicable to national data, of the 56,688 drivers in fatal crashes in 1998 (National Highway Traffic Safety Administration, 1999), 23.7 percent were driving with S/R licenses or none (see Exhibit III-2). Of drivers considered to be at fault in crashes, the percentage increases to 35.4. If all S/R and unlicensed drivers stayed off the road, there would have been 13,435 fewer drivers in fatal crashes. On average, there is 0.732 fatality per driver in fatal crashes, suggesting that there would have been about 9,834 fewer fatalities had these drivers not been on the road. (These figures are based on a number of assumptions and should be considered no more than rough estimates at best.)

SECTION III—THE TYPE OF PROBLEM BEING ADDRESSED

EXHIBIT III-1
Fatal Crash Involvement: Increase in Risk for Two Blood Alcohol Contents (BACs)

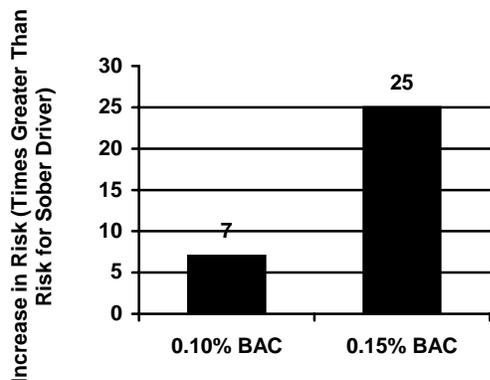


EXHIBIT III-2
Percent Risk of Fatal Crashes for U/S/R Drivers



Specific Attributes of the Problem

Magnitude

As noted above, about one in five fatal crashes involves at least one driver who is not properly licensed (Griffin and DeLaZerda, 2000). In California alone, it is estimated that about a million drivers are S/R, and even more than a million are unlicensed (DeYoung, personal communication, 2000).

Demographics

S/R drivers are predominantly male and younger than the average age of drivers (on average, over 8 years younger in a California study). They are also more likely to have convictions for nontraffic offenses, including violent offenses (De Young, 1990). Drivers who are S/R as a result of a DUI conviction exhibit even more deviant behavior (DeYoung, 1990). Clearly, S/R drivers have proven to be a difficult group to reach and influence.

It is more difficult to obtain valid information on unlicensed drivers. However, the analysis of FARS crashes found the average age to be much lower, about 13.5 years younger than the average age of drivers with valid licenses. According to California data, unlicensed drivers have an even higher rate of fatal crash involvement than do S/R drivers.

Lower Responsiveness to Sanctions

When unlicensed drivers are also undocumented aliens, it is not likely that traditional sanctions will keep them off the road. These drivers are often providing transportation for many other similarly undocumented aliens, and the transportation is essential for their employment. In the case of S/R drivers, traditional sanctions (warning letters, probation, license restriction) are less effective because they do not fully incapacitate the drivers (DeYoung, 1999). Something more is needed.

Although most drivers in fatal crashes hold a valid license (89 percent in 1998; National Highway Traffic Safety Administration, 1999), those who have been drinking are much more likely to be U/S/R (Simpson and Mayhew 1991). The rates for each of these categories increase with increasing BAC. The hard-core drinking driver is a significant part of the “driving while S/R” problem. Furthermore, when fatal crash involvement is related to estimates of exposure, drivers with S/R license are greatly overrepresented. In California it was found that, compared with validly licensed drivers, S/R drivers are overinvolved in fatal crashes by a factor of 3.7:1, while unlicensed drivers are even more overrepresented, by a factor of 4.9:1 (DeYoung et al., 1997) (see Exhibit III-3). Furthermore, Miller et al. (1999) report that, based on estimates of exposure compared with crash involvement, the cost per kilometer driven at a BAC greater than or equal to 0.08 percent was \$3.40 compared with \$0.07 per sober kilometer driven (see Exhibit III-4). Thus, driving at 0.08 percent BAC costs society nearly 50 times as much as driving sober (see also Miller et al., 1998).

EXHIBIT III-3
U/S/R Drivers’ Overrepresentation in Fatal Crashes

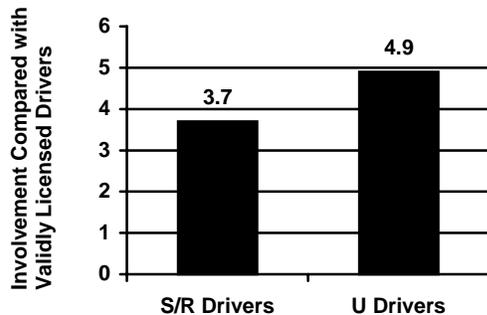


EXHIBIT III-4
Cost to Society of Driving with BAC \geq 0.08%

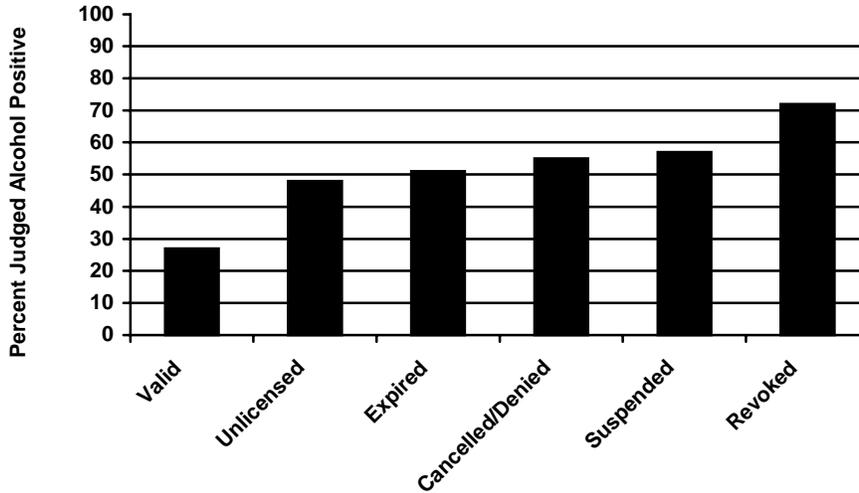


Analyses of FARS data show alcohol involvement to be much higher among drivers without valid license (see Exhibit III-5). These data are based on only those drivers for whom the investigating officer made a definite judgment (based on data from Griffin and DeLaZerda, 2000).

Multiple-DUI offenders have failed to respond to more conventional sanctions or to efforts to “rehabilitate” them, so the focus moves from changing the individual’s behavior to modifying the environment so as to make it more difficult for the offender to operate a vehicle.

Despite the marked over-involvement of improperly licensed drivers in fatal crashes, traffic violations are often not treated seriously in the court system, where prosecutors and others consider burglaries, assaults, and other crimes of greater importance (even though people are at much greater risk of a crash injury than of being the victim of a crime). The use of separate traffic courts that handle only traffic offenses will increase the likelihood of appropriate sanctions.

Exhibit III-5
 Percentage of Drivers Judged to be Alcohol Positive, by License Status
From Griffin and DeLaZerda, 2000



Ineffectiveness of Traditional Sanctions

Measures traditionally employed to make it more difficult for U/S/R drivers to obtain or retain a license are ineffective and may even be counterproductive. Because of the costs of reinstating licensure, including the cost of vehicle insurance after a conviction for DUI, many drivers choose to remain unlicensed but continue to drive. In California, there are about 1 million S/R drivers in the state at any given time and an additional estimated 1 million who are unlicensed (DeYoung, 1999, p. 46). When drivers are suspended or revoked, they are on the record system, and at least some level of control may be exerted over them. However, unlicensed drivers are more difficult to monitor, so that simply threatening to remove licensure for longer and longer periods of time does not solve the problem of hard-core offenders. Neither does education, jail sentences, or treatment programs. Something more is required.

SECTION IV

Index of Strategies by Implementation Timeframe and Relative Cost

Exhibit IV-1 provides a classification of strategies according to the expected timeframe and relative cost for this emphasis area. In several cases, a major factor affecting implementation time is whether legislative authority exists for the strategy of interest. Such authorization often exists even though it is not used. Other important factors affecting implementation time are the extent of support for the strategy and the cost of implementation. However, some strategies that will require funding to initiate (e.g., electronic monitoring) should be self-supporting once in place. Placement in the table below is meant to reflect the most common expected application of the strategy.

EXHIBIT IV-1

Classification of Strategies According to Expected Timeframe and Relative Cost

Timeframe for Implementation	Strategy	Relative Cost to Implement and Operate			
		Low	Moderate	Moderate to High	High
Short (< 1 year)	2.1 A1—Increase enforcement in selected areas	XXX			
	2.1 A2—Routinely link citations to driver record	XXX			
	2.1 A3—Create and distribute “hot sheets”	XXX			
Medium (1–2 years)	2.1 B1—“Stripe” license plates of offenders ^a		XXX		
	2.1 B2—Impound license plates of offenders ^a		XXX		
	2.1 C1—Immobilize/impound/seize vehicles of offenders ^a		XXX		
	2.1 C2—Install ignition interlock device ^a		XXX		
	2.1 D1—Monitor electronically ^a		XXX		
	2.1 E1—Provide alternative transportation service ^b			XXX	
Long (> 2 years)	2.1 D2—Incarcerate ^c			XXX	

^a The actual time required will depend on whether legislative authority exists for these measures. If the authority exists, it should take no more than 1 to 2 years to implement. Absent such authority, the length of time will be affected by the time required to obtain such authority.

^b The time required to implement this strategy will depend heavily upon the existing transportation infrastructure, the extent of local support for the strategy, and the availability of funding. Communities will vary in whether this strategy can be implemented relatively quickly or will require substantial time and investment.

^c Incarceration is essential to some other strategies as a potential consequence of noncompliance, but incarceration by itself is costly and of limited effectiveness.

SECTION V

Description of Strategies

Objectives and Strategies

Exhibit V-1 shows the objectives and strategies identified for keeping U/S/R drivers off the road.

EXHIBIT V-1

Objectives and Strategies for Ensuring Drivers Are Fully Licensed and Competent by Keeping U/S/R Drivers Off the Road

Objectives	Strategies
2.1 A—Apply special enforcement practices	2.1 A1—Increase enforcement in selected areas 2.1 A2—Routinely link citations to driver record 2.1 A3—Create and distribute “hot sheets”
2.1 B—Restrict mobility through license plate modification or removal	2.1 B1—“Stripe” license plate 2.1 B2—Impound license plate
2.1 C—Restrict mobility through vehicle modification	2.1 C1—Immobilize/impound/seize vehicle 2.1 C2—Install ignition interlock device (IID)
2.1 D—Restrict mobility through direct intervention with offender	2.1 D1—Monitor electronically 2.1 D2—Incarcerate
2.1 E—Eliminate need to drive	2.1 E1—Provide alternative transportation service

Explanation of Strategy Types

The strategies in this guide were identified from a number of sources, including the literature, contact with state and local agencies throughout the United States, and federal programs. Some of the strategies are widely used, while others are used at a state or even a local level. Some have been subjected to well-designed evaluations to prove their effectiveness. On the other hand, it was found that many strategies, including some that are widely used, have not been adequately evaluated.

The implication of the widely varying experience with these strategies, as well as the range of knowledge about their effectiveness, is that the reader should be prepared to exercise caution in many cases before adopting a particular strategy for implementation. To help the reader, the strategies have been classified into three types, each identified by letter symbol throughout the guide:

- **Proven (P):** Strategies that have been used in one or more locations and for which properly designed evaluations have been conducted that show the strategy to be

effective. These strategies may be employed with a good degree of confidence, but any application can lead to results that vary significantly from those found in previous evaluations. The attributes of the strategies that are provided will help the user judge which strategy is the most appropriate for the particular situation.

- **Tried (T):** Those strategies that have been implemented in a number of locations and may even be accepted as standards or standard approaches, but for which there have not been found valid evaluations. These strategies—while in frequent, or even general, use—should be applied with caution, carefully considering the attributes cited in the guide and relating them to the specific conditions for which they are being considered. Implementation can proceed with some degree of assurance that there is not likely to be a negative impact on safety and very likely to be a positive one. It is intended that as the experiences of implementation of these strategies continues under the AASHTO Strategic Highway Safety Plan initiative, appropriate evaluations will be conducted, so that effectiveness information can be accumulated to provide better estimating power for the user, and the strategy can be upgraded to a “proven” one.
- **Experimental (E):** Those strategies that are ideas that have been suggested and that at least one agency has considered sufficiently promising to try on a small scale in at least one location. These strategies should be considered only after the others have proven not to be appropriate or feasible. Even where they are considered, their implementation should initially occur using a very controlled and limited pilot study that includes a properly designed evaluation component. Only after careful testing and evaluations show the strategy to be effective should broader implementation be considered. It is intended that as the experiences of such pilot tests are accumulated from various state and local agencies, the aggregate experience can be used to further detail the attributes of this type of strategy, so that it can be upgraded to a “proven” one.

Specific Objectives

2.1 A—Apply Special Enforcement Practices

A range of strategies can address reducing U/S/R driving. Enforcement is generally part of the intervention, and some interventions can be handled almost entirely by enforcement. These strategies include increasing enforcement in areas with previously detected high rates of improperly licensed drivers (e.g., crashes, number of committed violations, and routine license checks) and routine checking of citations against driver license files to identify drivers who have lost licensure but who may still carry a license that appears valid. A third enforcement strategy is to create and distribute to enforcement “hot sheets” that list the U/S/R drivers living in the area.

2.1 B—Restrict Mobility through License Plate Modification

Public identification of the license plate has been achieved through “zebra” striping of the plate, a measure that alerts enforcement but is not usually noticed by the public at large. Vehicles displaying these plates alert officers to the possibility of an offending driver, although a validly licensed driver may drive the vehicle. Nevertheless, such striping makes the vehicle more likely to be checked. This strategy has been used successfully in at least one state, but is no longer in use. Another state impounds the license plate of a vehicle driven by

a U/S/R driver. This measure, simpler to implement than vehicle impoundment, has been shown to be effective in reducing U/S/R driving.

2.1 C—Restrict Mobility of Offender through Vehicle Modification

Restricting mobility through vehicle modification can be achieved through immobilizing or impounding the vehicle (and in extreme cases, seizing and disposing of the vehicle) and modifying the vehicle with an ignition interlock device (IID) that ensures operation by a sober driver. It is also possible to modify the vehicle so that ignition requires a valid electronic driver license. This latter strategy is not detailed since it cannot be widely implemented until there is widespread development of vehicles and systems that are compatible with electronic licenses. The strategy is mentioned here primarily to alert jurisdictions to a measure that is being seriously considered in Europe and may at some point be introduced in the United States.

2.1 D—Restrict Offender Mobility through Direct Intervention

Restricting offender mobility through direct intervention can take the form of electronic monitoring (“house arrest”) or incarceration. While the latter has long been used, it has not been shown to be highly effective by itself (although traffic offenses cannot occur during incarceration). Still, incarceration remains an important strategy to motivate compliance with other strategies, such as electronic monitoring. Interestingly, electronic monitoring has been used successfully since 1984 in at least one jurisdiction and generates sufficient income to make the program self-supporting.

2.1 E—Eliminate the Need to Drive

In areas where alternative transportation is available, it may be possible to enforce its use. Even if public transit is not readily available, as is the case in most communities, other forms of transportation exist, such as car-pooling, taxi, dial-a-ride services, a hired driver, or other forms of paratransit. However, it could be difficult to ensure that convicted offenders restrict their mobility to such alternative use. Providing alternative transportation has been shown to be effective in at least one (affluent) community, but it is an expensive strategy. At this time, it is unlikely to be a viable strategy in many communities, but where applicable, it should be seriously considered.

Additional Information

While some of these strategies require legislative authorization and must be implemented at the state level, others can be introduced at a local level by local enforcement agencies. Furthermore, legal authorization often exists for some of the strategies, but in the absence of local interest and commitment, implementation does not occur.

It is useful to document the extent of the problem in one’s own state. Potential sources of such data are provided in the appendixes of this guide. However, these data sources are useful primarily for compiling information at the national or state level. Local involvement is often reinforced by the use of local data. If possible, local jurisdictions should compile data on their own experience with U/S/R drivers. Large jurisdictions often maintain their own data systems and can readily compile useful statistics. On the other hand, small jurisdictions, which are the vast majority, are likely to need help in doing this. The State Office of Highway

Safety should be contacted for this assistance. Other possible sources of data are listed under Additional Materials Available Online. The State Office of Highway Safety is also a possible source of funding, should additional costs be required to implement strategies of interest. To locate the highway safety office in your state, visit the Governors Highway Safety Association (formerly the National Association of Governors' Highway Safety Representatives) Web page at http://www.statehighwaysafety.org/html/stateinfo_main.html.

For many, if not most, of the strategies, it is worthwhile to consider establishing a multi-jurisdictional task force, with membership from relevant agencies, organizations, and interests. Such a task force can provide information and assistance to develop more effective strategy implementation, and, in the case of some strategies, can extend the application to a wider community. Potential sources of membership for such a task force or coalition can be found in [Appendix 8](#). In addition, reference should be made to the NHTSA document at <http://www.nhtsa.dot.gov/safecommunities/SAFE%20COMM%20Html/index.html>, which contains guidance on building coalitions.

Compatibility with Other Strategies

Although virtually all the strategies may be used in conjunction, some are especially suited to be used in combination with certain other strategies. The special enforcement strategies are readily combined, and of course they may be used in combination with any of the other strategies.

Incarceration, while not greatly successful by itself, is an essential part of effective use of an IID and of electronic monitoring or “house arrest.” Incarceration can also be useful as a possible sanction for repeat violations of other lesser sanctions. However, it is a highly costly strategy and should be implemented sparingly.

Related Strategies for Creating a Truly Comprehensive Approach

The strategies listed above, and described in detail below, are those considered unique to this emphasis area. However, to create a truly comprehensive approach to the highway safety problems associated with this emphasis area, there are related strategies that should be included as candidates in any program planning process. These are of five types:

- **Public Information and Education Programs (PI&E):** Many highway safety programs can be effectively enhanced with a properly designed PI&E campaign. The primary experience with PI&E campaigns in highway safety is to reach an audience across an entire jurisdiction or a significant part of it. However, it may be desired to focus a PI&E campaign on a location- or population-specific problem. While location-specific enforcement is a relatively untried approach, as compared with areawide campaigns, use of roadside signs and other experimental methods may be tried on a pilot basis. Within this guide, where the application of PI&E campaigns is deemed appropriate, it is usually in support of some other strategy. In such a case, the description for that strategy will suggest this possibility (see the attribute section for each strategy entitled “Associated Needs for, or Relation to, Support Services”). In some cases, where PI&E campaigns are deemed unique for the emphasis area, the strategy is explained in detail. As additional guides are completed for the AASHTO plan, they may address the details regarding PI&E strategy design and implementation. When that occurs, the appropriate links will be posted online at <http://transportation1.org/safetyplan>.

- Enforcement of Traffic Laws: Well-designed and well-operated law-enforcement programs can have a significant effect on highway safety. It is well established, for instance, that an effective way to reduce crashes and their severity is to have jurisdictionwide programs that enforce an effective law against driving under the influence (DUI) or driving without seatbelts. When that law is vigorously enforced, with well-trained officers, the frequency and severity of highway crashes can be significantly reduced. This should be an important element in any comprehensive highway safety program. Enforcement programs, by their nature, are conducted at specific locations. The effect (e.g., lower speeds, greater use of seat belts, and reduced impaired driving) may occur at or near the specific location where the enforcement is applied. This effect can often be enhanced by coordinating the effort with an appropriate PI&E program. However, in many cases (e.g., speeding and seat-belt usage) the impact is areawide or jurisdictionwide. The effect can be either positive (i.e., the desired reductions occur over a greater part of the system), or negative (i.e., the problem moves to another location as road users move to new routes where enforcement is not applied). Where it is not clear how the enforcement effort may impact behavior, or where it is desired to try an innovative and untried method, a pilot program is recommended. Within this guide, different types of enforcement programs are described in detail. Enforcement strategies may be targeted at either a whole highway system or a specific location and may be focused upon a specific part of the driver population. As additional guides are completed for the AASHTO plan, they may address the details regarding the design and implementation of enforcement strategies. When that occurs, the appropriate links will be posted online at <http://transportation1.org/safetyplan>.
- Strategies to Improve Emergency Medical and Trauma System Services: Treatment of injured parties at highway crashes can have a significant impact on the level of severity and length of time that an individual spends in treatment. This is especially true when it comes to timely and appropriate treatment of severely injured persons. Thus, a basic part of a highway safety infrastructure is a well-based and comprehensive emergency care program. While the types of strategies that are included here are often thought of as simply support services, they can be critical to the success of a comprehensive highway safety program. Therefore, for this emphasis area, an effort should be made to determine if there are improvements that can be made to this aspect of the system, especially for programs that are focused upon location-specific (e.g., corridors), or area-specific (e.g., rural area) issues. As additional guides are completed for the AASHTO plan, they may address the details regarding the design and implementation of emergency medical systems strategies. When that occurs, the appropriate links will be posted online at <http://transportation1.org/safetyplan>.
- Strategies Directed at Improving the Safety Management System: The management of the highway safety system is fundamental to success. There should be in place a sound organizational structure, as well as infrastructure of laws, policies, etc., to monitor, control, direct, and administer a comprehensive approach to highway safety. It is important that a comprehensive program not be limited to one jurisdiction, such as a state DOT. In most states, local agencies are responsible for the majority of the road system and its related safety problems. Local agencies also know, better than others, what the problems are. As additional guides are completed for the AASHTO plan, they may address the details regarding the design and implementation of strategies for

improving safety management systems. When that occurs, the appropriate links will be posted online at <http://transportation1.org/safetyplan>.

- **Strategies that Are Detailed in Other Emphasis Area Guides:** Any program targeted at the safety problem covered in this emphasis area should be created having given due consideration to the inclusion of other applicable strategies. Strategies directed at the U/S/R driver should be coordinated with the state's overall licensing strategy. Currently, there are no other guides relating to licensing. However, as these are added, they will be posted online at <http://transportation1.org/safetyplan>.

Authorization of Implementation

Before exploring specific strategies in more detail, something should be said about the authorization of strategy implementation. Legal authorization for action varies greatly from one state to another. Some states severely restrict local governments in how they may initiate new programs and practices, and in these states most local legislation must be approved by state legislatures before it becomes law. In other states, local jurisdictions have enormous independence and indeed may operate as if the state legislature has virtually no authority over them. Often, legislative authority exists for a strategy (e.g., seizing and impounding a vehicle), but it is not implemented at a local level for various reasons (e.g., lack of support from the local district attorney). In such situations, coordinated local effort may enable implementation of the strategy.

Precaution is required even when authority exists within an agency or a jurisdiction. State agencies are often reluctant to exercise existing authority. Express authorization is sought from state legislatures as a protection against potential criticism for new programs. This has been especially true in state driver-licensing agencies, when authority existed for imposing requirements on drivers but agency officials were unwilling to act in the absence of specific legislative direction.

If new or additional legislative authority is desired, it is important to enlist the active support of existing organizations and coalitions (e.g., the state office of highway safety), state professional organizations of affected personnel (e.g., law enforcement, the judiciary, state medical society), key legislators, the American Automobile Association (AAA), and citizen organizations such as Mothers Against Drunk Driving (MADD). Remember, some of the most widely accepted and effective programs and practices in highway safety began with local initiatives and even with a single individual.

