

WASHINGTON TRAFFIC SAFETY COMMISSION
COMMISSION MEETING
October 16, 2014
Olympia, Washington
[Approved April 16, 2015]

COMMISSIONERS PRESENT:

Sharon Dillon, Washington Association of Cities, Meeting Chair
Chief John Batiste, Washington State Patrol
Sandy Mullins, Governor's Representative
Pat Kohler, Department of Licensing
Jon Snyder, Association of Washington Cities
Judge James P. Swanger, Judiciary

COMMISSIONER'S DESIGNATED REPRESENTATIVE PRESENT:

Darrin Grondel, Washington Traffic Safety Commission
Martin Mueller, Washington State Department of Health
John Nisbet, Washington State Department of Transportation
Alan Jones, Superintendent of Public Instruction
Scott Waller, Department of Social & Health Services

COMMISSION STAFF PRESENT:

Kathy Droke, Administrative Assistant
Chris Madill, Deputy Director
Edica Esqueda, Program Manager
Angie Ward, Program Manager
Shelly Baldwin, Program Manager
Mark Medalen, Program Manager
Erica Stineman, Communications Consultant
MJ Haught, Program Manager

OTHERS PRESENT:

Members of the public introduced themselves, but the recording was inaudible.

The Regular Meeting of the Washington Traffic Safety Commission (WTSC) was called to order at 10:35 a.m., on October 16, 2014, at the WTSC Headquarters in Olympia, Washington, by Commissioner Sharon Dillon, meeting Chair.

Approval of Commission Meeting Minutes

Chief Batiste moved to approve the minutes of the Commission meetings held on April 17, 2014, and July 17, 2014. Commissioner Kohler seconded the motion. The motion was unanimously approved.

Local Implementation Program Proposal – Chris Madill

Mr. Madill presented a new proposal for