This issue is raised because local jurisdictions will have to evaluate their own potential for strategy implementation based on whether enabling legislation is needed and whether local officials feel secure in exercising existing authority. Some highly successful programs have been implemented on the basis of county commissioner action and in the absence of knowledge or support of relevant state offices.

It is also important that there be backing from local prosecutors and the courts. In this regard, the use of traffic courts is strongly recommended. When traffic cases are mixed in with burglaries, assaults, and other crimes, they are often considered of minimal importance and not treated seriously. In addition to the use of traffic courts, good communication with clear information about the value of reducing U/S/R driving is essential for program success. In initiating a new program, especially one that may be viewed by some as

controversial, letters from key sources (e.g., the state office of highway safety) to appropriate persons (e.g., key legislators) may be helpful in gaining support.

In initiating a new program, it is usually helpful to have some additional funding, if only for evaluating the impact of the program. Obviously, different strategies will require more or less start-up funding. However, once strategies are in place, ideally they should be self-sustaining.

Each strategy is described below in relation to its technical and organizational/institutional attributes. Other key attributes specific to a certain strategy are also discussed.

Specific Strategies

Strategy 2.1 A1—Selective Enforcement in Areas Where U/S/R Driving Has Been Detected

This strategy is widely used, but there is no valid objective evaluation of this strategy, and hence it is classified as “tried” (see “[Explanation of Strategy Types](#),” above). Citations and crashes can be used to identify those times and places where U/S/R drivers appear to be over-represented. Once these “high-risk” locations have been identified, they can be targeted for license checkpoints. This strategy should be an ongoing activity, with times and places varying to enhance detection.

EXHIBIT V-2

Strategy Attributes for Increasing Enforcement in Selected Areas (T)

Technical Attributes

Target	Drivers who are unlicensed or improperly licensed.
Expected Effectiveness	This strategy is widely used, and it should increase detection of U/S/R drivers. In one jurisdiction, the detection of U/S/R drivers jumped 35% immediately following implementation. With program continuation, the rate has decreased, indicating a general deterrent effect. However, other measures were also being implemented, and there is no known objective evaluation of this strategy in the absence of other enforcement activities. For more information, see Appendix 1 .
Keys to Success	<p>This strategy may be implemented administratively—that is, it should not require any new legislative authority. Rather, it requires the support and endorsement of those with primary responsibility for enforcement, with cooperation and support from other agencies identified below.</p> <p>The success of this strategy depends upon the extent to which those responsible for implementing it understand the value of detecting improperly licensed drivers. It would be advisable to meet with the personnel involved and describe the reasons for this approach (i.e., the high over-representation of such drivers in fatal crashes). The district attorney and the court system must be supportive of the effort. They should be included in the early planning, both to get their input on how to improve the program and to make sure they understand and endorse the effort.</p> <p>The driver licensing authority must also be a participant, in that driver records must be accessed on a routine basis. If illegal driving is identified, the driver licensing authority must be willing to take appropriate action.</p>

(continued on next page)

SECTION V—DESCRIPTION OF STRATEGIES

EXHIBIT V-2 (Continued)

Strategy Attributes for Increasing Enforcement in Selected Areas (T)

Potential Difficulties	<p>Both driver licensing and judicial personnel should be informed of the major involvement of U/S/R drivers in fatal crashes nationwide. Ideally, data on the problem would be compiled to determine the extent of the problem locally.</p> <p>Good data (that is, accurate and timely data recording driver infractions and sanctions imposed) are essential for monitoring the program and evaluating its impact.</p> <p>Key political figures could also play a role, either supportive or otherwise. They should be well informed of the program and the reasons for it.</p> <p>The importance of mutual support and coordination across agencies (enforcement, driver licensing, judicial) cannot be over emphasized in achieving success with this strategy.</p> <p>Electronic linkage to the state driver file is essential for this strategy to succeed.</p> <p>Finally, it would be useful to chart enforcement agency data, showing high-risk areas (i.e., locations where several crashes have occurred involving these drivers), and monitor changes following program implementation.</p>
Appropriate Measures and Data	<p>The backing and cooperation of key people in the court system and in driver licensing are essential. Without their support, the program could easily fail.</p> <p>While the overall program should be publicized to discourage unlawful driving, the specific times and places where road checks will occur should not be made public, since that would simply result in selection of alternative routes.</p> <p>Prior to program implementation, it is essential that local data be compiled to identify those times and places where U/S/R driving is being detected. It would also be helpful to document the involvement of U/S/R drivers in crashes and how their records compare with those of validly licensed drivers. These initial measures will provide the baseline against which to measure the program's impact.</p> <p>Once the program is implemented, data should be compiled on the locations and extent to which special enforcement is deployed and the number of U/S/R drivers detected. These findings should be compared with the prior baseline. Data on crash involvement of U/S/R drivers should also be monitored and measured against baseline data. The findings should be shared with the court system and the licensing agency and of course with those involved in operating the program itself.</p>
Associated Need for Support Services	<p>The best outcome of such a program is the deterrence of the undesired behavior in the first place. For U/S/R drivers to be discouraged from driving, they have to know that the program is going into effect. For this to happen, there must be widespread publicity of the effort. Therefore, arrangements should be made for publicizing the program via radio, television, and newsprint. If there are non-English-speaking populations, the information should also be provided in other languages.</p>

Organizational and Institutional Attributes

Organizational, Institutional, and Policy Issues (including interagency participation)	<p>In the case of unlicensed drivers, as opposed to suspended or revoked, a major goal is to get them properly licensed and into the records system. Some courts have found "deferred judgment" to be useful in this regard. Under deferred judgment, the court takes no action for a specified time period, during which the defendant is instructed to obtain proper licensure. If proper licensure is obtained, no further court action is taken.</p> <p>As indicated above, enforcement, judicial, licensing, and data personnel must be on board and fully appreciative of the importance of this effort. Others who may not be directly involved in program implementation and operation but who have an interest should also be fully informed (e.g., key legislators responsible for highway safety measures).</p> <p>The court system needs to be supportive of whatever enforcement and license actions are taken, and the licensing agency has to make available license status information.</p>
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EXHIBIT V-2 (Continued)

Strategy Attributes for Increasing Enforcement in Selected Areas (T)

	Whether interagency agreements are required is a function of the size and the working relationships of participating agencies. In a local jurisdiction (county, city), it may be that no formal agreements are required.
Issues Affecting Implementation Time	In the absence of clear opposition, the time required to implement this strategy can be brief. It should require no enabling legislation and can be accomplished simply by modifying deployment of existing personnel. Some time will be required for compiling baseline data to identify prime times and locations for traffic checks. Estimated implementation time in Santa Barbara was less than 6 months.
Costs Involved	Should the district attorney or key judicial personnel strongly oppose this strategy (an unlikely occurrence), implementation time could increase, or the implementation be discontinued. If the strategy involves simple re-deployment of existing enforcement, there should be no additional costs. However, if it is necessary to increase enforcement beyond existing resources, there will be additional costs. In Santa Barbara many personnel were conducting special checks for improper licenses, but there was no systematic program for detection of U/S/R driving. Now, each day one officer is assigned to this duty. However, this procedural change entailed no need for additional personnel.
Training and Other Personnel Needs	No special training should be required. Officers already check licensure of drivers, and road checks of licensure is common practice in most places. Systems are already in place to record infractions on driver histories.
Legislative Needs	No legislation should be required, since this strategy simply re-focuses existing procedures and personnel.

Other Key Attributes

Identification of Undocumented Aliens	Undocumented aliens may be more likely to be driving without a license than U.S. citizens, because aliens have difficulty obtaining a valid driver's license. This strategy is likely to identify such drivers. States vary in their response to this issue. Realistically, major segments of our economy are heavily dependent on the participation of undocumented aliens in the workforce. One driver may provide transportation to many other workers. A legitimate debate may be had on whether it is preferable to license undocumented aliens (and thus require that they meet licensing standards) and have them in the records system, or to deny license and essentially guarantee unlicensed driving. Among those actively involved in this area, there is strong disagreement as to the appropriate role of the licensing agency. In some states, driver licensing works closely with the Immigration and Naturalization Service (INS), while elsewhere driver licensing refuses to provide information to INS. This guide makes no recommendation, but rather calls attention to this issue, so that jurisdictions may develop their own policy on this issue.
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Strategy 2.1 A2—Routine Linkage of Citations to Driver Records

Like selective enforcement, this strategy has been used in many locations but has not been objectively evaluated. It is therefore categorized as “tried” (see “[Explanation of Strategy Types](#),” above). All citations should be regularly checked against driver records to determine license status. Ideally, this check should occur at the time of apprehension, but if technology is not available for such real-time access, linkage should occur when tallies are made on a daily basis. If it is found that a driver is U/S/R, appropriate citations should be added to whatever offense/crash is being recorded.

SECTION V—DESCRIPTION OF STRATEGIES

EXHIBIT V-3

Strategy Attributes for Routine Linkage of Citations to Driver Records (T)

Technical Attributes

Target	Drivers who are unlicensed or who have lost licensure, but who still carry a license that appears valid.
Expected Effectiveness	The impact of this strategy, by itself, has not been evaluated. However, one jurisdiction reports that, for apprehended drivers with licenses that appear valid, about 30% are found to be U/S/R upon record check.
Keys to Success	<p>As in the case of Strategy 2.1 A1, this strategy should not require any new legislative authority, but rather may be implemented administratively at the local level.</p> <p>Ideally, linkage to driver records would occur at the time of apprehension. If that cannot be done, linkage of citations to driver records should occur at least daily.</p> <p>Electronic linkage to the state driver history file is essential for this strategy to be effective.</p>
Potential Difficulties	<p>Accessing the driver history file at the time of apprehension requires officers to have appropriate equipment at the scene. If this is not the case, linkage may occur later at headquarters, ideally on the same day.</p> <p>Lack of support from driver records or the court system will render this strategy infeasible.</p> <p>After this strategy becomes an integral part of enforcement practices, it is likely that the detection of U/S/R driving will decrease, since drivers will become aware of the new program. This decrease should be considered an indication of success and not be grounds for discontinuing the strategy.</p>
Appropriate Measures and Data	Before this strategy is implemented, reliable baseline data should be compiled on the number and proportion of improperly licensed drivers that are detected on the basis of routine enforcement. After implementation, these figures should be calculated on a regular basis to monitor the extent to which the new procedures increase detection of U/S/R driving. The use of this strategy alone may be expected to increase detection of U/S/R drivers, but, by itself, its impact on crashes and injuries has not been demonstrated.
Associated Need for Support Services	The major effort required falls on enforcement, and even here this strategy calls more for a redeployment of existing resources than for additional resources. Nevertheless, those responsible for driver records and relevant court personnel should be alerted to the new procedures, so that they will be aware of the changes in practice. They should also be informed of the reasons for the change (i.e., the inordinately high rate of involvement of U/S/R drivers in serious and fatal crashes).

Organizational and Institutional Attributes

Organizational, Institutional, and Policy Issues (including interagency participation)	Because this strategy can actually be implemented by enforcement and does not require additional involvement of other agencies, there should be no need for formal arrangements across agencies. However, because both driver records and the judicial system are relevant to strategy success, key personnel in these areas should be fully informed about the program.
Issues Affecting Implementation Time	This strategy is straightforward and, if there is electronic linkage between enforcement headquarters and driver records, it can be implemented in minimal time (i.e., within 6 months). If additional equipment is needed (e.g., hand-held computers to be used by officers at the time of apprehension, or computer linkage at enforcement headquarters to driver records), then additional time may be required.

EXHIBIT V-3 (Continued)

Strategy Attributes for Routine Linkage of Citations to Driver Records (T)

Costs Involved	If no new computer equipment or computer programming is needed, costs should be minimal. If officers do not have computer access to driver records at the time of apprehension, such linkage can occur at headquarters on a daily basis, so that any appropriate additional charges may be entered prior to a citation being forwarded to the court system.
Training and Other Personnel Needs	Training needs should be minimal. In most jurisdictions, officers know how to access driver histories, and this strategy simply formalizes routine use of this practice.
Legislative Needs	This strategy should require no new legislation.

Other Key Attributes

None

Strategy 2.1 A3—Create and Distribute “Hot Sheets”

This strategy, too, is categorized as “tried” (see “[Explanation of Strategy Types](#),” above), because, although widely used, it has not been objectively evaluated. Still, some jurisdictions report having found the use of “hot sheets” useful in preventing U/S/R driving. “Hot sheets” are lists of drivers who live in the vicinity and whose license has been suspended or revoked. Such lists are created regularly (e.g., weekly or monthly) and distributed to enforcement agencies in the areas. Such lists alert enforcement to facilitate detection.

EXHIBIT V-4

Strategy Attributes for Creating and Distributing “Hot Sheets” (T)

Technical Attributes

Target	Drivers who are unlicensed or who have lost licensure, but who may still carry a license that appears valid.
Expected Effectiveness	This strategy is widely used, but its effectiveness in reducing crashes has not been documented.
Keys to Success	As in the case of the two previous strategies, this strategy should not require any new legislative authority, but rather may be implemented administratively, ideally at the state level, with the lists distributed to local enforcement agencies. However, in the absence of state initiative, local agencies may request such lists. This strategy has been reported to be more effective if adjoining enforcement agencies work in cooperation with each other through cooperative agreements.
Potential Difficulties	Because driver history records are maintained at the state level, state support is essential for the success of this strategy. Absent such support, it would be difficult for local agencies to implement this strategy.
Appropriate Measures and Data	Before this strategy is implemented, it may be useful to compile data on the number of U/S/R drivers detected. This information will provide a baseline against which to measure the impact of using “hot sheets.” In addition, data on crashes involving U/S/R drivers are needed to document the “bottom-line” effect.

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SECTION V—DESCRIPTION OF STRATEGIES

EXHIBIT V-4 (Continued)

Strategy Attributes for Creating and Distributing “Hot Sheets” (T)

Associated Need for Support Services	The success of this strategy requires cooperation among those responsible for driver records, the enforcement personnel, and the local judicial personnel. The state must provide the "hot sheets," but these are of no value unless local enforcement distributes and uses them. If the judicial does not follow through when U/S/R drivers are apprehended, the entire effort is to no avail.
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Organizational and Institutional Attributes

Organizational, Institutional, and Policy Issues (including interagency participation)	In addition to support and cooperation by the state licensing authority, local enforcement, and the local judiciary, it is worthwhile to consider interagency agreements that combine the efforts of adjoining enforcement agencies. Such cooperative agreements enhance the enforcement potential in high-risk areas.
Issues Affecting Implementation Time	If all participating agencies are supportive and there is no new legislation required, implementation might be achieved almost immediately.
Costs Involved	Costs are mainly those associated with creating and distributing the "hot sheets." Because in most states this can be accomplished electronically, once programming is achieved, costs should be minimal. There should be no additional costs to either enforcement or the judiciary.
Training and Other Personnel Needs	There should be no special training requirements, and this strategy may be implemented with existing personnel. Roll-call time may be required to introduce, and occasionally reinforce, the use of the hot sheet.
Legislative Needs	This strategy should require no new legislation, although it is always wise to keep key legislators informed of new initiatives.

Other Key Attributes

None

Strategy 2.1 B1—Striping License Plates of Offending U/S/R Drivers to Facilitate Enforcement

Because objective evaluation of this strategy has shown measurable reductions in moving violations, DUIs, and crashes in Oregon (Berg et al., 1993; Voas et al., 1997a; also see [Appendix 2](#)), it is categorized as “proven” (see “[Explanation of Strategy Types](#),” above). To discourage unlicensed driving, vehicle registration of a vehicle operated by a U/S/R driver may be cancelled and the annual renewal sticker covered with a striped “zebra” sticker. The driver is given a temporary registration good for 60 days. The original registration is mailed to the motor vehicle department, and if the registration is not cleared by the end of the 60 days, it is permanently cancelled. The legal owner of the vehicle, if not the offender, may clear the registration by paying a fee and purchasing a new annual renewal sticker to paste over the striped one, but only if the owner holds a valid driver’s license. However, if the offender is the owner, registration may not be cleared until the offender’s license is reinstated, and the zebra striping remains on the renewal sticker.

Display of the zebra striping is considered probable cause for an officer to stop a vehicle and check the license status of the driver. Zebra striping of owners’ license plates, regardless of whether the offender is the owner, is more effective than restricting striping to vehicles owned by the offender. In Oregon almost half of the striped vehicles were not owned by the offender.

EXHIBIT V-5**Strategy Attributes for Striping the License Plate on Vehicle(s) of Offending Drivers to Facilitate Enforcement (P)****Technical Attributes**

Target	The primary target is U/S/R drivers, including those who continue to drive despite prior sanctions imposed. It should be noted that where this strategy has been applied (Washington State and Oregon), it was evaluated only for drivers convicted of DUI. However, findings for this group are likely to be relevant for other U/S/R drivers.
Expected Effectiveness	This strategy has been shown to be effective. In Oregon, suspended drivers who would be stickered if apprehended showed a 12.7% decrease in moving violations and a 10.9% decrease in crashes, indicating an overall general deterrent effect. Compared with drivers who should have been stickered but were not, drivers who were stickered showed a 40.5% lower rate of moving violations, a 34.5% lower rate of DUIs, and a 58.2% lower rate of driving while suspended (DWS). All these differences were significant (Berg et al., 1993). The strategy saved the state over \$15 million per year in reduced crashes and injuries. However, there was no evidence of a specific deterrent effect on subsequent crashes. See Appendix 2 for more information.
Keys to Success	<p>Oregon's program succeeded, while Washington's did not (Voas et al., 1997a). Key differences that led to success in Oregon were the following:</p> <ul style="list-style-type: none"> • Oregon applied the law regardless of whether the vehicle was owned by the offender or by someone else, but in Washington the law applied only to drivers operating their own vehicles. • Oregon noted on the driver's record that the offender had been stickered, so that accessing the driver's record immediately informed an officer that the offender should not be driving. • Enforcement was apparently higher in Oregon in that, compared with Washington, Oregon had a higher rate of DWS citations in relation to the number of DUI offenders who were suspended. Oregon also showed a significant rise in DWS convictions following implementation of the sticker law, suggesting greater enforcement. • Finally, consequences for violating the sticker law should be handled administratively rather than through the courts. Otherwise, it is likely that consequences will be rare and sporadic.
Potential Difficulties	<p>Perhaps the stickiest issue in this and related strategies concerns whether the strategy should apply to any vehicle operated by the offender or only to those owned by the offender. For maximum impact, the law must apply to all vehicles operated by the offender, regardless of ownership. There must also be an appeals process, so that legitimate owners, who can demonstrate that they were not aware of the license status of the offender, may retrieve their vehicles. However, subsequent apprehension in the vehicle would trigger application of the strategy. Limiting the law's application to only vehicles owned by the offender leads to transfer of ownership and other uses to avoid the law's effect.</p> <p>A second related potential pitfall concerns possible embarrassment by other family members who must operate a stickered vehicle. While this is a real concern, it should not be used to weaken application of the strategy.</p> <p>In Oregon, despite the testimony of officers that the law was "useful and effective," that it made it "easier to identify and cite unlicensed and suspended drivers," and despite testimony that the program prevented about 454 crashes per year, involving over 850 vehicles, 133 injuries, and 4 or 5 fatalities, at a cost savings of over \$15 million, the law was rescinded. Reasons given were that it was not believed that it removed "unsafe vehicles off the road," that it took "vehicles away from traffic offenders," or that it provided "swift and sure punishment." Also, most officers did not believe that it got "uninsured drivers off the road."</p>

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SECTION V—DESCRIPTION OF STRATEGIES

EXHIBIT V-5 (Continued)

Strategy Attributes for Striping the License Plate on Vehicle(s) of Offending Drivers to Facilitate Enforcement (P)

	<p>Washington State, with a similar law but one that was not as well implemented or enforced, followed suit and rescinded the law as well.</p> <p>Oregon's experience with the sticker law clearly underscores the importance of having key stakeholders onboard and fully informed of the purpose of the program, as well as its effectiveness.</p>
<p>Appropriate Measures and Data</p>	<p>Reliable data are needed for both program operation and program evaluation. It is important that stickering activities be quickly communicated to and recorded by licensing personnel. Vehicle registration files should also incorporate this information.</p> <p>Information on the vehicle registration file is important to detect license plate substitution during program operation. Information on the driver history file is needed so that, if other family members must use the vehicle, then their right to legally drive will be apparent. Second, such information is important to know how many and which U/S/R drivers are affected by the countermeasure to determine the extent to which the program is being implemented.</p> <p>Data are also needed for program monitoring and evaluation. Data on the driver's file will show the extent to which the program is being implemented (that is, what proportion of eligible drivers are being stickered), as well as which U/S/R drivers are affected (are there biases where drivers are subjected to such stickering—e.g., drivers of older cars?). Driver file data will also enable evaluation of how effective such vehicle stickering is in reducing illegal driving by U/S/R drivers. If sufficient numbers are involved, it should also be possible to quantify the impact of the program on crashes. Data on both vehicle registration and driver history files should include the date the stickering went into effect, the date it is scheduled to be removed, and the date it is actually removed.</p> <p>The effect of the law should be measured for both general deterrence (its impact on drivers who are not apprehended but would be subject to the law if apprehended), and specific deterrence (its impact on drivers who are driving with a stickered license).</p> <p>General deterrence measures should include</p> <ul style="list-style-type: none"> • Driving while U/S/R (DWS) citations for U/S/R drivers who have not been stickered • Other citations for U/S/R drivers • Crashes for U/S/R drivers <p>Specific deterrence measures should include</p> <ul style="list-style-type: none"> • Number of and time to subsequent U/S/R citations for stickered drivers • Other U/S/R citations for stickered drivers • Crashes for U/S/R for stickered drivers
<p>Associated Need for Support Services</p>	<p>Success of this strategy requires that the driver history file include notation of drivers who have been apprehended and had their vehicles stickered. Without this information being readily available, it is virtually impossible to apply the law in a timely manner. Consequently, the support and involvement of those responsible for driver records is essential. Also essential is the support of enforcement at the highest levels. Based on Oregon's experience, key legislators should probably be involved, or at least kept well informed.</p> <p>Finally, as with any new enforcement activity, it is important that the public understands the program and appreciates its value. The message to get to the public (and to the legislature) is that U/S/R drivers are much less likely to respond to traditional sanctions (e.g., license revocation, fines) and are greatly over-represented in fatal crashes, and there is a legitimate public interest in keeping them off the road.</p>

EXHIBIT V-5 (Continued)

Strategy Attributes for Striping the License Plate on Vehicle(s) of Offending Drivers to Facilitate Enforcement (P)

Organizational and Institutional Attributes

Organizational, Institutional, and Policy Issues	<p>Given enabling legislation, all key stakeholders should be involved in assessing the proposed implementation and operation of the program. Essential to success is the routine notation on driver records of offenders showing that they are restricted to driving stickered vehicles. Also essential is the ability to routinely check the driver's record, preferably at the time of apprehension, to determine license status. Consequently, those responsible for driver licensing and records must be part of the planning process. Likewise, those at the highest level of enforcement must be onboard and supportive of the program. They must be willing to commit enforcement time to implement the law. Finally, the judicial system must be supportive and willing to follow through. However, with enabling legislation, the consequences of violating the sticker requirement should be handled administratively, not through the courts.</p>
Issues Affecting Implementation Time	<p>Getting enabling legislation enacted will require a major amount of time. The time required depends upon the frequency and duration with which the state legislature meets, as well as the receptivity of key legislators responsible for traffic safety legislation.</p> <p>With enabling legislation in place, the time required for implementation should not have to exceed 1 year.</p>
Costs Involved	<p>There will be costs associated with the development of new forms, programming modifications to facilitate relevant entries on driver records, compilation of relevant baseline data, and monitoring of data after the program is in effect.</p> <p>Costs will also be incurred in training enforcement personnel on how to implement the program. Where in-service training of enforcement occurs routinely, this training can readily be incorporated. However, where no routine training occurs, additional training costs will be incurred.</p> <p>Once a program is operational, fines from convicted offenders could also be set at a level to cover any additional costs of enforcement.</p>
Training and Other Personnel Needs	<p>While training needs are minimal, they are also necessary for an effective program. Enforcement personnel must be trained in both the logic and the procedures of apprehending and stickering vehicle plates, and driver record personnel must know how to record relevant activities.</p> <p>Research personnel will also be required for program evaluation.</p>
Legislative Needs	<p>It is likely that enabling legislation will be required. As with any such measure, it is important to have a "champion" in the legislative body, ideally on the highway safety committee. However, it is also important that this champion be provided with all the supporting information required to shepherd the measure through the legislative process.</p> <p>In seeking traffic safety legislation, it is often useful to include a "sunset clause" that enacts a law for a specified period of time (e.g., 3 years; shorter time frames would make evaluation difficult). The legislation should also include a requirement that the program be independently evaluated, with a report back to the legislature prior to the end of the initial period. Depending on the outcome of the evaluation, the legislature could decide to extend the program or let it come to an end (or strengthen it, based on identified problems). Legislation that includes a sunset clause frequently facilitates passage, since it is generally agreed that if the program is not effective, there is no point in extending it, but if effectiveness is demonstrated, there should be broad-based support.</p>

Other Key Attributes

None

Strategy 2.1 B2—Impoundment and Destruction of License Plates

This strategy has been applied only in Minnesota, but it has been shown to be effective in reducing recidivism rates. It has been subjected to careful ongoing evaluation, with revisions based on experience. In 1988 Minnesota implemented a law whereby violators arrested three or more times for DUI had the license plates of their vehicles impounded and destroyed. From August 1988 through December 1990, this law was administered through the court system. It was enforced in only about 5 percent of the cases in which it was required. Beginning in January 1991, the law was administered by enforcement and driver licensing offices. In addition, the law enforcement officer was to impound and destroy the license plate of the vehicle in which the offender was apprehended, regardless of ownership. This change from judicial to administrative enforcement led to a twelvefold increase in the imposition of the law. Still, it was imposed in only 64 percent of the cases calling for it. In the other cases, the officer failed to issue the order, and the violator had no vehicles registered, so that there could be no subsequent order issued.

While the law was enforced through the judicial system, it showed no effect, not surprising since it was rarely invoked. Once enforcement became administrative, there was a clear impact of the law. Based on survival analysis (the proportion of violators who have not had repeat offenses at specified points in time), offenders to whom the law was applied were less likely to recidivate. Those who experienced immediate license impoundment by the arresting officer did best, followed by those whose license plates were impounded subsequently by mail.

Three-time offenders (the level at which the law is triggered) did better than those with four or more offenses, but both groups performed better under the administrative imposition of the law, showing higher rates of “survival” (no repeat offenses) compared with similar offenders who did not experience license impoundment.

Once implemented, this strategy is relatively low-cost and can be a valuable part of a program to reduce U/S/R driving.

EXHIBIT V-6

Strategy Attributes for Seizure and Destruction of License Plates of Offending U/S/R Drivers (P)

Technical Attributes

Target	While the offending driver is the ultimate target, the immediate focus is on the vehicle in which the offender is apprehended.
Expected Effectiveness	This strategy has been proven to be effective in Minnesota, where its impact was measured by length of time between offenses. For three-time offenders, at 12 and 24 months following the event, 16% and 26% of those whose plates were not seized had repeat offenses, compared with only 8% and 13% of those whose plates were seized by the arresting officer (the most effective intervention). For these offenders, this measure reduced recidivism by half, a highly significant difference. For offenders with 4 or more arrests, recidivism rates were again lower for those experiencing license seizure. At 12 and 24 months following the event, 10% and 17% of the officer-order group had repeat offenses, compared with 18% and 26% of the comparison group. Both these differences are highly significant. In contrast, judicial administration of the law was no different for offenders with no intervention (Rodgers, 1994).

EXHIBIT V-6 (Continued)

Strategy Attributes for Seizure and Destruction of License Plates of Offending U/S/R Drivers (P)

	<p>The law appears to be more effective with three-time offenders than with offenders apprehended four times or more (although it is still effective with the latter). Because there are far more three-time offenders, the greater impact is particularly important. See Appendix 3 for additional information.</p>
<p>Keys to Success</p>	<p>It is essential that implementation is administrative, not judicial. When it was administered through the courts, it was applied to only about 5% of eligible offenders. When it was implemented administratively, this rate increased to 64%, a twelvefold increase but still far short of what it should be.</p> <p>A second key factor is application of the law regardless of vehicle ownership. Previously a validly licensed owner could re-register the vehicle at no charge but had to sign a statement promising not to make the vehicle available to the offender in the future. Recently the law was further revised, so that even if the vehicle is owned by someone else, the registration is cancelled and the vehicle must show a special license plate for a minimum of 1 year (plus the owner must pay for the entire process.) The only exception is if the owner has reported the vehicle missing prior to the driver being apprehended (Bowler, personal communication, 2002).</p> <p>Another key to success is having up-to-date information on license status readily available to arresting officers. In addition, plate impoundment should be recorded on the driver's history.</p> <p>Finally, because continuing enforcement support for this strategy is essential for its success, some provision should be made for giving feedback to participating enforcement agencies concerning the impact of the program.</p>
<p>Potential Difficulties</p>	<p>Probably the most critical key to success is ensuring that the law is implemented administratively, preferably by the arresting officer, rather than through the court system. When it was handled by mailed order from the licensing agency, it was still significantly effective, but implementation by the officer at the time of apprehension appears to have a somewhat stronger impact.</p> <p>Clearly, applying the law evenly can also be a problem. It may take time to get it fully implemented, but it appears to be a worthwhile strategy.</p>
<p>Appropriate Measures and Data</p>	<p>Prior to program implementation, baseline data should be compiled to determine the frequency of DUI offenses, as well as the frequency of repeat offenses. Once the program is implemented, specific deterrence measures should include</p> <ul style="list-style-type: none"> • Number of prior DUI and DWS offenses on an offender's record. • Whether the offender or someone else owns the vehicle. • Proportion of eligible offenders who actually experience plate impoundment. • Whether plate impoundment is ordered by the arresting officer, or afterward by the licensing authority. • Proportion of repeat offenders in each group over time. • Number of U/S/R offenses by drivers experiencing plate impoundment. • Other subsequent offenses by this group. • Subsequent crashes by this group. <p>Ideally, this program would have a deterrent effect on offenders who would be subject to the strategy should they drive illegally. To the extent that this occurs, they will not be included in the ranks of offenders, but their deterrence should be seen in overall decreases in their offense rates.</p>

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SECTION V—DESCRIPTION OF STRATEGIES

EXHIBIT V-6 (Continued)

Strategy Attributes for Seizure and Destruction of License Plates of Offending U/S/R Drivers (P)

	<p>General deterrence measures should include</p> <ul style="list-style-type: none"> • U/S/R offenses by eligible drivers who have not experienced plate impoundment. • Other citations for this group. • Crashes for this group.
Associated Need for Support Services	<p>The driver licensing authority must work closely with the law enforcement agency for this strategy to be optimally successful. Driver history information must be available, preferably in real time, to the arresting officer, and driver records must be updated to include data relevant to the implementation of this strategy (e.g., when an offender's plates have been impounded).</p> <p>Vehicle registration records must also be up-to-date and available to arresting officers.</p>

Organizational and Institutional Attributes

Organizational, Institutional, and Policy Issues	<p>Whether legislative authority for this strategy already exists is crucial. In its absence, it will be important to work closely with enforcement, licensing, and vehicle registration to gain their support for seeking authorizing legislation. After enactment, these agencies still need to work closely together to ensure that all parts of the program are coordinated.</p> <p>Because much enforcement is conducted by local agencies (county, municipal), these groups will need to be included from the outset. Local enforcement can make or break the effectiveness of a strategy. There is no substitute for gaining their support.</p>
Issues Affecting Implementation Time	<p>Implementation time will be greatly affected by whether authorizing legislation exists or must be sought. In some jurisdictions, legislatures meet more frequently than others, so that opportunity for legislative enactment will vary.</p>
Costs Involved	<p>Both the public and key legislators will need to be "educated." Associated costs will include preparation of clear, concise materials that can be used by the media as well as by legislative staff. These materials should include some estimates of the anticipated impact on that state and the costs, economic and other, that may be avoided through implementation of the program.</p> <p>Implementation costs will include costs of developing and preparing forms; programming state records; and training personnel, including enforcement, traffic records, and judicial.</p>
Training and Other Personnel Needs	<p>Enforcement personnel will be on the "front line" for this strategy. They will need to be fully informed of how the law is to be implemented, what records will need to be accessed, what forms will need to be completed, and where information should be sent.</p> <p>Relevant personnel in driver records and vehicle registration will also need to be prepared to deal with the new program and ensure that records are regularly updated and easily accessed.</p>
Legislative Needs	<p>Whether existing laws authorize plate impoundment must be determined prior to any program implementation. If no authorizing legislation exists, then it will be necessary to seek it. In doing so, those responsible for highway safety should be fully informed as to the value of this strategy, as well as the societal costs of U/S/R driving.</p>

Other Key Attributes

None	
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Strategy 2.1 C1—Immobilize/Impound/Seize the Vehicle Operated by the Offender

This strategy has been used in a number of places, and it has been shown to be effective in at least California and Ohio (DeYoung, 1999; DeYoung, 2000; Voas, 1992; Voas et al., 1997b and 1998). This strategy is generally applied to multiple offenders—that is, those who have not complied with license restriction. However, some implementations use legislation that allows immobilization/impoundment/seizure for a first offense. Rather than simply confiscating the license plate, the entire vehicle may be rendered unavailable to the offender through immobilizing the vehicle (e.g., “booting” a wheel or placing a “club” on the steering wheel to immobilize it), or actually removing it from the offender’s possession, or even seizing it for sale by the state.

Immobilization/impoundment/seizure may be applied to the vehicle(s) owned by the offender and in which the offender is apprehended, or it may apply to any vehicle, regardless of ownership, in which the offender is apprehended. The latter approach appears to be more effective, although it is also more controversial.

EXHIBIT V-7

Strategy Attributes for Immobilizing/Impounding/Seizing Offender’s Vehicle (P)

Technical Attributes

Target	The direct target is the vehicle in which the offender is apprehended, but the ultimate target is the offender.
Expected Effectiveness	<p>This strategy has been used in several locations and has been proven to be effective in reducing U/S/R driving, as well as crashes. Evaluations of programs in Ohio and California indicate that drivers experiencing vehicle immobilization/impoundment have significantly fewer subsequent offenses. In Ohio, reported reductions in subsequent DWS and/or DUI offenses during the period of impoundment ranged from 38% to 100%, compared with eligible drivers who did not experience immobilization/impoundment. Following the period of immobilization/impoundment, reductions in DWS were 15% and DUI, 24%. There were variations in reductions related to whether the offense was DWS or DUI and whether it was a first, second, or third offense.</p> <p>In California, significant decreases in DWS/DUI offenses were seen between eligible drivers who experienced impoundment and those who did not. Interestingly, the effect was greater for repeat offenders, 34% reduction versus 24% for first offenders. Subsequent rates of other traffic convictions also dropped, with decreases of about 18% to 22%. Crashes were also significantly lower, with a 25% reduction for first offenders and a 38% reduction for repeat offenders. See Appendix 4 for additional information on this strategy.</p>
Keys to Success	<p>There should be broad general support for an impoundment program, and particularly from key leadership of the responsible agencies. Seizing property can create loss of public support unless there is adequate preparation and education ahead of time. Interestingly, in Manitoba it was found that vehicle impoundment and forfeiture were no more effective than vehicle impoundment alone, suggesting that it may be wiser to limit a program to impoundment only (Voas et al., 1999).</p> <p>Perhaps most important is the extent to which enforcement is supportive of this strategy. It appears that the sanction is applied to only a portion of those eligible, and the basis for uneven application is not clear. Enforcement leadership should be involved from the beginning of any effort to use this strategy.</p>

(continued on next page)

EXHIBIT V-7 (Continued)**Strategy Attributes for Immobilizing/Impounding/Seizing Offender's Vehicle (P)**

	<p>Also important to success is to make the implementation of the sanction administrative, similar to administrative per se laws for drinking and driving. When the discretion is left to the courts, there is great variation in the extent to which the sanction is applied, and overall application is generally very low. When the sanction is applied administratively, it is more uniformly applied.</p> <p>The program should apply to any vehicle in which the offender is apprehended, regardless of ownership. If it applies only to offender-owned vehicles, it is likely that the title to the vehicle will be transferred to the spouse, some other family member, or friend, thus evading imposition of the sanction.</p> <p>Provision should be made for validly licensed owners who may not be aware of the driver's license status. Before a vehicle is released to such an owner, a signed statement should be obtained promising that the vehicle will not be made available again to the offender.</p> <p>Also important to success is careful coordination across agencies and timely and accurate recording of the measures taken. The agency responsible for driver records has to be involved, so that vehicle immobilization/impoundment/seizure is recorded on the offender's driving history. This information is essential to monitor the program to determine how widely it is being applied and to evaluate its impact on both apprehended and other S/R drivers.</p>
Potential Difficulties	<p>Lack of enforcement, or lack of uniform enforcement, is a major concern. If enforcement does not support the strategy, it will not be effective.</p> <p>Implementation must be administrative, not judicial.</p> <p>Failure to keep current and accessible driver history and vehicle registration records will compromise enforcement.</p> <p>When the vehicle is a "junker," the offender may not seek to reclaim it. Towing and impounding fees can exceed the vehicle value. This issue needs to be considered early on.</p>
Appropriate Measures and Data	<p>General deterrence measures should include</p> <ul style="list-style-type: none"> • Driving while U/S/R (DWU/DWS/driving while revoked [DWR]) citations for U/S/R drivers who have not had vehicle immobilized/impounded/seized • Other citations for U/S/R drivers who have not had vehicle immobilized/impounded/seized • Crashes for U/S/R drivers who have not had vehicle immobilized/impounded/seized <p>Specific deterrence measures should include</p> <ul style="list-style-type: none"> • Subsequent U/S/R citations for U/S/R drivers who have had vehicle immobilized/impounded/seized • Other subsequent citations for U/S/R drivers who have had vehicle immobilized/impounded/seized • Subsequent crashes for U/S/R for drivers who have had vehicle immobilized/impounded/seized • For offenders whose vehicles were immobilized/impounded/seized, the following should also be examined:

EXHIBIT V-7 (Continued)

Strategy Attributes for Immobilizing/Impounding/Seizing Offender's Vehicle (P)

- Comparison of driver records for offenders owning the immobilized/impounded/seized vehicle versus offenders who were not the owners of the immobilized/impounded/seized vehicle
- Proportion that redeem vehicles at end of sanction period
- Vehicle characteristics of redeemed versus forfeited vehicles

Longer-term evaluation should examine citations and crashes following license reinstatement.

Associated Needs
for Support
Services

The public should be well informed about the strategy and the reasons for it. General deterrence will depend on the extent to which the public is knowledgeable about and supportive of the program. This will necessitate a carefully designed public information and education program, requiring the services of media professionals and the enlistment of media.

Procedures should be developed for maintaining current driver license and vehicle registration records that are accessible in real time. If enforcement personnel can readily access these records, this strategy should be more effective. In turn, the vehicle registration and driver license records need to note when vehicles have been immobilized/impounded/seized. Additional software and hardware may be necessary to accomplish the desired data processing.

Also essential for this strategy is a system for towing and impounding seized vehicles, as well as selling forfeited vehicles. This service can be handled by the private sector, a procedure that can avoid potential criticism of the enforcement agency.

Organizational and Institutional AttributesOrganizational,
Institutional, and
Policy Issues

Even if legal authority exists for implementing this strategy, it will be most effective if it is supported by state legislative leaders, as well as the heads of state law enforcement associations.

The judicial system, and especially the office of the district attorney, also needs to be supportive of this strategy if it is to succeed. Appropriate personnel from the court system should be included from the earliest planning stages. Also, those responsible for driver and vehicle registration systems should be part of the planning process.

Issues Affecting
Implementation
Time

Whether legislative authority already exists or must be sought will determine the time required for implementation. If legislative authority already exists, implementation time should be less than a year. In the absence of enabling legislation, the time required will depend on how long it takes to get the necessary authority.

Costs Involved

Funding will be required to generate both public and state support for the program. Costs will also involve training of enforcement, traffic records, and judicial personnel. Finally, there will be the cost of conducting a rigorous evaluation and report on the initial program.

Vehicle impoundment can be costly, especially for older vehicles of relatively low value. The impounding authority may incur costs that exceed vehicle value. Vehicle immobilization is less costly, but it still entails the cost of the immobilizing equipment and the cost of moving the vehicle to the owner's place of residence or other designated location. Costs should be borne by the offender.

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SECTION V—DESCRIPTION OF STRATEGIES

EXHIBIT V-7 (Continued)

Strategy Attributes for Immobilizing/Impounding/Seizing Offender's Vehicle (P)

Training and Other Other Personnel Needs	<p>Training enforcement will be the primary training need. However, some training will be required for relevant personnel in the judicial system and in driver and vehicle records systems. Private companies providing towing services will also need to be trained and monitored to ensure compliance with laws and statutes and accounting for vehicle condition and all vehicle contents.</p> <p>Once the program is in place, it should become an integral part of ongoing operation and should not require additional personnel, with the possible exception of very large jurisdictions where the volume of cases may require additional help.</p>
Legislative Needs	<p>Legislative authority may already exist for this strategy. Careful inquiry should determine the case in a particular jurisdiction. Most states have some provision for vehicle sanctions (including vehicle registration cancellation, special plates for DUI offenders, and vehicle impoundment and forfeiture), but they are rarely applied, and then only to the worst offenders. This reluctance to implement will need to be confronted and addressed (Peck and Voas, 2002).</p>

Other Key Attributes

None

Strategy 2.1 C2—Install Ignition Interlock Device (IID) in Offender's Vehicle

Requiring use of the IID has been shown to be effective when properly implemented and monitored (Beck et al., 1997; Coben and Larkin, 1999; Voas et al., 1999). Usually applied only to repeat DUI offenders, the installation of an IID into the offender's vehicle enables only sober drivers to operate the vehicle. To be effective, the system must include a "rolling retest system" (i.e., the interlock requires a new "test" every x minutes of driving) that prevents someone other than the offender to start the vehicle and then allow the offender to take over. The system must also include a data-logging mechanism that records the date and time of all breath tests and vehicle operations, and also the BAC reading.

It is important to note that this strategy, in a strict sense, is not designed to keep S/R drivers off the road. Rather, it is to ensure that when a convicted driver, after license reinstatement, does drive, he or she is not intoxicated. Consequently, this strategy can be used to reduce hazardous driving by re-licensed U/S/R drivers. From a traffic safety standpoint, this would be a benefit and is consistent with the overall goal of ensuring that drivers are fully licensed and competent to drive.

For drivers whose driving is restricted for reasons other than alcohol, the same IID can be modified so as to identify the offender as the driver and record the time during which driving occurs. Thus, for an offender who is restricted to driving to and from work during work days, the record from the IID will record whether those were the only times the vehicle was in operation. IID records should be routinely reviewed by licensing personnel to ensure compliance with sanctions.

EXHIBIT V-8

Strategy Attributes for Installation of IID in Offender's Vehicle (P)

Technical Attributes

Target	The target of this strategy has been the repeat DUI offender. However, it can also be used to monitor the driving of other offender types.
Expected Effectiveness	When properly implemented, this strategy has been shown to be effective. For drivers with multiple DUI offenses, use of the IID reduces recidivism in the first year by about 65%. However, once the IID is removed, there is no lasting beneficial effect. See Appendix 5 for additional information on the Maryland program.
Keys to Success	<p>This strategy needs to be applied more broadly to realize its full potential. It should not be simply an option offered by the licensing authority. The courts need to impose the sanction on convicted DUI offenders as a condition of probation (as opposed to incarceration). When it is merely an option offered by the licensing agency, it is not widely used (Voas, 1999). Therefore, the judicial system has to be a willing participant in this strategy and require the use of an IID as a condition for resumption of driving.</p> <p>There must also be an adequate network of installers who are certified to monitor the system and ensure that it is working properly. These installers/monitors also periodically submit records to the DMV, providing a complete history of the driver's attempts to use the vehicle.</p> <p>Of critical importance is the availability of the expertise to install, service, and monitor the use of IIDs. State agencies are not likely to be able to provide this function and must arrange with a private organization for this service. This requirement for professional installation and monitoring cannot occur if there is only sporadic assignment to IID use. There must be a "critical mass" of users in order to warrant the involvement of a private contractor.</p> <p>Finally, program success requires that the service provider be monitored as well as the offender.</p>
Potential Difficulties	<p>If the use of the IID is not required but is only an option, its cost will prevent wide use. As a result, drivers are more likely to opt for full license suspension, which means there will be a higher risk of subsequent offenses.</p> <p>In California it was found that, even though the law required the installation of IIDs for all repeat offenders, this was occurring in less than 21% of the cases (as of 1997, most recent data available) (Tashima and Helander, 2000). The key problem appeared to be the incongruity of IID installation when the offender was not licensed to drive at all.</p> <p>Required use with appropriate follow-through to ensure application of the law will greatly increase use, bring down the cost, and increase the impact of the strategy.</p>
Appropriate Measures and Data	<p>Impact measures should focus on the offender and specific deterrence, in that there is no reason to anticipate that the IID would have any general deterrence effect. Because the sanction is not widely applied, it is possible to compare those using the IID with comparable drivers under full license suspension.</p> <p>Major outcome measures should include comparisons of drivers restricted to the IID with drivers under full license suspension/revocation on the following:</p> <ul style="list-style-type: none"> • Subsequent citations for DUI • Subsequent citations for other offenses

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SECTION V—DESCRIPTION OF STRATEGIES

EXHIBIT V-8 (Continued)

Strategy Attributes for Installation of IID in Offender’s Vehicle (P)

- Subsequent crashes in which the driver has not been using alcohol
- Subsequent crashes in which the driver has been using alcohol

Because it is legal for drivers to drive with the IID, there would be no citations issued for interlock drivers who are driving but who have not committed any offense.

Also of interest, particularly in the early stages of an IID program, would be monitoring of the extent to which it is being used (process evaluation). For this evaluation, the following data would be needed:

- Number of drivers eligible for IID, or in some cases, required by law to have IID
- Number of drivers for whom IID is required
- Characteristics of the two groups (demographics, prior driving history)
- Basis of IID assignment (by the court, by DMV, other relevant information)

Associated Need for Support Services

There must be an organization or agency, usually one or more private contractors, responsible for the installation, maintenance, and monitoring of the IID, both to ensure that the equipment is functioning properly and to ensure that the driver is complying with all requirements.

There must also be a way for the licensing authority to oversee the entire process, routinely reviewing the records from the IID and working closely with the private providers to ensure quality control.

Organizational and Institutional Attributes

Organizational, Institutional, and Policy Issues

An effective IID program requires close interagency cooperation and coordination. The program can be administered primarily through the courts or through the licensing authority, but on the basis of other studies, it is likely to be more evenly applied if it is through the licensing authority.

The administering agency must work closely with enforcement and with the contractor providing, installing, and maintaining the equipment. There should be one office responsible for oversight of the entire program and with the authority to make necessary changes.

It should be noted that medical advisory boards (MABs) may also require IIDs as part of driving restrictions. The MAB would probably monitor its own clients, in light of other medical information that is not publicly available. However, where there is overlap (monitoring the same driver), the administrative program must work closely with the MAB.

Issues Affecting Implementation Time

If this strategy is to be implemented administratively through the licensing authority (much preferred over judicial administration), enabling legislation may be required. The time required to secure this legislation will depend on legislative leadership, public support, and frequency with which the legislature convenes.

Some time will also be required to identify and work with a private contractor who can provide, maintain, and monitor the necessary equipment. State contracting requirements will vary and will affect implementation time.

Finally, some time will be required for training personnel, including those responsible for enforcement (including those who monitor the IID records) and for designing and producing monitoring and record-keeping systems.

Costs Involved

Offending drivers pay the costs of using the IID. They pay a monthly fee that covers the cost of the equipment, its maintenance and monitoring, and other associated expenses. Because some offenders will not be able to afford the full cost, the participating manufacturers are required to make special arrangements for such offenders and to provide the service for a reduced fee. Although in Maryland the fees do not pay for program administration, fees could be set to reimburse the state for its expenses.

EXHIBIT V-8 (Continued)

Strategy Attributes for Installation of IID in Offender's Vehicle (P)

Training and Other Personnel Needs	<p>Additional personnel will be required to administer the program within the licensing authority. In Maryland there is one manager who oversees the entire program, plus two administrative assistants, and another person who works on a contractual basis. In 2-1/2 years the Maryland program grew from handling 800 clients to administering 3,700. The larger the program, the more personnel will be required to administer it.</p> <p>Maryland uses four manufacturer contractors that meet its requirements. The program manager meets with the manufacturers quarterly to review the program, identify any problems, and provide feedback. In one sense, training is considered an ongoing process. However, the bulk of personnel requirements are provided by the contractors who work directly with the equipment and the record production.</p>
Legislative Needs	<p>Enabling legislation may be required, depending on the degree to which administrative authority is delegated to the licensing agency and the court system. Courts usually are allowed considerable discretion in imposing sanctions, so that theoretically the IID could be required without enabling legislation. However, the experience in California indicates that even with a legislative mandate, courts have largely ignored the required use of IID for repeat offenders. Any state considering this sanction should pay close attention to the California experience. Although legislation requiring IID for repeat offenders was enacted in 1993, in actual practice IID was rarely imposed. In 1999, new legislation consisted of</p> <ul style="list-style-type: none"> • Mandatory IID for DUI U/S/R drivers who are caught driving while U/S/R. • Early reinstatement (of license) for repeat DUI offenders who had received a post-conviction suspension/revocation, with installation of IID. • Permissive court orders for IID, with judges encouraged to require IID in cases of high BAC (0.20%), chemical test refusal, or a DUI offender with a record of traffic convictions (Helander, personal communication, 2000). <p>These provisions are based on California Vehicle Code (CVC 23246).</p>

Other Key Attributes

None

2.1 D1—Impose Electronic Monitoring (EM) or “House Arrest”

EM of repeat offenders has been shown to be effective in reducing DUI offenses. It is also an extremely cost-effective measure to reduce U/S/R driving. Considered as an alternative to incarceration, electronic monitoring, or EM (also referred to as “house arrest”) can be an effective tool for restricting the activities of repeat offenders, including driving. It is appropriate only for offenders who are not considered hazardous to themselves or others. Repeat DUIs are the most likely traffic offenders to be assigned to EM, and for this group EM has been shown to be effective. However, for EM to succeed, it must be a condition of probation, with incarceration a potential consequence of violations of restrictions.

EM enables offenders to continue in regular employment and to maintain family and other personal relationships. In EM, the offender wears an ankle that sends signals to a host computer, relaying data on the whereabouts of the wearer. The times and places that an offender may legitimately be located are established at the outset, and violations of these restrictions may be detected. In this way, the activities of the offender are closely monitored.

SECTION V—DESCRIPTION OF STRATEGIES

EXHIBIT V-9

Strategy Attributes for EM or House Arrest (P)

Technical Attributes

Target	Usually repeat DUI offenders, but any offender requiring close monitoring but not considered dangerous otherwise. Most participants in EM programs are there because of either DUI or DWS offenses (usually related to earlier DUI offenses).
Expected Effectiveness	This strategy has been shown to be highly effective in reducing repeat DUI offenses, as well as costing considerably less than incarceration. In Palm Beach County, Florida, over a 7-year period of evaluation, successful completion of the EM phase of probation was 97% or higher. However, successful completion of the entire period of probation, in which EM constituted only the first part, fell as low as 77.5% (Lilly et al., 1993). Additional information on the Palm Beach County program can be found in Appendixes 6.1, 6.2, and 6.3 .
Keys to Success	Generate public support by emphasizing the cost savings over the alternative of incarceration. Where jails are overcrowded, jail sentences of these offenders may require the construction of expensive new facilities. Also, publicize the effectiveness of EM in reducing illegal driving by the offender.
Potential Difficulties	<p>There may be objections to EM by those who consider it too lenient for repeat DUI or driving under suspension (DUS) offenders. Be prepared to deal with this opposition, emphasizing the greater length of EM sentences (estimated to be about three times those of incarceration), the close monitoring imposed, its effectiveness in preventing DUI offenses, and especially the cost savings to the public.</p> <p>A second potential problem is the possibility of unrealistic cost savings promised by eager equipment vendors. Too often they omit the real costs of program monitoring. They are also likely to calculate jail costs based on jail sentences as lengthy as EM sentences. In reality, jail sentences tend to be about one-third the length of EM sentences.</p> <p>A very real difficulty, and one not anticipated but experienced in Palm Beach County, is internal corruption in the program. Because some participants will be in positions of wealth and influence, they may offer incentives to program monitors in exchange for special considerations. There must be built-in checks and balances to preclude the possibility of such temptations.</p>
Appropriate Measures and Data	<p>Demographic characteristics of those assigned to EM compared with eligible participants who are not assigned need to be monitored to ensure there are no biases in who is assigned to the program. In Palm Beach County, they found no bias based on sex, age, race/ethnicity, family status, education, or employment. However, there was some indication that persons with lower annual incomes were less likely to be assigned to the program.</p> <p>Numbers and types of violations of EM need to be closely monitored. In Palm Beach County, violations were usually of other conditions of probation (e.g., failure to participate in a mandated alcohol/drug treatment program or failure to pay monitoring fees) rather than violations specific to home confinement itself.</p> <p>Measures of successful completion of the EM phase of probation, as well as the total probation period, need to be compiled. Also, post-probation records need to be followed to determine any long-term effects of EM probation.</p> <p>Finally, comparison needs to be made between EM participants and other comparable offenders not assigned to EM. These comparisons may come from the same jurisdiction or, if EM assignment is mandatory, either from prior time periods or from comparable jurisdiction(s) not employing EM. Appendix 6.2 provides more information on offender characteristics and outcomes.</p>

EXHIBIT V-9 (Continued)

Strategy Attributes for EM or House Arrest (P)

Associated Need for Support Services	An EM program requires a qualified private contractor to provide the equipment and the technical support necessary to a successful program. When Palm Beach County initiated its program, it had to work closely with manufacturers to develop the necessary equipment and procedures. Jurisdictions considering an EM program should take advantage of what other jurisdictions have already learned about implementing and administering a successful EM program.
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Organizational and Institutional Attributes

Organizational, Institutional, and Policy Issues	<p>A successful EM program requires coordination and cooperation between the court system and those actually administering the program. In Palm Beach County the program is administered through the sheriff's office, but it can be housed in any enforcement agency, as long as there is a qualified person with primary responsibility for overseeing the program.</p>
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There must also be close coordination with one or more qualified manufacturer-providers to handle the equipment and much of the technology required for a successful program.

Finally, there must be good relations with the public and with those responsible for the legislative or administrative authority for the program. In Palm Beach County the authority stems from the county commissioners, but this may vary from one jurisdiction to another.

Issues Affecting Implementation Time	<p>The authority for initiating such a program needs to be clearly established at the outset. It is likely that in most jurisdictions such authority already exists, at least at the discretion of the court. However, the source of the authority, whether it is the court system, the legislators, the county commissioners, or others, needs to participate in the decision to implement such a program. The length of time required for establishing this authority may vary.</p>
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The initial installation and implementation of a program is likely to take time. It is also likely to require many in-course corrections as new problems are detected. However, in this regard, contact with existing programs should greatly reduce implementation time.

Costs Involved	<p>In the early stages of this program, during planning and initial implementation, it is likely that outside funds will be required. There will be initial start-up costs for equipment, personnel, and training. Based on the demonstrated success of this program where it has been implemented, a strong case may be made to the state office of highway safety for initial support. However, once the program is established, it should be self-sustaining, using fees paid by program participants. Fees based on a sliding scale, so that wealthier offenders subsidize lower-income offenders, were used successfully in Palm Beach County and in Los Angeles County. Appendix 6.3 provides more information on costs and savings. Although many offenders will gladly pay for avoiding incarceration, it is probably not wise to establish a fee structure that generates funds above program costs. The public may not look fondly on law enforcement agencies generating profits. However, the participating offenders should pay fees that cover total program costs, including equipment installation, monitoring offender activities, treatment/rehabilitation costs, and other associated expenses.</p>
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Training and Other Personnel Needs	<p>Those responsible for monitoring the offenders, as well as the manufacturers/providers, will need to be trained and become familiar with the program. Here much can be gained by studying existing successful programs.</p>
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Legislative Needs	<p>It is unlikely that specific legislation will be required for establishing an EM program. However, there are a few states in which local authority is limited, and enabling legislation will be required from the state. Interested jurisdictions will need to ascertain what can be done in the absence of specific legislative action.</p>
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Strategy 2.1 D2—Incarcerate Offenders

Incarceration is not a cost-effective strategy if used in isolation (Martin et al., 1993). However, it is an essential ingredient in the use of other strategies. When an offender is jailed, there is no opportunity for U/S/R driving, at least during the period of incarceration. Incarceration should be considered only as a last resort. Because EM or other sanctions are likely to be at least as effective and cost much less in both financial and human terms, they should be used in preference to incarceration whenever feasible. The greatest value of incarceration as a sanction may be its implied threat should offenders fail to comply with less severe sanctions. Without the real possibility of incarceration, other sanctions may lose their effectiveness. Therefore, incarceration should be retained as a potential sanction and imposed wherever appropriate (e.g., failure to comply with other sanction requirements) so that it remains a viable threat.

EXHIBIT V-10

Strategy Attributes for Incarceration of Offenders (P)

Technical Attributes

Target	Usually repeat DUI and/or DUS offenders who fail to comply with other driving restrictions.
Expected Effectiveness	<p>Incarceration is certainly effective during the period of confinement. However, subsequent performance is, if anything, worse than it would be in the absence of incarceration.</p> <p>By itself, incarceration has been shown to be ineffective or no more effective than less costly alternatives. However, the primary effectiveness of incarceration appears to be from its potential imposition to encourage compliance with less restrictive sanctions (e.g., IID or EM).</p>
Keys to Success	The threat of incarceration must be real—that is, failure to comply with other sanctions must result in incarceration. However, this strategy is most effective when it is not imposed—that is, when it results in compliance with less restrictive (and less costly) alternatives.
Potential Difficulties	<p>One of the major concerns about incarceration is its uneven application. If jail sentences are mandatory and the public views the sanction as unduly harsh, it is likely that there will be increased plea-bargaining and reduced convictions. It is not unusual for judges to vary in their use of the sanction. Such inequity weakens the overall effectiveness of this sanction.</p> <p>The greatest problem with incarceration is its cost. It is an extremely expensive sanction, and when it is widely mandated, it can require the release of more dangerous convicted felons in order to make room for traffic offenders or require new facility construction. It can also result in overcrowding and illegal conditions in the jails, inviting legal challenges. Although incarceration is favored by the public, it is not a highly desirable measure in its own right.</p>
Appropriate Measures and Data	<p>Since traffic offenses cannot occur during incarceration, evaluation of its effect must be based on performance following release. If the period of incarceration is short, the difference with nonincarceration options should not be great, but it should make a difference for extended periods of incarceration. Detailed data on number and types of traffic offenses, as well as demographics of the offenders, should be compiled. Similar data should be collected from comparable offenders not experiencing incarceration.</p> <p>Specific deterrence measures would include</p> <ul style="list-style-type: none"> • Subsequent U/S/R citations for offenders who have been incarcerated, compared with U/S/R offenders who have not been incarcerated.

EXHIBIT V-10 (Continued)**Strategy Attributes for Incarceration of Offenders (P)**

- Other citations for U/S/R for offenders who have been incarcerated, compared with U/S/R offenders who have not been incarcerated.
- Crashes for U/S/R for offenders who have been incarcerated, compared with U/S/R offenders who have not been incarcerated.

These measures may be compiled for a given time period or used to calculate mean time to failure—that is, the average time until another crash or offense occurs.

Any evaluation should recognize that effectiveness of incarceration probably stems more from the possibility of its imposition than from its actual imposition.

Records and communication systems must be timely and complete. Infractions of probation must be reported immediately, and enforcement agencies must act to impose incarceration as a consequence.

Organizational and Institutional Attributes

Organizational, Institutional, and Policy Issues	When incarceration is used as a potential sanction to increase compliance with less restrictive sanctions, there must be close communication and coordination between the sanctioning program and the judicial and penal systems. Infractions of probation requirements must have immediate consequences, including incarceration if warranted. Otherwise, the threat of incarceration will lose its effectiveness.
Issues Affecting Implementation Time	Obviously there must be sufficient jail capacity to make the threat of incarceration real. The crowded conditions in many facilities may weaken the potential effectiveness of this strategy. If time is required to bring additional housing capacity online before the strategy is employed, this could result in a lengthy wait for implementation. However, given sufficient jail space, the implementation of this strategy should be rapid. Once the alternative strategy is in place (e.g., IID or EM), the imposition of incarceration for probation violations should be immediate.
Costs Involved	<p>Incarceration is costly to both the public and the incarcerated offender. During the period of incarceration, the offender is unable to function either in the workplace or in family life. Given its limited impact on subsequent driving behavior, it is probably best used as an incentive to comply with lesser penalties.</p> <p>Although some jurisdictions require incarcerated offenders to pay a daily fee to be applied to the costs of their keep, it is unlikely that costs can be recovered because incarceration removes an offender from gainful employment. From a monetary standpoint, this is not an attractive strategy.</p>
Training and Other Personnel Needs	Personnel will be needed to implement and monitor this strategy. In most instances they will be primarily the people responsible for overseeing the other strategies, for which incarceration serves as a motivation for compliance.
Legislative Needs	In most jurisdictions the legislative authority already exists for imposing incarceration on multiple offenders. In the absence of explicit legislative authority, courts usually have the leeway to order it for the kinds of offenders to whom it would be applied.

Strategy 2.1 E1—Provide Alternative Transportation

The provision of alternative transportation for persons under the influence of alcohol has been shown to be effective. In Aspen, Colorado, it resulted in a 15 percent reduction in injury crashes (Lacey et al., 2000). Not all communities meet the requirements for using this strategy. Alternative transportation must be fairly readily available (e.g., at night and in locations where U/S/R drivers reside) and reasonably timely without lengthy waits. Also, it should not be too

SECTION V—DESCRIPTION OF STRATEGIES

costly, although if there were widespread recognition of all the costs associated with DUI convictions (e.g., attorney fees, court costs, license reinstatement costs, vehicle insurance costs, lost work time costs), then costs for alternative transportation may appear more attractive.

Most alternative transportation programs have not been carefully evaluated. Given their short duration and limited target groups, it would be difficult to detect significant changes. However, the program in Aspen, Colorado, initiated in 1983 and called Topsy Taxi is comprehensive, in that it operates full time. This program is based on a partnership between law enforcement and the community to encourage both residents and tourists to make safe choices. Bar owners, managers, and bartenders are required to undergo training on such topics as laws governing liquor, service of alcohol, underage drinking, signs and symptoms of intoxication, diseases that can mimic intoxication, how to discontinue service to intoxicated people, and how to use alternative rides. Although the local bus service is part of the program, rides are available at any time of the day or night. No tax dollars go into the program. Rather, it is supported through fund-raising activities, grants, alcohol license fees, fees from DUI offenders, etc. The fact that the program is available and widely publicized makes it easier for enforcement to arrest offenders, in that there was a clear choice available. [Appendix 7](#) gives more information about the Aspen program.

EXHIBIT V-11

Strategy Attributes for Providing Alternative Transportation (P)

Technical Attributes

Target	The primary target would be U/S/R drivers (often repeat DUI offenders), although the existence of alternative transportation on a broader scale could have both general and specific deterrence.
Expected Effectiveness	Although not appropriate for every community, this strategy has been proven to be effective. Aspen, Colorado, found a 15% decrease in injury crashes that appeared attributable to their alternative transportation program. However, Aspen is an especially affluent community with an extensive mass transit system and strict enforcement. It is unlikely that most communities could provide the infrastructure that appears critical to the Aspen success.
Keys to Success	The Aspen program has the strong backing of the business community. Also, it does not use tax dollars and may not operate in the red, making it more acceptable to the public. A broad-based public transit system that operates throughout the day and night is probably a critical element of a successful alternative transportation program. Taxi service can cover late hours when buses are not operating. In Aspen, enforcement and the broader community work together to make the system work. Finally, Aspen has raised large sums of money to fund their program.
Potential Difficulties	It is possible that those simply seeking free transportation could abuse the service. The Aspen program tries to err in the direction of transporting inappropriate clients rather than refusing clients who need the service.
Appropriate Measures and Data	Process measures include the number of users, as well as the times and places use occurs. Ideally, information would also be collected on user license status, but this and other demographic measures are probably too difficult to obtain. Program costs should also be calculated to weigh against crash reductions. Impact measures include <ul style="list-style-type: none"> • Number of crashes • Severity of crashes

EXHIBIT V-11 (Continued)

Strategy Attributes for Providing Alternative Transportation (P)

	<ul style="list-style-type: none"> • Other crash characteristics (e.g., number of vehicles involved, types of violations, driver demographics) • Number of alcohol-related crashes • License status of crash-involved drivers • Times and places of crashes • Costs of crashes (including medical costs)
Associated Needs for Support Services	This strategy is best implemented as a community-wide effort with potential benefits accruing to the entire community. While the transportation systems need to be involved, public support is essential for success.

Organizational and Institutional Attributes

Organizational, Institutional, and Policy Issues	The Aspen program has an advisory committee including a broad range of stakeholders. Over the years many changes have been made in the program on the basis of input from this committee.
Issues Affecting Implementation Time	Costs and public support are probably the two most important factors affecting implementation time. Both could require considerable time to obtain.
Costs Involved	Transportation systems, whether public or private, are costly. Ideally, offending drivers should incur the costs, but U/S/R drivers include some who are indigent. In the Aspen program, rides are provided free of charge, and if the rider is issued a parking ticket or towing fee, these are cancelled upon evidence of Topsy Taxi use. However, program users are given information about the program and encouraged to make a donation. The program is funded by donations, grants, fund raising activities, fees, etc.
Training and Other Personnel Needs	In Aspen, those responsible for arranging alternative transportation (e.g., bar tenders) need to be trained in alcohol laws, recognition of signs of intoxication, and other relevant information. Only trained personnel may issue transportation vouchers. The program director, a deputy sheriff, spends about 1 half day a week on the program. The time required would vary as a function of the size and complexity of the program.
Legislative Needs	This strategy should not require legislative action. It can work only at a community level and must be created at that level using community resources, both public and private.

Other Key Attributes

None

Combining/Integrating Strategies

Strategies may be used in combination with each other to achieve greater impact. For example, Strategies 2.1 A1, 2.1 A2, and 2.1 A3 (increase enforcement in selected areas, routinely link citations to driver record, and create and distribute “hot sheets,” respectively) may be used in conjunction with any of the other strategies. Likewise, strategies may be integrated for a more comprehensive approach. For example, in a vehicle-oriented approach, a first DWS could result in license plate striping, a second in license plate impoundment, and a third in vehicle seizure. A further infraction could result in EM. Of course, for maximum effect, it is essential that the imposition of sanctions be well publicized.

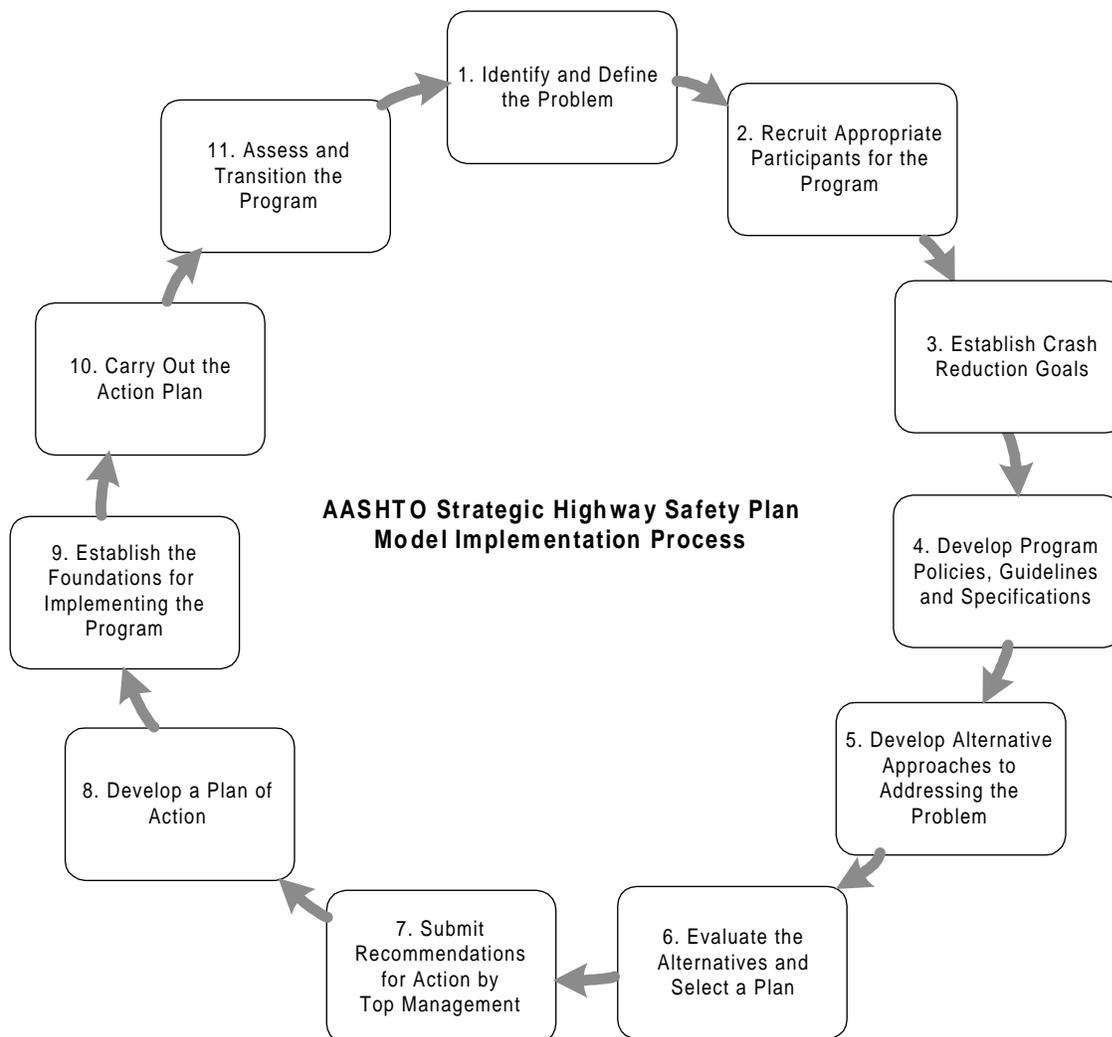
SECTION VI

Guidance for Implementation of the AASHTO Strategic Highway Safety Plan

Outline for a Model Implementation Process

Exhibit VI-1 gives an overview of an 11-step model process for implementing a program of strategies for any given emphasis area of the AASHTO Strategic Highway Safety Plan. After a short introduction, each of the steps is outlined in further detail.

EXHIBIT VI-1



Purpose of the Model Process

The process described in this section is provided as a model rather than a standard. Many users of this guide will already be working within a process established by their agency or working group. It is not suggested that their process be modified to conform to this one. However, the model process may provide a useful checklist. For those not having a standard process to follow, it is recommended that the model process be used to help establish an appropriate one for their initiative. Not all steps in the model process need to be performed at the level of detail indicated in the outlines below. The degree of detail and the amount of work required to complete some of these steps will vary widely, depending upon the situation.

It is important to understand that the process being presented here is assumed to be conducted only as a part of a broader, strategic-level safety management process. The details of that process, and its relation to this one, may be found in a companion guide. (The companion guide is a work in progress at this writing. When it is available, it will be posted online at <http://transportation1.org/safetyplan>.)

Overview of the Model Process

The process (see Exhibit VI-1, above) must be started at top levels in the lead agency's organization. This would, for example, include the CEO, DOT secretary, or chief engineer, as appropriate. Here, decisions will have been made to focus the agency's attention and resources on specific safety problems based upon the particular conditions and characteristics of the organization's roadway system. This is usually, but not always, documented as a result of the strategic-level process mentioned above. It often is publicized in the form of a "highway safety plan." Examples of what states produce include Wisconsin DOT's Strategic Highway Safety Plan (see [Appendix A](#)) and Iowa's Safety Plan (available at <http://www.iowasms.org/toolbox.htm>).

Once a "high-level" decision has been made to proceed with a particular emphasis area, the first step is to describe, in as much detail as possible, the problem that has been identified in the high-level analysis. The additional detail helps confirm to management that the problem identified in the strategic-level analysis is real and significant and that it is possible to do something about it. The added detail that this step provides to the understanding of the problem will also play an important part in identifying alternative approaches for dealing with it.

Step 1 should produce endorsement and commitments from management to proceed, at least through a planning process. With such an endorsement, it is then necessary to identify the stakeholders and define their role in the effort (Step 2). It is important at this step to identify a range of participants in the process who will be able to help formulate a comprehensive approach to the problem. The group will want to consider how it can draw upon potential actions directed at

- Driver behavior (legislation, enforcement, education, and licensing),
- Engineering,

- Emergency medical systems, and
- System management.

With the establishment of a working group, it is then possible to finalize an understanding of the nature and limitations of what needs to be done in the form of a set of program policies, guidelines, and specifications (Steps 3 and 4). An important aspect of this is establishing targets for crash reduction in the particular emphasis area (Step 3). Identifying stakeholders, defining their roles, and forming guidelines and policies are all elements of what is often referred to as “chartering the team.” In many cases, and in particular where only one or two agencies are to be involved and the issues are not complex, it may be possible to complete Steps 1 through 4 concurrently.

Having received management endorsement and chartered a project team—the foundation for the work—it is now possible to proceed with project planning. The first step in this phase (Step 5 in the overall process) is to identify alternative strategies for addressing the safety problems that have been identified while remaining faithful to the conditions established in Steps 2 through 4.

With the alternative strategies sufficiently defined, they must be evaluated against one another (Step 6) and as groups of compatible strategies (i.e., a total program). The results of the evaluation will form the recommended plan. The plan is normally submitted to the appropriate levels of management for review and input, resulting ultimately in a decision on whether and how to proceed (Step 7). Once the working group has been given approval to proceed, along with any further guidelines that may have come from management, the group can develop a detailed plan of action (Step 8). This is sometimes referred to as an “implementation” or “business” plan.

Plan implementation is covered in Steps 9 and 10. There often are underlying activities that must take place prior to implementing the action plan to form a foundation for what needs to be done (Step 9). This usually involves creating the organizational, operational, and physical infrastructure needed to succeed. The major step (Step 10) in this process involves doing what was planned. This step will in most cases require the greatest resource commitment of the agency. An important aspect of implementation involves maintaining appropriate records of costs and effectiveness to allow the plan to be evaluated after-the-fact.

Evaluating the program, after it is underway, is an important activity that is often overlooked. Management has the right to require information about costs, resources, and effectiveness. It is also likely that management will request that the development team provide recommendations about whether the program should be continued and, if so, what revisions should be made. Note that management will be deciding on the future for any single emphasis area in the context of the entire range of possible uses of the agency’s resources. Step 11 involves activities that will give the desired information to management for each emphasis area.

To summarize, the implementation of a program of strategies for an emphasis area can be characterized as an 11-step process. The steps in the process correspond closely to a 4-phase approach commonly followed by many transportation agencies:

- Endorsement and chartering of the team and project (Steps 1 through 4),
- Project planning (Steps 5 through 8),
- Plan implementation (Steps 9 and 10), and
- Plan evaluation (Step 11).

Details about each step follow. The Web-based version of this description is accompanied by a set of supplementary material to enhance and illustrate the points.

The model process is intended to provide a framework for those who need it. It is not intended to be a how-to manual. There are other documents that provide extensive detail regarding how to conduct this type of process. Some general ones are covered in [Appendix B](#) and [Appendix C](#). Others, which relate to specific aspects of the process, are referenced within the specific sections to which they apply.

Implementation Step 1: Identify and Define the Problem

General Description

Program development begins with gathering data and creating and analyzing information. The implementation process being described in this guide is one that will be done in the context of a larger strategic process. It is expected that this guide will be used when the strategic process, or a project-level analysis, has identified a potentially significant problem in this emphasis area.

Data analyses done at the strategic level normally are done with a limited amount of detail. They are usually the top layer in a “drill-down” process. Therefore, while those previous analyses should be reviewed and used as appropriate, it will often be the case that further studies are needed to completely define the issues.

It is also often the case that a core technical working group will have been formed by the lead agency to direct and carry out the process. This group can conduct the analyses required in this step, but should seek, as soon as possible, to involve any other stakeholders who may desire to provide input to this process. Step 2 deals further with the organization of the working group.

The objectives of this first step are as follows:

1. Confirm that a problem exists in this emphasis area.
2. Detail the characteristics of the problem to allow identification of likely approaches for eliminating or reducing it.
3. Confirm with management, given the new information, that the planning and implementation process should proceed.

The objectives will entail locating the best available data and analyzing them to highlight either geographic concentrations of the problem or over-representation of the problem within the population being studied.

Identification of existing problems is a *responsive approach*. This can be complemented by a *proactive approach* that seeks to identify potentially hazardous conditions or populations.

For the responsive type of analyses, one generally begins with basic crash records that are maintained by agencies within the jurisdiction. This is usually combined, where feasible, with other safety data maintained by one or more agencies. The other data could include

- Roadway inventory,
- Driver records (enforcement, licensing, courts), or
- Emergency medical service and trauma center data.

To have the desired level of impact on highway safety, it is important to consider the highway system as a whole. Where multiple jurisdictions are responsible for various parts of the system, they should all be included in the analysis, wherever possible. The best example of this is a state plan for highway safety that includes consideration of the extensive

mileage administered by local agencies. To accomplish problem identification in this manner will require a cooperative, coordinated process. For further discussion on the problem identification process, see [Appendix D](#) and the further references contained therein.

In some cases, very limited data are available for a portion of the roads in the jurisdiction. This can occur for a local road maintained by a state or with a local agency that has very limited resources for maintaining major databases. Lack of data is a serious limitation to this process, but must be dealt with. It may be that for a specific study, special data collection efforts can be included as part of the project funding. While crash records may be maintained for most of the roads in the system, the level of detail, such as good location information, may be quite limited. It is useful to draw upon local knowledge to supplement data, including

- Local law enforcement,
- State district and maintenance engineers,
- Local engineering staff, and
- Local residents and road users.

These sources of information may provide useful insights for identifying hazardous locations. In addition, local transportation agencies may be able to provide supplementary data from their archives. Finally, some of the proactive approaches mentioned below may be used where good records are not available.

Maximum effectiveness often calls for going beyond data in the files to include special supplemental data collected on crashes, behavioral data, site inventories, and citizen input. Analyses should reflect the use of statistical methods that are currently recognized as valid within the profession.

Proactive elements could include

- Changes to policies, design guides, design criteria, and specifications based upon research and experience;
- Retrofitting existing sites or highway elements to conform to updated criteria (perhaps with an appropriate priority scheme);
- Taking advantage of lessons learned from previous projects;
- Road safety audits, including on-site visits;
- Safety management based on roadway inventories;
- Input from police officers and road users; and
- Input from experts through such programs as the NHTSA traffic records assessment team.

The result of this step is normally a report that includes tables and graphs that clearly demonstrate the types of problems and detail some of their key characteristics. Such reports

should be presented in a manner to allow top management to quickly grasp the key findings and help them decide which of the emphasis areas should be pursued further, and at what level of funding. However, the report must also document the detailed work that has been done, so that those who do the later stages of work will have the necessary background.

Specific Elements

1. Define the scope of the analysis
 - 1.1. All crashes in the entire jurisdiction
 - 1.2. A subset of crash types (whose characteristics suggest they are treatable, using strategies from the emphasis area)
 - 1.3. A portion of the jurisdiction
 - 1.4. A portion of the population (whose attributes suggest they are treatable using strategies from the emphasis area)
2. Define safety measures to be used for responsive analyses
 - 2.1. Crash measures
 - 2.1.1. Frequency (all crashes or by crash type)
 - 2.1.2. Measures of exposure
 - 2.1.3. Decide on role of frequency versus rates
 - 2.2. Behavioral measures
 - 2.2.1. Conflicts
 - 2.2.2. Erratic maneuvers
 - 2.2.3. Illegal maneuvers
 - 2.2.4. Aggressive actions
 - 2.2.5. Speed
 - 2.3. Other measures
 - 2.3.1. Citizen complaints
 - 2.3.2. Marks or damage on roadway and appurtenances, as well as crash debris
3. Define measures for proactive analyses
 - 3.1. Comparison with updated and changed policies, design guides, design criteria, and specifications
 - 3.2. Conditions related to lessons learned from previous projects
 - 3.3. Hazard indices or risk analyses calculated using data from roadway inventories to input to risk-based models
 - 3.4. Input from police officers and road users
4. Collect data
 - 4.1. Data on record (e.g., crash records, roadway inventory, medical data, driver-licensing data, citations, other)
 - 4.2. Field data (e.g., supplementary crash and inventory data, behavioral observations, operational data)
 - 4.3. Use of road safety audits, or adaptations
5. Analyze data
 - 5.1. Data plots (charts, tables, and maps) to identify possible patterns, and concentrations (See [Appendixes Y, Z](#) and [AA](#) for examples of what some states are doing)

- 5.2. Statistical analysis (high-hazard locations, over-representation of contributing circumstances, crash types, conditions, and populations)
- 5.3. Use expertise, through road safety audits or program assessment teams
- 5.4. Focus upon key attributes for which action is feasible:
 - 5.4.1. Factors potentially contributing to the problems
 - 5.4.2. Specific populations contributing to, and affected by, the problems
 - 5.4.3. Those parts of the system contributing to a large portion of the problem
6. Report results and receive approval to pursue solutions to identified problems (*approvals being sought here are primarily a confirmation of the need to proceed and likely levels of resources required*)
 - 6.1. Sort problems by type
 - 6.1.1. Portion of the total problem
 - 6.1.2. Vehicle, highway/environment, enforcement, education, other driver actions, emergency medical system, legislation, and system management
 - 6.1.3. According to applicable funding programs
 - 6.1.4. According to political jurisdictions
 - 6.2. Preliminary listing of the types of strategies that might be applicable
 - 6.3. Order-of-magnitude estimates of time and cost to prepare implementation plan
 - 6.4. Listing of agencies that should be involved, and their potential roles (including an outline of the organizational framework intended for the working group). Go to Step 2 for more on this.

Implementation Step 2: Recruit Appropriate Participants for the Program

General Description

A critical early step in the implementation process is to engage all the stakeholders that may be encompassed within the scope of the planned program. The stakeholders may be from outside agencies (e.g., state patrol, county governments, or citizen groups). One criterion for participation is if the agency or individual will help ensure a comprehensive view of the problem and potential strategies for its resolution. If there is an existing structure (e.g., a State Safety Management System Committee) of stakeholders for conducting strategic planning, it is important to relate to this, and build on it, for addressing the detailed considerations of the particular emphasis area.

There may be some situations within the emphasis area for which no other stakeholders may be involved other than the lead agency and the road users. However, in most cases, careful consideration of the issues will reveal a number of potential stakeholders to possibly be involved. Furthermore, it is usually the case that a potential program will proceed better in the organizational and institutional setting if a high-level “champion” is found in the lead agency to support the effort and act as a key liaison with other stakeholders.

Stakeholders should already have been identified in the previous step, at least at a level to allow decision makers to know whose cooperation is needed, and what their potential level of involvement might be. During this step, the lead agency should contact the key individuals in each of the external agencies to elicit their participation and cooperation. This will require identifying the right office or organizational unit, and the appropriate people in each case. It will include providing them with a brief overview document and outlining for them the type of involvement envisioned. This may typically involve developing interagency agreements. The participation and cooperation of each agency should be secured to ensure program success.

Lists of appropriate candidates for the stakeholder groups are recorded in [Appendix K](#). In addition, reference may be made to the NHTSA document at <http://www.nhtsa.dot.gov/safecommunities/SAFE%20COMM%20Html/index.html>, which provides guidance on building coalitions.

Specific Elements

1. Identify internal “champions” for the program
2. Identify the suitable contact in each of the agencies or private organizations who is appropriate to participate in the program
3. Develop a brief document that helps sell the program and the contact’s role in it by
 - 3.1. Defining the problem
 - 3.2. Outlining possible solutions
 - 3.3. Aligning the agency or group mission by resolving the problem
 - 3.4. Emphasizing the importance the agency has to the success of the effort

- 3.5. Outlining the organizational framework for the working group and other stakeholders cooperating on this effort
- 3.6. Outlining the rest of the process in which agency staff or group members are being asked to participate
- 3.7. Outlining the nature of commitments desired from the agency or group for the program
- 3.8. Establishing program management responsibilities, including communication protocols, agency roles, and responsibilities
- 3.9. Listing the purpose for an initial meeting
4. Meet with the appropriate representative
 - 4.1. Identify the key individual(s) in the agency or group whose approval is needed to get the desired cooperation
 - 4.2. Clarify any questions or concepts
 - 4.3. Outline the next steps to get the agency or group onboard and participating
5. Establish an organizational framework for the group
 - 5.1. Roles
 - 5.2. Responsibilities

Implementation Step 3: Establish Crash Reduction Goals

General Description

The AASHTO Strategic Highway Safety Plan established a national goal of saving 5,000 to 7,000 lives annually by the year 2003 to 2005. Some states have established statewide goals for the reduction of fatalities or crashes of a certain degree of severity. Establishing an explicit goal for crash reduction can place an agency “on the spot,” but it usually provides an impetus to action and builds a support for funding programs for its achievement. Therefore, it is desirable to establish, within each emphasis area, one or more crash reduction targets.

These may be dictated by strategic-level planning for the agency, or it may be left to the stakeholders to determine. (The summary of the Wisconsin DOT Highway Safety Plan in [Appendix A](#) has more information.) For example, Pennsylvania adopted a goal of 10 percent reduction in fatalities by 2002,¹ while California established a goal of 40 percent reduction in fatalities and 15 percent reduction in injury crashes, as well as a 10 percent reduction in work zone crashes, in 1 year.² At the municipal level, Toledo, Ohio, is cited by the U.S. Conference of Mayors as having an exemplary program. This included establishing specific crash reduction goals (http://www.usmayors.org/uscm/uscm_projects_services/health/traffic/best_traffic_initiative_toledo.htm). When working within an emphasis area, it may be desirable to specify certain types of crashes, as well as the severity level, being targeted.

There are a few key considerations for establishing a quantitative goal. The stakeholders should achieve consensus on this issue. The goal should be challenging, but achievable. Its feasibility depends in part on available funding, the timeframe in which the goal is to be achieved, the degree of complexity of the program, and the degree of controversy the program may experience. To a certain extent, the quantification of the goal will be an iterative process. If the effort is directed at a particular location, then this becomes a relatively straightforward action.

Specific Elements

1. Identify the type of crashes to be targeted
 - 1.1. Subset of all crash types
 - 1.2. Level of severity
2. Identify existing statewide or other potentially related crash reduction goals
3. Conduct a process with stakeholders to arrive at a consensus on a crash reduction goal
 - 3.1. Identify key considerations
 - 3.2. Identify past goals used in the jurisdiction
 - 3.3. Identify what other jurisdictions are using as crash reduction goals
 - 3.4. Use consensus-seeking methods, as needed

¹ Draft State Highway Safety Plan, State of Pennsylvania, July 22, 1999

² Operations Program Business Plan, FY 1999/2000, State of California, Caltrans, July 1999

Implementation Step 4: Develop Program Policies, Guidelines, and Specifications

General Description

A foundation and framework are needed for solving the identified safety problems. The implementation process will need to be guided and evaluated according to a set of goals, objectives, and related performance measures. These will formalize what the intended result is and how success will be measured. The overlying crash reduction goal, established in Step 3, will provide the context for the more specific goals established in this step. The goals, objectives, and performance measures will be used much later to evaluate what is implemented. Therefore, they should be jointly outlined at this point and agreed to by all program stakeholders. It is important to recognize that evaluating any actions is an important part of the process. Even though evaluation is not finished until some time after the strategies have been implemented, it begins at this step.

The elements of this step may be simpler for a specific project or location than for a comprehensive program. However, even in the simpler case, policies, guidelines, and specifications are usually needed. Furthermore, some programs or projects may require that some guidelines or specifications be in the form of limits on directions taken and types of strategies considered acceptable.

Specific Elements

1. Identify high-level policy actions required and implement them (legislative and administrative)
2. Develop goals, objectives, and performance measures to guide the program and use for assessing its effect
 - 2.1. Hold joint meetings of stakeholders
 - 2.2. Use consensus-seeking methods
 - 2.3. Carefully define terms and measures
 - 2.4. Develop report documenting results and validate them
3. Identify specifications or constraints to be used throughout the project
 - 3.1. Budget constraints
 - 3.2. Time constraints
 - 3.3. Personnel training
 - 3.4. Capacity to install or construct
 - 3.5. Types of strategies not to be considered or that must be included
 - 3.6. Other

Implementation Step 5: Develop Alternative Approaches to Addressing the Problem

General Description

Having defined the problem and established a foundation, the next step is to find ways to address the identified problems. If the problem identification stage has been done effectively (see [Appendix D](#) for further details on identifying road safety problems), the characteristics of the problems should suggest one or more alternative ways for dealing with the problem. It is important that a full range of options be considered, drawing from areas dealing with enforcement, engineering, education, emergency medical services, and system management actions.

Alternative strategies should be sought for both location-specific and systemic problems that have been identified. Location-specific strategies should pertain equally well to addressing high-hazard locations and to solving safety problems identified within projects that are being studied for reasons other than safety.

Where site-specific strategies are being considered, visits to selected sites may be in order if detailed data and pictures are not available. In some cases, the emphasis area guides will provide tables that help connect the attributes of the problem with one or more appropriate strategies to use as countermeasures.

Strategies should also be considered for application on a systemic basis. Examples include

1. Low-cost improvements targeted at problems that have been identified as significant in the overall highway safety picture, but not concentrated in a given location.
2. Action focused upon a specific driver population, but carried out throughout the jurisdiction.
3. Response to a change in policy, including modified design standards.
4. Response to a change in law, such as adoption of a new definition for DUI.

In some cases, a strategy may be considered that is relatively untried or is an innovative variation from past approaches to treatment of a similar problem. Special care is needed to ensure that such strategies are found to be sound enough to implement on a wide-scale basis. Rather than ignoring this type of candidate strategy in favor of the more “tried-and-proven” approaches, consideration should be given to including a pilot-test component to the strategy.

The primary purpose of this guide is to provide a set of strategies to consider for eliminating or lessening the particular road safety problem upon which the user is focusing. As pointed out in the first step of this process, the identification of the problem, and the selection of strategies, is a complex step that will be different for each case. Therefore, it is not feasible to provide a “formula” to follow. However, guidelines are available. There are a number of texts to which the reader can refer. Some of these are listed in [Appendix B](#) and [Appendix D](#).

In addition, the tables referenced in [Appendix G](#) provide examples for linking identified problems with candidate strategies.

The second part of this step is to assemble sets of strategies into alternative “program packages.” Some strategies are complementary to others, while some are more effective when combined with others. In addition, some strategies are mutually exclusive. Finally, strategies may be needed to address roads across multiple jurisdictions. For instance, a package of strategies may need to address both the state and local highway system to have the desired level of impact. The result of this part of the activity will be a set of alternative “program packages” for the emphasis area.

It may be desirable to prepare a technical memorandum at the end of this step. It would document the results, both for input into the next step and for internal reviews. The latter is likely to occur, since this is the point at which specific actions are being seriously considered.

Specific Elements

1. Review problem characteristics and compare them with individual strategies, considering both their objectives and their attributes
 - 1.1. Road-user behavior (law enforcement, licensing, adjudication)
 - 1.2. Engineering
 - 1.3. Emergency medical services
 - 1.4. System management elements
2. Select individual strategies that do the following:
 - 2.1. Address the problem
 - 2.2. Are within the policies and constraints established
 - 2.3. Are likely to help achieve the goals and objectives established for the program
3. Assemble individual strategies into alternative program packages expected to optimize achievement of goals and objectives
 - 3.1. Cumulative effect to achieve crash reduction goal
 - 3.2. Eliminate strategies that can be identified as inappropriate, or likely to be ineffective, even at this early stage of planning
4. Summarize the plan in a technical memorandum, describing attributes of individual strategies, how they will be combined, and why they are likely to meet the established goals and objectives

Implementation Step 6: Evaluate Alternatives and Select a Plan

General Description

This step is needed to arrive at a logical basis for prioritizing and selecting among the alternative strategies or program packages that have been developed. There are several activities that need to be performed. One proposed list is shown in [Appendix P](#).

The process involves making estimates for each of the established performance measures for the program and comparing them, both individually and in total. To do this in a quantitative manner requires some basis for estimating the effectiveness of each strategy. Where solid evidence has been found on effectiveness, it has been presented for each strategy in the guide. In some cases, agencies have a set of crash reduction factors that are used to arrive at effectiveness estimates. Where a high degree of uncertainty exists, it is wise to use sensitivity analyses to test the validity of any conclusions that may be made regarding which is the best strategy or set of strategies to use. Further discussion of this may be found in [Appendix O](#).

Cost-benefit and cost-effectiveness analyses are usually used to help identify inefficient or inappropriate strategies, as well as to establish priorities. For further definition of the two terms, see [Appendix Q](#). For a comparison of the two techniques, see [Appendix S](#). Aspects of feasibility, other than economic, must also be considered at this point. An excellent set of references is provided within online benefit-cost guides:

- One is under development at the following site, maintained by the American Society of Civil Engineers: http://ceenve.calpoly.edu/sullivan/cutep/cutep_bc_outline_main.htm
- The other is *Guide to Benefit-Cost Analysis in Transport Canada*, September 1994, http://www.tc.gc.ca/finance/bca/en/TOC_e.htm. An overall summary of this document is given in [Appendix V](#).

In some cases, a strategy or program may look promising, but no evidence may be available as to its likely effectiveness. This would be especially true for innovative methods or use of emerging technologies. In such cases, it may be advisable to plan a pilot study to arrive at a minimum level of confidence in its effectiveness, before large-scale investment is made or a large segment of the public is involved in something untested.

It is at this stage of detailed analysis that the crash reduction goals, set in Step 3, may be revisited, with the possibility of modification.

It is important that this step be conducted with the full participation of the stakeholders. If the previous steps were followed, the working group will have the appropriate representation. Technical assistance from more than one discipline may be necessary to go through more complex issues. Group consensus will be important on areas such as estimates of effectiveness, as well as the rating and ranking of alternatives. Techniques are available to assist in arriving at consensus. For example, see the following Web site for an overview: http://web.mit.edu/publicdisputes/practices/cbh_ch1.html.

Specific Elements

1. Assess feasibility
 - 1.1. Human resources
 - 1.2. Special constraints
 - 1.3. Legislative requirements
 - 1.4. Other
 - 1.5. This is often done in a qualitative way, to narrow the list of choices to be studied in more detail (see, for example, [Appendix BB](#))
2. Estimate values for each of the performance measures for each strategy and plan
 - 2.1. Estimate costs and impacts
 - 2.1.1. Consider guidelines provided in the detailed description of strategies in this material
 - 2.1.2. Adjust as necessary to reflect local knowledge or practice
 - 2.1.3. Where a plan or program is being considered that includes more than one strategy, combine individual estimates
 - 2.2. Prepare results for cost-benefit and/or cost-effectiveness analyses
 - 2.3. Summarize the estimates in both disaggregate (by individual strategy) and aggregate (total for the program) form
3. Conduct a cost-benefit and/or cost-effectiveness analysis to identify inefficient, as well as dominant, strategies and programs and to establish a priority for the alternatives
 - 3.1. Test for dominance (both lower cost and higher effectiveness than others)
 - 3.2. Estimate relative cost-benefit and/or cost-effectiveness
 - 3.3. Test productivity
4. Develop a report that documents the effort, summarizing the alternatives considered and presenting a preferred program, as devised by the working group (for suggestions on a report of a benefit-cost analysis, see [Appendix U](#)).
 - 4.1. Designed for high-level decision makers, as well as technical personnel who would be involved in the implementation
 - 4.2. Extensive use of graphics and layout techniques to facilitate understanding and capture interest
 - 4.3. Recommendations regarding meeting or altering the crash reduction goals established in Step 3.

Implementation Step 7: Submit Recommendations for Action by Top Management

General Description

The working group has completed the important planning tasks and must now submit the results and conclusions to those who will make the decision on whether to proceed further. Top management, at this step, will primarily be determining if an investment will be made in this area. As a result, the plan will not only be considered on the basis of its merits for solving the particular problems identified in this emphasis area (say, vis-à-vis other approaches that could be taken to deal with the specific problems identified), but also its relative value in relation to investments in other aspects of the road safety program.

This aspect of the process involves using the best available communication skills to adequately inform top management. The degree of effort and extent of use of media should be proportionate to the size and complexity of the problem being addressed, as well as the degree to which there is competition for funds.

The material that is submitted should receive careful review by those with knowledge in report design and layout. In addition, today's technology allows for the development of automated presentations, using animation and multimedia in a cost-effective manner. Therefore, programs involving significant investments that are competing strongly for implementation resources should be backed by such supplementary means for communicating efficiently and effectively with top management.

Specific Elements

1. Submit recommendations for action by management
 - 1.1. "Go/no-go" decision
 - 1.2. Reconsideration of policies, guidelines, and specifications (see Step 3)
 - 1.3. Modification of the plan to accommodate any revisions to the program framework made by the decision makers
2. Working group to make presentations to decision makers and other groups, as needed and requested
3. Working group to provide technical assistance with the review of the plan, as requested
 - 3.1. Availability to answer questions and provide further detail
 - 3.2. Assistance in conducting formal assessments

Implementation Step 8: Develop a Plan of Action

General Description

At this stage, the working group will usually detail the program that has been selected for implementation. This step translates the program into an action plan, with all the details needed by both decision makers, who will have to commit to the investment of resources, and those charged with carrying it out. The effort involves defining resource requirements, organizational and institutional arrangements needed, schedules, etc. This is usually done in the form of a business plan, or plan of action. An example of a plan developed by a local community is shown in [Appendix X](#).

An evaluation plan should be designed at this point. It is an important part of the plan. This is something that should be in place before Step 9 is finished. It is not acceptable to wait until after the program is completed to begin designing an evaluation of it. This is because data are needed about conditions before the program starts, to allow comparison with conditions during its operation and after its completion. It also should be designed at this point, to achieve consensus among the stakeholders on what constitutes “success.” The evaluation is used to determine just how well things were carried out and what effect the program had. Knowing this helps maintain the validity of what is being done, encourages future support from management, and provides good intelligence on how to proceed after the program is completed. For further details on performing evaluations, see [Appendix L](#), [Appendix M](#), and [Appendix W](#).

The plan of action should be developed jointly with the involvement of all desired participants in the program. It should be completed to the detail necessary to receive formal approval of each agency during the next step. The degree of detail and complexity required for this step will be a function of the size and scope of the program, as well as the number of independent agencies involved.

Specific Elements

1. Translation of the selected program into key resource requirements
 - 1.1. Agencies from which cooperation and coordination is required
 - 1.2. Funding
 - 1.3. Personnel
 - 1.4. Data and information
 - 1.5. Time
 - 1.6. Equipment
 - 1.7. Materials
 - 1.8. Training
 - 1.9. Legislation
2. Define organizational and institutional framework for implementing the program
 - 2.1. Include high-level oversight group
 - 2.2. Provide for involvement in planning at working levels
 - 2.3. Provide mechanisms for resolution of issues that may arise and disagreements that may occur
 - 2.4. Secure human and financial resources required

3. Detail a program evaluation plan
 - 3.1. Goals and objectives
 - 3.2. Process measures
 - 3.3. Performance measures
 - 3.3.1. Short-term, including surrogates, to allow early reporting of results
 - 3.3.2. Long-term
 - 3.4. Type of evaluation
 - 3.5. Data needed
 - 3.6. Personnel needed
 - 3.7. Budget and time estimates
4. Definition of tasks to conduct the work
 - 4.1. Develop diagram of tasks (e.g., PERT chart)
 - 4.2. Develop schedule (e.g., Gantt chart)
 - 4.3. For each task, define
 - 4.3.1. Inputs
 - 4.3.2. Outputs
 - 4.3.3. Resource requirements
 - 4.3.4. Agency roles
 - 4.3.5. Sequence and dependency of tasks
5. Develop detailed budget
 - 5.1. By task
 - 5.2. Separate by source and agency/office (i.e., cost center)
6. Produce program action plan, or business plan document

Implementation Step 9: Establish Foundations for Implementing the Program

General Description

Once approved, some “groundwork” is often necessary to establish a foundation for carrying out the selected program. This is somewhat similar to what was done in Step 4. It must now be done in greater detail and scope for the specific program being implemented. As in Step 4, specific policies and guidelines must be developed, organizational and institutional arrangements must be initiated, and an infrastructure must be created for the program. The business plan or action plan provides the basis (Step 7) for this. Once again, the degree of complexity required will vary with the scope and size of the program, as well as the number of agencies involved.

Specific Elements

1. Refine policies and guidelines (from Step 4)
2. Effect required legislation or regulations
3. Allocate budget
4. Reorganize implementation working group
5. Develop program infrastructure
 - 5.1. Facilities and equipment for program staff
 - 5.2. Information systems
 - 5.3. Communications
 - 5.4. Assignment of personnel
 - 5.5. Administrative systems (monitoring and reporting)
6. Set up program assessment system
 - 6.1. Define/refine/revise performance and process measures
 - 6.2. Establish data collection and reporting protocols
 - 6.3. Develop data collection and reporting instruments
 - 6.4. Measure baseline conditions

Implementation Step 10: Carry Out the Action Plan

General Description

Conditions have been established to allow the program to be started. The activities of implementation may be divided into activities associated with field preparation for whatever actions are planned and the actual field implementation of the plan. The activities can involve design and development of program actions, actual construction or installation of program elements, training, and the actual operation of the program. This step also includes monitoring for the purpose of maintaining control and carrying out mid- and post-program evaluation of the effort.

Specific Elements

1. Conduct detailed design of program elements
 - 1.1. Physical design elements
 - 1.2. PI&E materials
 - 1.3. Enforcement protocols
 - 1.4. Etc.
2. Conduct program training
3. Develop and acquire program materials
4. Develop and acquire program equipment
5. Conduct pilot tests of untested strategies, as needed
6. Program operation
 - 6.1. Conduct program “kickoff”
 - 6.2. Carry out monitoring and management of ongoing operation
 - 6.2.1 Periodic measurement (process and performance measures)
 - 6.2.2 Adjustments as required
 - 6.3 Perform interim and final reporting

Implementation Step 11: Assess and Transition the Program

General Description

The AASHTO Strategic Highway Safety Plan includes improvement in highway safety management. A key element of that is the conduct of properly designed program evaluations. The program evaluation will have been first designed in Step 8, which occurs prior to any field implementation. For details on designing an evaluation, please refer to [Step 8](#). For an example of how the New Zealand Transport Authority takes this step as an important part of the process, see [Appendix N](#).

The program will usually have a specified operational period. An evaluation of both the process and performance will have begun prior to the start of implementation. It may also continue during the course of the implementation, and it will be completed after the operational period of the program.

The overall effectiveness of the effort should be measured to determine if the investment was worthwhile and to guide top management on how to proceed into the post-program period. This often means that there is a need to quickly measure program effectiveness in order to provide a preliminary idea of the success or need for immediate modification. This will be particularly important early in development of the AASHTO Strategic Highway Safety Plan, as agencies learn what works best. Therefore, surrogates for safety impact may have to be used to arrive at early/interim conclusions. These usually include behavioral measures. This particular need for interim surrogate measures should be dealt with when the evaluation is designed, back in Step 8. However, a certain period, usually a minimum of a couple of years, will be required to properly measure the effectiveness and draw valid conclusions about programs designed to reduce highway fatalities when using direct safety performance measures.

The results of the work is usually reported back to those who authorized it and the stakeholders, as well as any others in management who will be involved in determining the future of the program. Decisions must be made on how to continue or expand the effort, if at all. If a program is to be continued or expanded (as in the case of a pilot study), the results of its assessment may suggest modifications. In some cases, a decision may be needed to remove what has been placed in the highway environment as part of the program because of a negative impact being measured. Even a “permanent” installation (e.g., rumble strips) requires a decision regarding investment for future maintenance if it is to continue to be effective.

Finally, the results of the evaluation using performance measures should be fed back into a knowledge base to improve future estimates of effectiveness.

Specific Elements

1. Analysis
 - 1.1 Summarize assessment data reported during the course of the program
 - 1.2 Analyze both process and performance measures (both quantitative and qualitative)

- 1.3 Evaluate the degree to which goals and objectives were achieved (using performance measures)
- 1.4 Estimate costs (especially vis-à-vis pre-implementation estimates)
- 1.5 Document anecdotal material that may provide insight for improving future programs and implementation efforts
- 1.6 Conduct and document debriefing sessions with persons involved in the program (including anecdotal evidence of effectiveness and recommended revisions)
2. Report results
3. Decide how to transition the program
 - 3.1 Stop
 - 3.2 Continue as is
 - 3.3 Continue with revisions
 - 3.4 Expand as is
 - 3.5 Expand with revisions
 - 3.6 Reverse some actions
4. Document data for creating or updating database of effectiveness estimates

SECTION VII

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SECTION VIII

Glossary

Acronym or Term	Meaning	Comments
3R	Rehabilitation, Resurfacing, and Restoration	Refers to type of project that is intended to be less comprehensive than complete reconstruction
AAA	American Automobile Association	
AAAM	Association for the Advancement of Automotive Medicine	
AAMVA	American Association of Motor Vehicle Administrators	
AASHTO	American Association of State Highway and Transportation Officials	
ADAT	Aggressive Driving Apprehension Team	Washington State Patrol
ADT	Average Daily Traffic	
AG	Aggressive Driving	
AMA	American Medical Association	
AMF (or CMF)	Accident Modification Factor	Also may be referred to as Crash Modification Factor
ARTBA	American Road and Transportation Builders Association	
ASCE	American Society of Civil Engineers	
AWS	Accident Warning System	
BAC	Blood Alcohol Content	
B/C	Benefit-Cost Ratio	
BCT	Breakaway Cable Terminal	End treatment for guardrail
CAE	Computer Aided Engineering	
CCS	Collision Countermeasure System	
CDL	Commercial Driver's License	
CHSIM	Comprehensive Highway Safety Improvement Model	Recently changed name to <i>The Safety Analyst</i>
CSD	Context-Sensitive Design	
DDC-ADD	Defensive Driving Course—Attitudinal Dynamics of Driving	

SECTION VIII—GLOSSARY

Acronym or Term	Meaning	Comments
DDSS	Design Decision Support System	
DES	Detailed Engineering Studies	
DMV	Department of Motor Vehicles	
DOT	Department of Transportation	
DUI/DWI	Driving Under the Influence (of alcohol or drugs)/Driving While Impaired	
DUS	Driving Under Suspension (of driver's license)	
DWR	Driving While Revoked	
DWS	Driving While Suspended	
EM	Electronic Monitoring	
FARS	Fatality Analysis Reporting System	Formerly referred to as Fatal Accident Reporting System
FHWA	Federal Highway Administration	Division of the U.S. Department of Transportation
F+I	Fatal Plus Injury (crash)	
GHSA	Governors Highway Safety Association	Formerly NAGHSR (National Association of Governors' Highway Safety Representatives)
Green Book	AASHTO Policy on Geometric Design of Highways	
H.A.D.	Halt Aggressive Driving	Lubbock, Texas
HAL	High Accident Location	
HCM	Highway Capacity Manual	TRB publication
HES	Hazard Elimination Study	
HO	Head On (accident)	
HOS	Hours of Service	For commercial vehicle drivers
HRR	Highway Research Record	TRB publication
HSIS	Highway Safety Information System	
HSM	Highway Safety Manual	
IES	Illumination Engineering Society	
IHSDM	Interactive Highway Safety Design Model	
IID	Ignition Interlock Device	
ISD	Intersection Sight Distance	

Acronym or Term	Meaning	Comments
ITE	Institute of Transportation Engineers	
LCCA	Life Cycle Cost Analysis	
MAB	Medical Advisory Board	State-level organization
MADD	Mothers Against Drunk Driving	
MUTCD	Manual of Uniform Traffic Control Devices	FHWA publication
NCHRP	National Cooperative Highway Research Program	
NHI	National Highway Institute	FHWA training office
NHTSA	National Highway Traffic Safety Administration	Division of the U.S. Department of Transportation
NSC	National Safety Council	
NTSB	National Transportation Safety Board	
NYSTA	New York State Thruway Authority	
PCR	Police Crash Report	
PDO	Property Damage Only (accident)	
PI&E	Public Information & Education	
RDG	Roadside Design Guide	AASHTO publication
RID	Remove Intoxicated Drivers	Citizen group
ROR	Run-Off-Road (accident)	
ROW	Right-of-Way	
RPM	Raised Pavement Marker	
RSA	Road Safety Audit	
RSPM	Raised Snowplowable Pavement Marker	
SADD	Students Against Destructive Decisions	
SBPD	Santa Barbara Police Department (California)	
SHSP	Strategic Highway Safety Plan	
SKARP	Skid Accident Reduction Program	
SPF	Safety Performance Function	
SSD	Stopping Sight Distance	
SUV	Sports Utility Vehicle	
SV	Single Vehicle (accident)	

SECTION VIII—GLOSSARY

Acronym or Term	Meaning	Comments
TCD	Traffic Control Device	
TRB	Transportation Research Board	
TRR	Transportation Research Record	TRB publication
TRRL	Transport and Road Research Laboratory	United Kingdom organization
TSIMS	Transportation Safety Information Management System	Developed by AASHTO
TTI	Texas Transportation Institute	
TWLTL	Two-Way, Left-Turn Lane	
U/S/R	Unlicensed/Suspended/Revoked	Drivers without licenses, or whose licenses have been suspended or revoked
UVC	Uniform Vehicle Code	Model national traffic law
WSP	Washington State Patrol	

See also: Glossary of Transportation Terms online
<http://transweb.sjsu.edu/comglos2.htm#P>

Appendixes

The following appendixes are not published in this report. However, they are available online at <http://transportation1.org/safetyplan>.

- 1 Profiles of State and Local Agency Implementation Efforts: Strategy 2.1 A1
- 2 Profiles of State and Local Agency Implementation Efforts: Strategy 2.1 B1
- 3 Profiles of State and Local Agency Implementation Efforts: Strategy 2.1 B2
- 4 Profiles of State and Local Agency Implementation Efforts: Strategy 2.1 C1
- 5 Profiles of State and Local Agency Implementation Efforts: Strategy 2.1 C2
- 6.1 Profiles of State and Local Agency Implementation Efforts: Strategy 2.1 D1
- 6.2 Performance Measures Used for Electronic Monitoring
- 6.3 Illustration of Estimated Costs of Incarceration versus Electronic Monitoring
- 7 Profiles of State and Local Agency Implementation Efforts: Strategy 2.1 E1
- 8 Potential Stakeholders

- A Wisconsin Department of Transportation 2001 Strategic Highway Safety Plan
- B Resources for the Planning and Implementation of Highway Safety Programs
- C South African Road Safety Manual
- D Comments on Problem Definition
- E Issues Associated with Use of Safety Information in Highway Design: Role of Safety in Decision Making
- F Comprehensive Highway Safety Improvement Model
- G Table Relating Candidate Strategies to Safety Data Elements
- H What is a Road Safety Audit?
- I Illustration of Regression to the Mean
- J Fault Tree Analysis
- K Lists of Potential Stakeholders
- L Conducting an Evaluation
- M Designs for a Program Evaluation
- N Joint Crash Reduction Programme: Outcome Monitoring
- O Estimating the Effectiveness of a Program During the Planning Stages
- P Key Activities for Evaluating Alternative Program
- Q Definitions of Cost-Benefit and Cost-Effectiveness
- R FHWA Policy on Life Cycle Costing
- S Comparisons of Benefit-Cost and Cost-Effectiveness Analysis
- T Issues in Cost-Benefit and Cost-Effectiveness Analyses
- U Transport Canada Recommended Structure for a Benefit-Cost Analysis Report
- V Overall Summary of Benefit-Cost Analysis Guide from Transport Canada
- W Program Evaluation—Its Purpose and Nature
- X Traffic Safety Plan for a Small Department
- Y Sample District-Level Crash Statistical Summary
- Z Sample Intersection Crash Summaries
- AA Sample Intersection Collision Diagram
- BB Example Application of the Unsignalized Intersection Guide

Abbreviations used without definitions in TRB publications:

AASHO	American Association of State Highway Officials
AASHTO	American Association of State Highway and Transportation Officials
ASCE	American Society of Civil Engineers
ASME	American Society of Mechanical Engineers
ASTM	American Society for Testing and Materials
FAA	Federal Aviation Administration
FHWA	Federal Highway Administration
FRA	Federal Railroad Administration
FTA	Federal Transit Administration
IEEE	Institute of Electrical and Electronics Engineers
ITE	Institute of Transportation Engineers
NCHRP	National Cooperative Highway Research Program
NCTRP	National Cooperative Transit Research and Development Program
NHTSA	National Highway Traffic Safety Administration
SAE	Society of Automotive Engineers
TCRP	Transit Cooperative Research Program
TRB	Transportation Research Board
U.S.DOT	United States Department of Transportation

EXHIBIT Q

11/1/2019

Construction / Carpenter / Framers - skilled trades / artisan - job employment

[CL](#) [charleston](#) > [jobs](#) > [skilled trades/artisan](#)

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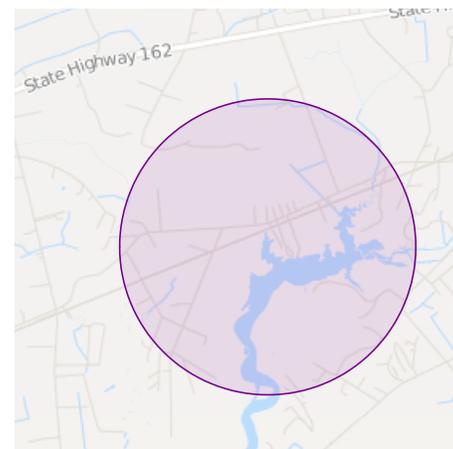


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Posted 18 days ago on: 2019-10-14 19:09

Contact Information:

Construction / Carpenter / Framers (Hollywood, SC)

compensation: **\$16.00/hour**employment type: **full-time**

Construction / Carpenter / Framers

Company Overview

Just for Fun Playgrounds was started more than 30 years ago through a father's desire to provide a fun, safe and affordable environment for his children to play in. Through the years, this vision has blossomed into a successful and innovative business. At Just For Fun Playgrounds, we design, manufacture and install commercial and residential play sets in the Lower South East.

We offer:

- Six Paid holidays per year
- Paid vacation and sick time to full-time employees after 1-year of employment
- Monday – Friday work week
- Starting pay for this position is \$16/hour with possibility for more after 90 day probation period and proven proficiency
- Paid expenses for installation jobs requiring overnight travel outside of the Charleston area

Job Description

We are looking to expand our manufacturing and installation team. If you have experience in woodworking, carpentry or framing, this position would likely be a good fit. A valid Driver's License and a good driving record are required.

The main responsibility of this position is to produce and install our products in a safe, efficient and effective manner, while upholding business personal ethics along with the customer satisfaction levels that our clients have come to expect.

Responsibilities

- Perform various shop/fabrication related duties while following quality and safety standards and maximizing efficiency and cost controls
- Understand company product lines, machinery, assembly standards and installation techniques
- Operate company vehicles, woodworking machinery, tools and equipment in a safe and productive manner
- Interpret drawings to Build and Install our in-house designed and manufactured play sets in a safe, efficient and cost effective manner
- Maintain a commitment to client satisfaction and safety protocols when on a job site
- Maintain tools, equipment and vehicles for effectiveness, efficiency and longevity
- Additional tasks or projects as defined by the shop Supervisor

Requirements

- Woodworking, construction and/or framing experience required
- Carpentry skills, proficiency with hand and power tools required

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11/1/2019

Construction / Carpenter / Framer - skilled trades / artisan - job employment

- Be able to read, interpret, and implement drawings and specifications
- Bobcat operation experience preferred, but not required
- Must have the ability to lift to 50 pounds, reach, stand, kneel and climb ladders during the course of work being performed
- Ability to work independently with minimal supervision or in teams
- Ability to read tape measure
- Honest and reliable
- Possess reasoning ability enabling you to understand and carry out detailed written, illustrated or oral instructions.
- Possess and maintain a **current South Carolina driver's license** with a good driving record

Job Location

Our shop is currently located in Hollywood, SC. We serve the lower southeast, so there is a potential for installation travel to cities in FL, GA, SC, NC.

Only serious applicants with desired experience and qualifications, please.

Just For Fun Playgrounds is an Equal Opportunity Employer. Just For Fun Playgrounds participates in E-Verify.

11/1/2019

Evening office cleaning - et cetera - job employment

CL charleston > jobs > et cetera

reply below

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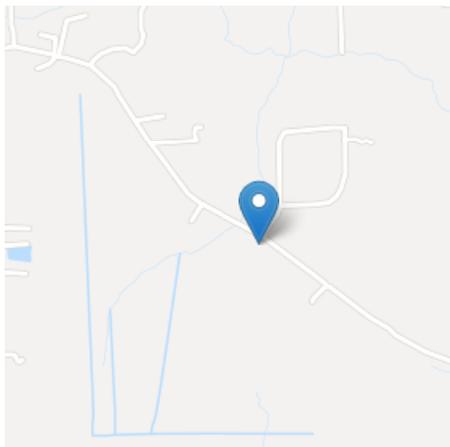
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Posted 4 days ago on: 2019-10-28 10:51

Contact Information:

Evening office cleaning (Moncks Corner, SC)



compensation: **\$12 a hour**

employment type: **part-time**

Evening office cleaning position available in Moncks Corner, Sc off of Hwy 52 1 minute from the Berkeley County land fill. Job is 5 days a week, Monday through Friday, for 3.5 hours at \$12.00 a hour. The job must start after 5 pm. All applicants must have a **drivers license**, have reliable transportation, and pass a background check. When you call please let us know where you live and if you have any cleaning experience. To apply call 8432975655.

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No contact info?

if the poster didn't include a phone number, email, or other contact info, craigslist can notify them via email.

Send Note!

11/1/2019

Housekeeper - Vacation Rentals - general labor - job employment

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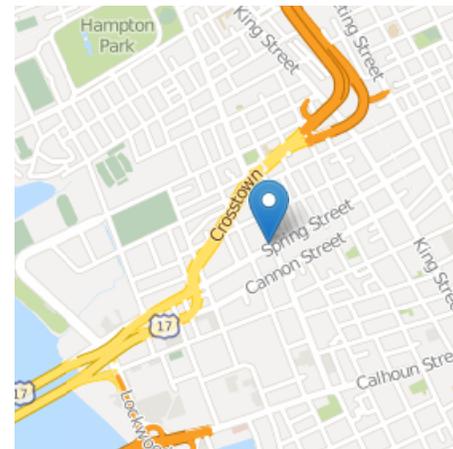


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Posted 23 days ago on: 2019-10-09 10:18

Contact Information:

Housekeeper - Vacation Rentals (Charleston)



227 Rutledge Ave

compensation: **\$12-\$15/hr**

employment type: **full-time**

HIRING IMMEDIATELY! EARN UP TO \$25 PER HOUR + BONUS + TIPS the guest leave you! FULL/PART time!

We are looking for housekeepers to clean vacation rental properties located in downtown Charleston and surrounding areas, who have a positive attitude, are flexible and willing to learn. Prior housekeeping experience preferred. You must have a **valid driver license** and reliable vehicle. Must be available to work flexible hours and weekends. **SUNDAYS MANDATORY**, generally will be 10a-3p.

WALK-IN INTERVIEWS being held every Monday, Tuesday, Wednesday from 9AM-12PM. If you can't make that time please call/send a message to set up another interview time! 843-808-4444

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11/1/2019

Painters Wanted/Helpers - skilled trades / artisan - job employment

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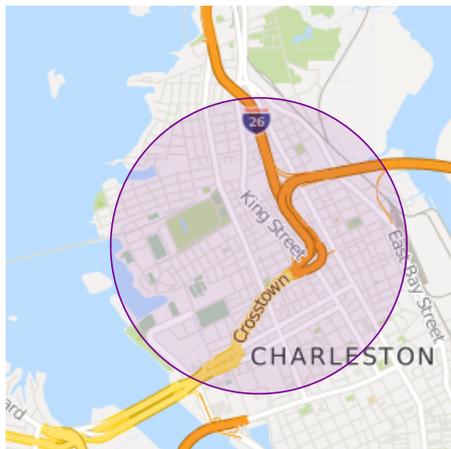
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Posted 13 days ago on: 2019-10-19 12:24

Contact Information:

Painters Wanted/Helpers (Charleston)



compensation: \$10 to \$18 hourly, depends on experience.

employment type: full-time

Primary responsibilities

- Apply paint to surfaces including canvas, walls, floors, doors, and cabinets.
 - Mix, match, and apply paint, varnish, shellac, enamel, and other finishes.
 - Scrape, sandpaper, prime, or seal surfaces prior to painting.
 - Clean walls to ensure proper adherence.
 - Cover surfaces with cloth or plastic to ensure protection.
 - Fill cracks, holes, and joints with caulk, putty, plaster, or other fillers, using caulking guns or putty knives.
 - Erect scaffolding, movable and immovable staging and various rigging to gain access to difficult areas; moves furniture and equipment as necessary.
 - Tape off areas when needed.
 - Apply touchups or second coats.
 - Remove paint splatters when finished.
 - Clean up all equipment, including brushes and spray guns.
 - Utilize spray guns for large jobs.
 - Work on ladders to reach high ceilings or walls.
- *MUST HAVE EXPERIENCE AND A **VALID DRIVERS LICENSE**
 *MUST SHOW UP TO WORK ON TIME AND REALLY WANT TO WORK!
 *PLEASE DO NOT WASTE OUR TIME
 *IF YOU ARE NOT A PROFESSIONAL PAINTER DO NOT RESPOND TO THIS AD!

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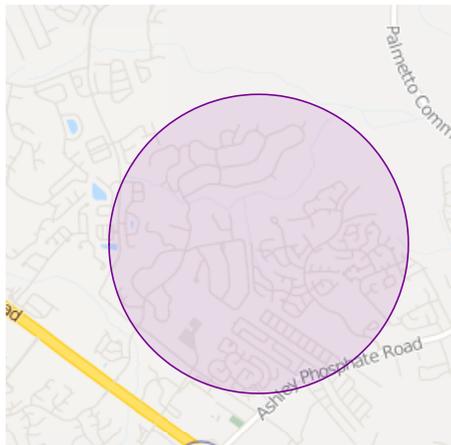
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Posted 22 days ago on: 2019-10-10 12:00

Contact Information:

Warehouse / Shop



compensation: **Based on experience**

employment type: **full-time**

Very busy fencing company with multiple years of growth and experience in Charleston area is looking for a welder/warehouse employee. The ideal candidate will have experience in all the warehouse environment and either have welding experience or be willing to learn. Desired individual must be a go getter and be dedicated, dependable, and honest. Must be able to pass a background check and have a **valid SC driver's license** with a clean driving record. Must be a team player, manage a large work load, and be able to self-motivate when working alone. Individual must also be able to multi-task and maintain a clean/safe work environment. A definite must is to be able to communicate effectively with office, and fellow personnel, alike. Other responsibilities include but not limited to: organization of warehouse, welding of gates and posts, incoming and outgoing of all material, cycle counts, etc. Must be willing to work Saturdays to learn about fence (so can stage jobs accordingly) and welding as needed. If interested please reply with resume.

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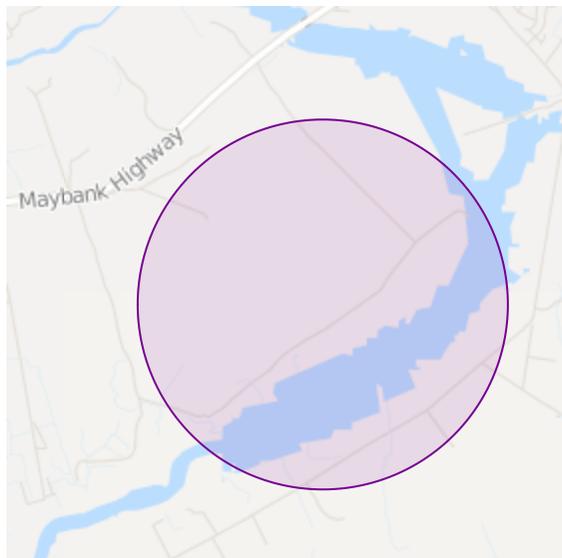
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Posted a day ago on: 2019-10-30 10:28

Contact Information:

*******NOW HIRING PLUMBER***** (Charleston, SC)**



compensation: **29-32.50 Based on Experience**

employment type: **full-time**

We are looking for a self starting plumbing technician with at least 4 years of experience and knowledge of different types of plumbing systems. Candidate must have a clean driving record, be able to pass a drug test and background check, a **driver's license** and a reliable means of transportation to our office.

We offer competitive pay, paid holidays, paid time off. Health and dental benefits. (Please note that a company truck and tools will be provided to provide plumbing service while employed.)

Please respond by email with contact information and resume if available or call number provided. Thank you!

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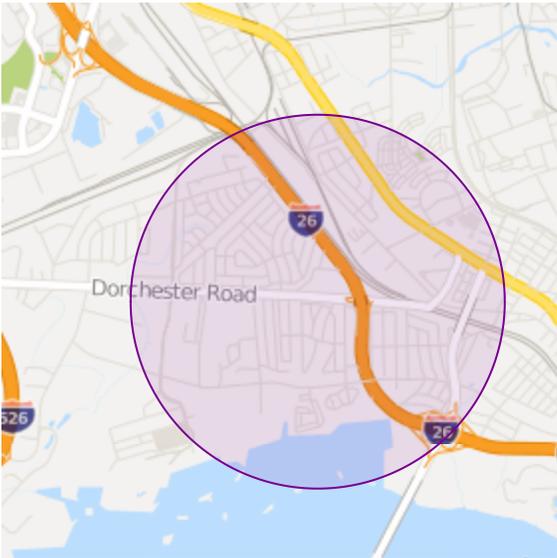
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Posted 9 days ago on: 2019-10-22 21:20

Contact Information:

Local Appliance Installation Company Seeking Install Assistant (North Charleston)



compensation: \$15

employment type: full-time

LP Installs is a local appliance installation company seeking an installation assistant for daily operations. This is a full time position of 40 hours per week M-F. There may be some overtime required. Must have a valid driver's license and be able to lift up to 75 lbs with assistance. Work van for installations is provided. Must be able to go under houses/crawl spaces and in attics as needed. On the job training will be provided. This is a great opportunity for a dependable and motivated individual to learn the appliance installation industry.

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Pay starts at \$1/hour with possibility for increase after 90 days.
ONLY RESPONSES WITH A RESUME WILL BE RESPONDED TO.

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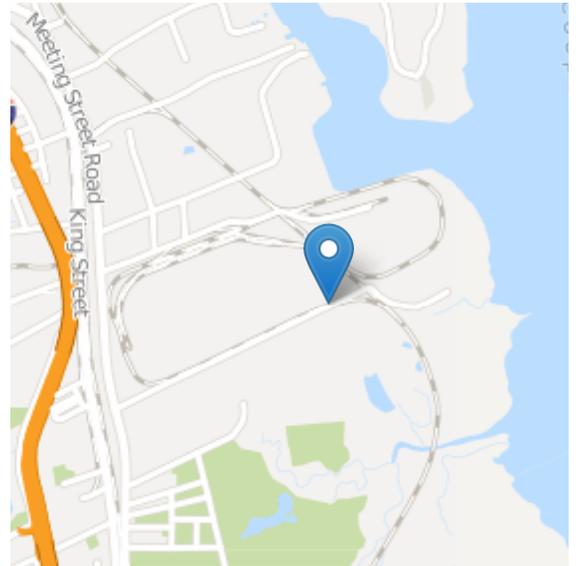


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Posted about 11 hours ago on: 2019-10-31 12:19

Contact Information:

• Courier Driver Wanted - Home Daily - Must Use Your Own Vehicle (Charleston)



compensation: average \$600-\$900 based on pieces delivered

employment type: contract

Courier Express is seeking high quality, motivated independent contractor couriers with Cargo Van or Sprinter Vans for daytime, Mon-Fri last mile distribution delivery routes for the Charleston and Summerville Area.

CLICK HERE to submit your contact information: http://www.courierexpress.net/opportunities/independent_contractors_form.php

Or call for more details: 704-676-6793

Why Courier Express?

- Independent Contractors can average \$600-\$900 in starting weekly settlement depending on pieces delivered
- No overnight routes
- No weekends

Deliver MORE...Make MORE \$\$\$

Contractual Requirements:

QR Code Link to This Post



10/31/2019

• Courier Driver Wanted - Home Daily - Must Use Your Own Vehicle - transportation - job employment

- Provide your own vehicle
- Drivers must be 21+ years old with **valid driver's license**
- Good driving record (no more than 3 violations in 3 years)
- Pass drug screen and felony background check
- Ability to lift and carry packages of various sizes and weight
- Auto insurance coverage:
 - o 100k/300k/50k for vehicles under 10,000 lbs. GVWR (BIPD)

CLICK HERE to submit your contact information: http://www.courierexpress.net/opportunities/independent_contractors_form.php

Or call for more details: 704-676-6793

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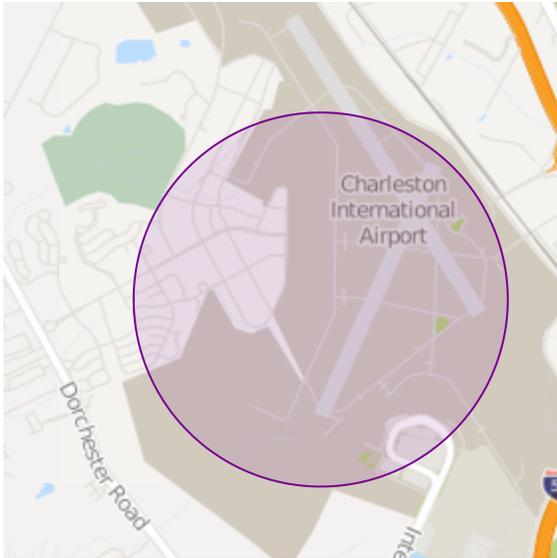
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Posted a day ago on: 2019-10-30 11:49

Contact Information:

Auto Glass Installers/ Technicians!!



compensation: **\$16-\$25 hourly plus commission**

employment type: **full-time**

Attention EXPERIENCED Auto Glass Installers/ Technicians!!

AutoGlassNow is currently seeking an experienced Auto Glass Installer. The ideal candidate will have a min of 2 years experience in labor and glass installation, maintain a professional image through your work, and uphold a can-do attitude at all times.

Job Duties:

- Installing glass in shop/ or mobile
- Receiving payment from mobile customers
- Providing excellent customer service

Requirements:

- Minimum 2 yrs auto glass install experience
- **Valid driver's license**
- Pass drug screen
- Ability to juggle multiple tasks
- Ability to work in a team environment

We offer you:

- Full-time employment
- Industry and Company Paid Training
- Unlimited earning potential \$\$\$

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10/31/2019

Auto Glass Installers/ Technicians!! - skilled trades / artisan - job employment

Benefits:

- Health Insurance
- Vision Insurance
- Dental Insurance
- AFLAC Supplemental Insurance
- 401K
- Paid Vacation

APPLY NOW!!

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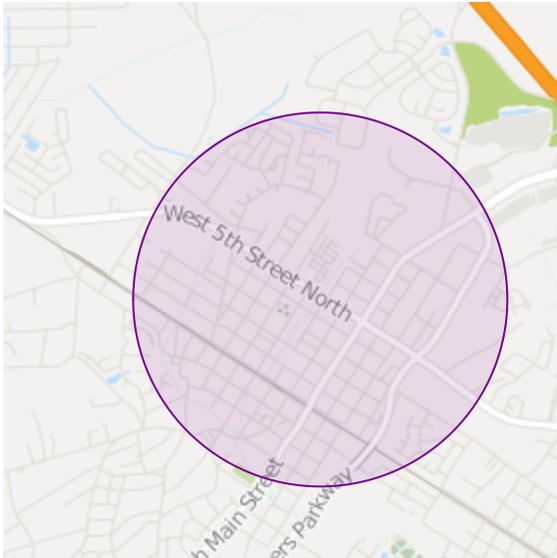


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Posted 5 days ago on: 2019-10-27 08:28

Contact Information:

Automotive Technicians (Summerville, SC)



compensation: **Flat Rate \$20 - \$35 with a weekly Guarantee at \$10.00 per hour**

employment type: **full-time**

Company Description

Tire Choice is the source in Maryland, Virginia, Florida and the Carolinas for dependable automotive service and the best deals on tires. Our 1400+ stores are part of the largest company-owned and operated automotive service chain in the United States, and the nation's fourth largest independent tire dealer, serving 4 million cars annually at over 1400 facilities. Our mission is to take care of our customers' vehicles as if they were our own, providing the kind of convenience, service and value that we appreciate as customers.

Job Description

Automotive technicians, are you tired of that dead end job and want a career with our winning team that provides unlimited opportunities and earning potential! Every technician as to do their part in order for our team to win. Here is what it takes to be a member.

- A Positive Attitude
- High energy
- Enthusiasm
- Comfortable wearing a smile

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- Like working directly with customers "the boss"
- Provide outstanding customer service
- Goal oriented
- Be the best at what you do
- And most importantly have FUN!

If this is you, we have immediate openings at the Summerville location. We offer competitive pay with a performance based on Flat Rate pay plan. These are the services we provide:

- Engine Diagnostics
- A/C system services
- Fluid changes
- Scheduled maintenance
- Maintenance inspections
- Brake services
- Steering and suspension services
- Battery or electrical services
- Tune-Ups
- Shock and strut replacement
- Exhaust system and muffler services
- Oil Changes
- Tires
- And more!

Tire Choice is the nation's leading company-owned automotive service chain, and we are looking for experienced automotive service technicians and general service technicians to work in our state-of-the-art service centers. We offer all the major benefits.

Qualifications

- Valid Driver's License is a MUST

Additional Requirements:

- Experience with vehicle repairs
- ASE certifications preferred (if not we provide ASE training and ASE reimbursement)
- Experience using store equipment such as lifts, brake lathes, alignment equipment, scanners , etc. proficiently
- Must have your own set of tools to perform the services
- We offer a company tool purchase program if needed
- Availability to work a flexible schedule to cover store hours
- At least 18 years of age
- Ability to lift up to 50 pounds

Busy Shop equals FAT paychecks

Additional Information

All your information will be kept confidential according to EEO guidelines.

10/31/2019

Automotive Technicians - skilled trades / artisan - job employment

Call Bob or Heather at 843-871-8006

Or stop by and introduce yourself

807 N. Main Street, Summerville SC 29483

Equal Opportunity Employer

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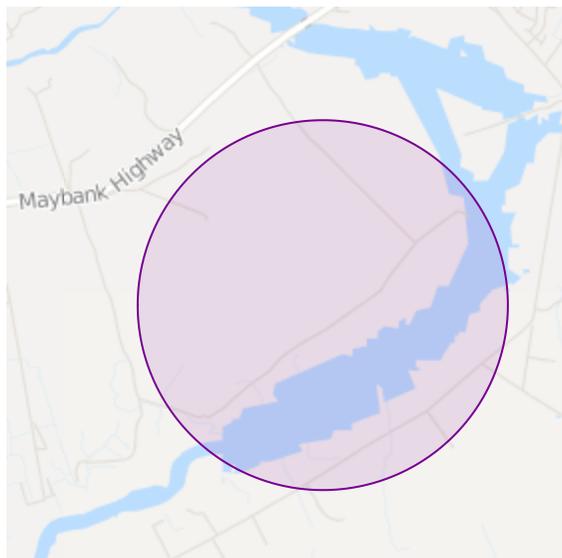
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Posted a day ago on: 2019-10-30 10:02

Contact Information:

General Labor Part Time Evening Trash Courier JOHNS ISLAND AREA (Johns Island Area)



compensation: **\$700 per month by direct deposit (\$350 by direct deposit on the 1st and 15th)**

employment type: **contract**

We are hiring someone with their own pickup truck to do doorstep to dumpster pickup service part-time, Sunday through Thursdays, starting promptly at 8 PM working no later than 10 PM.

JOB SITE: Johns Island Area of NC 29455
TIME: SUNDAYS - THURSDAYS, 8 PM - 9:30/10 PM
STARTS: ASAP
BASE PAY: \$700 per month (this is 1099 Contract Labor)

The Trash Fairies courier is responsible for part-time, nightly, door-to-door collection of trash and recycling items within assigned apartment communities.

Job Requirements:

- Must have a phone with data plan to download specific app for timecard
- Must have a **valid driver's license**, insurance
- Ability to lift up to 50 lbs. comfortably
- Ability to climb stairs and walk distances comfortably

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Trash Fairies provides the following:

Reflective Vest
Cut Resistant Gloves
Trash Totes

If interested, please message us with your real name, phone number, and type of pickup so we can call you to complete a 5 minute qualifying interview to get the application process started.

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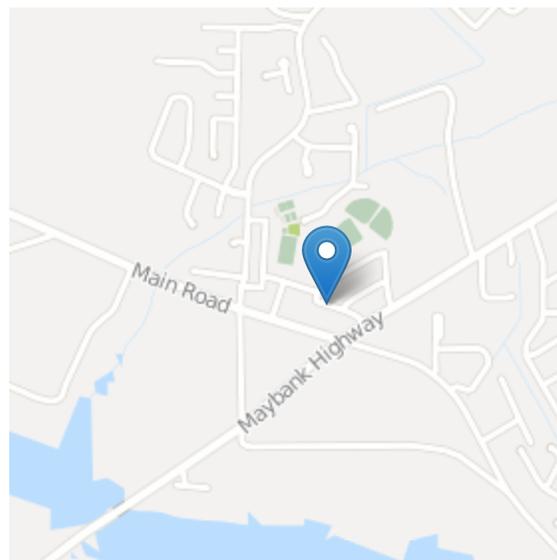
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Posted a day ago on: 2019-10-30 10:05

Contact Information:

Landscape Maintenance Foreman (More Work = More Employees!!!!) (Charleston)



compensation: **Competitive Pay**

employment type: **full-time**

Charleston Grounds Management is looking for LANDSCAPE MAINTENANCE FOREMEN to fill our INCREASING workload!!! We are looking for a candidate that is well-seasoned in landscape, with a strong landscape maintenance background and a can-do attitude to add to our team as a LANDSCAPE MAINTENANCE FOREMAN! If this describes you.....then we want YOU to be apart of our growing company!

QR Code Link to This Post



Candidate MUST have an all around skill set of the following:

- At least 2 years experience as a landscape maintenance crew leader from a valid company
- Operating backpack blowers, line trimmers, edger's, pruning tools and Zero turn mowers
- Landscape maintenance
- Maintenance supervisory experience. Ability to pay attention to detail and delegate tasks

Candidates MUST meet the following requirements:

- Valid Driver's License (with clean 3 year record)
- Provide a 3-year driving record
- Ability to delegate roles and complete high quality work on schedule
- Leadership skills to run a crew of 2 or more
- Have knowledge about landscape and plant care
- Ability to do physical work (Lift 50 pounds)
- Be responsible and accountable
- Professional attitude and appearance
- Maintain equipment and ensure proper use of PPE

What We Provide:

- 4 day work week (10 hour days)
- Opportunity for overtime
- Outstanding company culture
- COMPETITIVE pay rate based on experience

GO TO <https://charlestongroundsmanagement.com/employment-application/> TO APPLY ONLINE

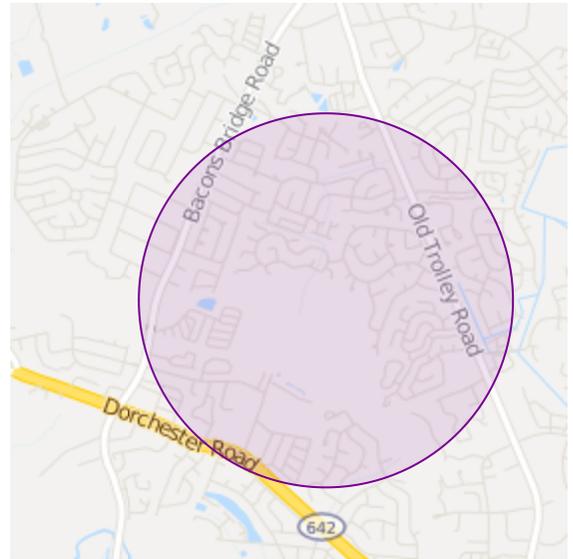
CL charleston > jobs > general labor

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Posted 6 days ago on: 2019-10-25 16:42

Contact Information:

Maintenance Supervisor (Summerville)



compensation: **Competitive and Negotiable**

employment type: **full-time**

Are you driven, dedicated, and have what it takes to build vibrant communities where residents live and prosper? Are you interested in making great money and like the idea of working with employees who are as diverse as the communities we serve? Then check out our exciting new Maintenance Supervisor job opportunity at Summerville Station Apartments!

At PRG Real Estate, we're looking for a Maintenance Supervisor to oversee all maintenance activities at our property in Summerville, SC. The Maintenance Supervisor directs and administers the entire maintenance program, including but not limited to supervision of all tasks, preparation and implementation of budgets, coordination of all shipments of supplies, payments of bills, record keeping and preparation of schedules. You'll also be responsible for managing, training, assigning work, and providing technical assistance to maintenance associates when necessary. Participates in on-call emergency rotation and responds to emergencies as needed. Must have knowledge in HVAC, electrical and plumbing. Must have a **valid Driver's License** and a High School diploma or 3 years maintenance experience and 2 or more years of experience in a managerial role.

QR Code Link to This Post



We offer an excellent benefit package including Company paid dental, life, and AD&D insurance along with a 401(k) with Company match. Compensation is among the best in the industry and maintenance also participates in the monthly renewal bonus program.

There's no better place to launch (or continue!) your real estate management career. If you meet the above requirements and are interested, apply today!

CL charleston > jobs > skilled trades/artisan

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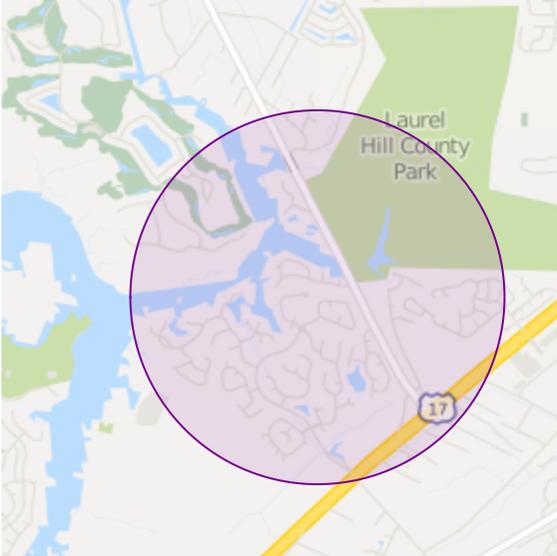
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flag

Posted 2 days ago on: 2019-10-29 12:05

Contact Information:

Plumber Technician (Charleston)



compensation: **Will be discussed at interview.**

employment type: **full-time**

Job Description: Plumbing Service Technician

- Full service journeyman residential plumbing technician. Ben Franklin Plumbing technicians are salesmen and represent the brand in people's homes.
- Effective communication skills required.
- Must be a people person and have the ability to educate the customer in simple terms.
- Proficient in plumbing troubleshooting and repair for all aspects of residential plumbing applications. Including but not limited to:
 - Faucet removal, installation and repair.
 - Water quality and filtration installation and repair.
 - Drain cleaning and repair.
 - Sewer cleaning and repair.
 - Toilet installation and repair including flange setting.
 - Sink installation and repair.
 - Hot water heaters (tank and tankless) removal and installation.
 - Piping installation and repair - copper, PVC (all forms) and PEX.
- Must have personal hand tools. Financing available through the company.
- Uniforms issued by the company.
- Outfitted, take-home trucks with GPS and central dispatch. Gas by company.
- Night and weekend on-call duties on a rotating basis for one week based on the total number of techs.
- All material supplied by company.
- All pricing is published book pricing per job regardless of time to perform. Transparent, No hassle pricing is BFP policy.

QR Code Link to This Post



- Technicians are responsible for following invoicing procedure, documenting the details of the call, taking payment and turning in all signed invoices and payment to central office.
- Must have smartphone to run company apps.
- Must have valid driver's license and clean driving record.
- Must pass drug screen. Random testing may occur at the sole discretion of the company.
- Must give permission for criminal background check and DHS E-Verify employment status.
- Must agree to adhere to 5 major company rules:
 - o Do not lie.
 - o Do not steal.
 - o Do not make your issues company issues.
 - o Always answer your phone and communicate.
 - o Never, ever leave a team member in the wind.

Compensation Structure:

Compensation may be hourly, salary or commission based on the candidate.

Payroll week runs Monday through Sunday. All gross calculated amounts are paid weekly less taxes and all applicable deductions required by law or selected by the employee.

Health Care allowance available after 60 days

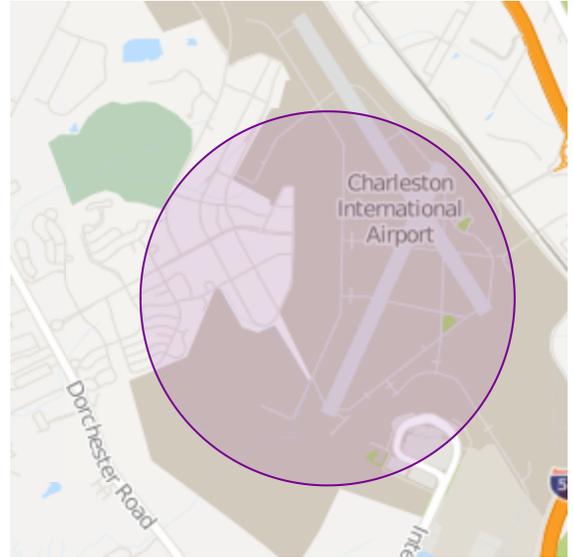
CL charleston > jobs > retail/wholesale

favorite hide flag

Posted 10 days ago on: 2019-10-21 15:48

Contact Information:

Retail Merchandiser-Immediate Openings (Charleston, SC)



compensation: \$11.00 to \$13.00 per hour

employment type: full-time

Champion Installs offers an opportunity to travel throughout the 50 states. We arrange and cover expenses including flights, hotels, and rentals. On top of pay, you earn travel pay, mileage, and meal allowances. Champion Installs remodels and builds out retail stores. Our primary customers are in the Auto Parts, General Merchandise, and Hardware industries. We work hard but we want you to enjoy new cities! Plenty of time to explore and sight see on your days off.

Job Duties

- Set up and tear down shelving, racking and various store fixtures
- Merchandise resets and product cut-ins
- Work effectively and diligently in a team environment
- Maintain positive relationships with co-workers and vendors
- Keep a clean work environment and follow all company policies including safety regulations
- Bring a positive attitude
- Have fun

QR Code Link to This Post



Requirements

Valid Driver's License

Follow written and verbal instructions

Work independently as well as part of a team

Attention to detail and a sense of urgency

Available to work full time on call

Experience in retail, merchandising and general labor preferred

Ability to frequently lift, push, pull, and move product, equipment and supplies up to 35 pounds (frequently); up to 50 pounds (occasionally)

Champion Installs, Inc. is a nationwide merchandising service company that is seeking new Team Members to join our expansion.

If you want to join our Team of Travelling Merchandisers please apply on our Company Site. <https://www.championinstalls.com/careers/>

Champion Installs, Inc. is an equal opportunity. We perform pre-employment criminal background checks.
"We Are a Drug-Free Workplace"

EXHIBIT R



As of July 1, 2019 data.census.gov is now the primary way to access Census Bureau data, including the latest releases from the 2018 American Community Survey and 2017 Economic Census and the upcoming 2020 Census and more. American FactFinder will be decommissioned in 2020.

Read more about the [Census Bureau's transition to data.census.gov](https://www.census.gov/newsroom/2018-07-01).

DP05

ACS DEMOGRAPHIC AND HOUSING ESTIMATES
2013-2017 American Community Survey 5-Year Estimates

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities, and towns and estimates of housing units for states and counties.

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the [Technical Documentation](#) section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the [Methodology](#) section.

Versions of this table are available for the following years:
2017
2016
2015
2014
2013
2012
2011
2010

Subject	South Carolina			
	Estimate	Margin of Error	Percent	Percent Margin of Error
SEX AND AGE				
Total population	4,893,444	*****	4,893,444	(X)
Male	2,376,759	+/-930	48.6%	+/-0.1
Female	2,516,685	+/-930	51.4%	+/-0.1
Sex ratio (males per 100 females)	94.4	+/-0.1	(X)	(X)
Under 5 years	289,964	+/-507	5.9%	+/-0.1
5 to 9 years	309,396	+/-3,237	6.3%	+/-0.1
10 to 14 years	306,139	+/-3,240	6.3%	+/-0.1
15 to 19 years	322,182	+/-1,173	6.6%	+/-0.1
20 to 24 years	340,162	+/-1,127	7.0%	+/-0.1
25 to 34 years	638,521	+/-1,066	13.0%	+/-0.1
35 to 44 years	598,756	+/-982	12.2%	+/-0.1
45 to 54 years	649,562	+/-864	13.3%	+/-0.1
55 to 59 years	328,870	+/-2,794	6.7%	+/-0.1
60 to 64 years	314,636	+/-2,883	6.4%	+/-0.1
65 to 74 years	489,068	+/-608	10.0%	+/-0.1
75 to 84 years	223,628	+/-1,622	4.6%	+/-0.1
85 years and over	82,560	+/-1,593	1.7%	+/-0.1
Median age (years)	39.0	+/-0.1	(X)	(X)
Under 18 years	1,090,955	+/-394	22.3%	+/-0.1
16 years and over	3,926,466	+/-1,529	80.2%	+/-0.1
18 years and over	3,802,489	+/-394	77.7%	+/-0.1
21 years and over	3,595,282	+/-2,355	73.5%	+/-0.1
62 years and over	979,158	+/-2,545	20.0%	+/-0.1
65 years and over	795,256	+/-597	16.3%	+/-0.1
18 years and over	3,802,489	+/-394	3,802,489	(X)
Male	1,821,356	+/-604	47.9%	+/-0.1
Female	1,981,133	+/-546	52.1%	+/-0.1
Sex ratio (males per 100 females)	91.9	+/-0.1	(X)	(X)
65 years and over	795,256	+/-597	795,256	(X)
Male	352,364	+/-413	44.3%	+/-0.1
Female	442,892	+/-415	55.7%	+/-0.1
Sex ratio (males per 100 females)	79.6	+/-0.1	(X)	(X)
RACE				
Total population	4,893,444	*****	4,893,444	(X)
One race	4,789,037	+/-3,047	97.9%	+/-0.1
Two or more races	104,407	+/-3,047	2.1%	+/-0.1
One race	4,789,037	+/-3,047	97.9%	+/-0.1
White	3,292,598	+/-3,288	67.3%	+/-0.1
Black or African American	1,332,110	+/-3,053	27.2%	+/-0.1
American Indian and Alaska Native	14,992	+/-962	0.3%	+/-0.1
Cherokee tribal grouping	3,069	+/-583	0.1%	+/-0.1

Subject	South Carolina			
	Estimate	Margin of Error	Percent	Percent Margin of Error
Chippewa tribal grouping	324	+/-170	0.0%	+/-0.1
Navajo tribal grouping	158	+/-114	0.0%	+/-0.1
Sioux tribal grouping	369	+/-127	0.0%	+/-0.1
Asian	71,994	+/-1,326	1.5%	+/-0.1
Asian Indian	16,893	+/-1,586	0.3%	+/-0.1
Chinese	15,527	+/-1,375	0.3%	+/-0.1
Filipino	11,652	+/-937	0.2%	+/-0.1
Japanese	2,091	+/-324	0.0%	+/-0.1
Korean	6,210	+/-737	0.1%	+/-0.1
Vietnamese	7,318	+/-1,064	0.1%	+/-0.1
Other Asian	12,303	+/-1,238	0.3%	+/-0.1
Native Hawaiian and Other Pacific Islander	3,015	+/-499	0.1%	+/-0.1
Native Hawaiian	721	+/-194	0.0%	+/-0.1
Guamanian or Chamorro	845	+/-235	0.0%	+/-0.1
Samoan	295	+/-139	0.0%	+/-0.1
Other Pacific Islander	1,154	+/-476	0.0%	+/-0.1
Some other race	74,328	+/-3,028	1.5%	+/-0.1
Two or more races	104,407	+/-3,047	2.1%	+/-0.1
White and Black or African American	42,064	+/-2,181	0.9%	+/-0.1
White and American Indian and Alaska Native	19,766	+/-769	0.4%	+/-0.1
White and Asian	15,285	+/-1,108	0.3%	+/-0.1
Black or African American and American Indian and Alaska Native	5,791	+/-1,054	0.1%	+/-0.1
Race alone or in combination with one or more other races				
Total population	4,893,444	*****	4,893,444	(X)
White	3,382,777	+/-4,464	69.1%	+/-0.1
Black or African American	1,390,584	+/-1,944	28.4%	+/-0.1
American Indian and Alaska Native	45,999	+/-1,417	0.9%	+/-0.1
Asian	93,685	+/-844	1.9%	+/-0.1
Native Hawaiian and Other Pacific Islander	5,576	+/-558	0.1%	+/-0.1
Some other race	86,361	+/-3,135	1.8%	+/-0.1
HISPANIC OR LATINO AND RACE				
Total population	4,893,444	*****	4,893,444	(X)
Hispanic or Latino (of any race)	267,398	+/-71	5.5%	+/-0.1
Mexican	150,058	+/-3,671	3.1%	+/-0.1
Puerto Rican	36,022	+/-2,033	0.7%	+/-0.1
Cuban	7,444	+/-957	0.2%	+/-0.1
Other Hispanic or Latino	73,874	+/-3,055	1.5%	+/-0.1
Not Hispanic or Latino	4,626,046	+/-71	94.5%	+/-0.1
White alone	3,119,676	+/-770	63.8%	+/-0.1
Black or African American alone	1,321,219	+/-2,716	27.0%	+/-0.1
American Indian and Alaska Native alone	13,464	+/-726	0.3%	+/-0.1
Asian alone	71,123	+/-1,235	1.5%	+/-0.1
Native Hawaiian and Other Pacific Islander alone	2,776	+/-457	0.1%	+/-0.1
Some other race alone	7,566	+/-1,079	0.2%	+/-0.1
Two or more races	90,222	+/-2,842	1.8%	+/-0.1
Two races including Some other race	1,832	+/-486	0.0%	+/-0.1
Two races excluding Some other race, and Three or more races	88,390	+/-2,882	1.8%	+/-0.1
Total housing units	2,229,324	+/-430	(X)	(X)
CITIZEN, VOTING AGE POPULATION				
Citizen, 18 and over population	3,673,580	+/-3,248	3,673,580	(X)
Male	1,750,664	+/-1,927	47.7%	+/-0.1
Female	1,922,916	+/-1,916	52.3%	+/-0.1

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates

Explanation of Symbols:

An '****' entry in the margin of error column indicates that either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.

An '-' entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution.

An '-' following a median estimate means the median falls in the lowest interval of an open-ended distribution.

An '+' following a median estimate means the median falls in the upper interval of an open-ended distribution.

An '*****' entry in the margin of error column indicates that the median falls in the lowest interval or upper interval of an open-ended distribution. A statistical test is not appropriate.

An '*****' entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is not appropriate.

An 'N' entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.

An '(X)' means that the estimate is not applicable or not available.

10/31/2019

American FactFinder - Results

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see [Accuracy of the Data](#)). The effect of nonsampling error is not represented in these tables.

For more information on understanding race and Hispanic origin data, please see the Census 2010 Brief entitled, [Overview of Race and Hispanic Origin: 2010](#), issued March 2011. (pdf format)

While the 2013-2017 American Community Survey (ACS) data generally reflect the February 2013 Office of Management and Budget (OMB) definitions of metropolitan and micropolitan statistical areas; in certain instances the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB definitions due to differences in the effective dates of the geographic entities.

Estimates of urban and rural populations, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2010 data. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

EXHIBIT S

U.S. Department of Health & Human Services



OFFICE OF THE ASSISTANT SECRETARY FOR PLANNING AND EVALUATION

2019 POVERTY GUIDELINES

HOME • 2019 POVERTY GUIDELINES

U.S. Federal Poverty Guidelines Used to Determine Financial Eligibility for Certain Federal Programs

[Prior Poverty Guidelines and Federal Register References Since 1982]

[Frequently Asked Questions(FAQs)]

[Further Resources on Poverty Measurement, Poverty Lines, and Their History]

[Computations for the 2019 Poverty Guidelines]

There are two slightly different versions of the federal poverty measure:

- The poverty thresholds, and
- The poverty guidelines.

The **poverty thresholds** are the original version of the federal poverty measure. They are updated each year by the **Census Bureau**. The thresholds are used mainly for **statistical** purposes — for instance, preparing estimates of the number of Americans in poverty each year. (In other words, all official poverty population figures are calculated using the poverty thresholds, not the guidelines.) Poverty thresholds since 1973 (and for selected earlier years) and weighted average poverty thresholds since 1959 are available on the Census Bureau’s Web site. For an example of how the Census Bureau applies the thresholds to a family’s income to determine its poverty status, see “How the Census Bureau Measures Poverty” on the Census Bureau’s web site.

The **poverty guidelines** are the other version of the federal poverty measure. They are issued each year in the *Federal Register* by the **Department of Health and Human Services** (HHS). The guidelines are a simplification of the poverty thresholds for use for **administrative** purposes — for instance, determining financial eligibility for certain federal programs.

The poverty guidelines are sometimes loosely referred to as the “federal poverty level” (FPL), but that phrase is ambiguous and should be avoided, especially in situations (e.g., legislative or administrative) where precision is important.

Key differences between poverty thresholds and poverty guidelines are outlined in a table under Frequently Asked Questions (FAQs). See also the discussion of this topic on the Institute for Research on Poverty’s web site.

The following figures are the 2019 HHS poverty guidelines which will be published in the Federal Register

2019 POVERTY GUIDELINES FOR THE 48 CONTIGUOUS STATES AND THE DISTRICT OF COLUMBIA

PERSONS IN FAMILY/HOUSEHOLD	POVERTY GUIDELINE
-----------------------------	-------------------

PERSONS IN FAMILY/HOUSEHOLD	POVERTY GUIDELINE
1	\$12,490
2	\$16,910
3	\$21,330
4	\$25,750
5	\$30,170
6	\$34,590
7	\$39,010
8	\$43,430
For families/households with more than 8 persons, add \$4,420 for each additional person.	

2019 POVERTY GUIDELINES FOR ALASKA

PERSONS IN FAMILY/HOUSEHOLD	POVERTY GUIDELINE
1	\$15,600
2	\$21,130
3	\$26,660
4	\$32,190
5	\$37,720
6	\$43,250

For families/households with more than 8 persons, add \$5,530 for each additional person.

PERSONS IN FAMILY/HOUSEHOLD	POVERTY GUIDELINE
7	\$48,780
8	\$54,310
For families/households with more than 8 persons, add \$5,530 for each additional person.	

2019 POVERTY GUIDELINES FOR HAWAII

PERSONS IN FAMILY/HOUSEHOLD	POVERTY GUIDELINE
1	\$14,380
2	\$19,460
3	\$24,540
4	\$29,620
5	\$34,700
6	\$39,780
7	\$44,860
8	\$49,940
For families/households with more than 8 persons, add \$5,080 for each additional person.	

The separate poverty guidelines for Alaska and Hawaii reflect Office of Economic Opportunity administrative practice beginning in the 1966-1970 period. Note that the poverty thresholds — the original version of the poverty measure — have never had separate figures for Alaska and Hawaii. The poverty guidelines are not defined for Puerto Rico, the U.S. Virgin Islands, American Samoa, Guam, the Republic of the Marshall Islands, the Federated States of Micronesia, the Commonwealth of the Northern Mariana Islands, and Palau. In cases in which a Federal program using the poverty guidelines serves any of those jurisdictions, the Federal office which administers the program is responsible for deciding whether to use the contiguous-states-and-D.C. guidelines for those jurisdictions or to follow some other procedure.

The poverty guidelines apply to both aged and non-aged units. The guidelines have never had an aged/non-aged distinction; only the Census Bureau (statistical) poverty thresholds have separate figures for aged and non-aged one-person and two-person units.

Programs using the guidelines (or percentage multiples of the guidelines — for instance, 125 percent or 185 percent of the guidelines) in determining eligibility include Head Start, the Supplemental Nutrition Assistance Program (SNAP), the National School Lunch Program, the Low-Income Home Energy Assistance Program, and the Children’s Health Insurance Program. Note that in general, cash public assistance programs (Temporary

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2019 Poverty Guidelines | ASPE

Assistance for Needy Families and Supplemental Security Income) do NOT use the poverty guidelines in determining eligibility. The Earned Income Tax Credit program also does NOT use the poverty guidelines to determine eligibility. For a more detailed list of programs that do and don't use the guidelines, see the Frequently Asked Questions(FAQs).

The poverty guidelines (unlike the poverty thresholds) are designated by the year in which they are issued. For instance, the guidelines issued in January 2019 are designated the 2019 poverty guidelines. However, the 2019 HHS poverty guidelines only reflect price changes through calendar year 2018; accordingly, they are approximately equal to the Census Bureau poverty thresholds for calendar year 2018.

The poverty guidelines may be formally referenced as "the poverty guidelines updated periodically in the *Federal Register* by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. 9902(2)."

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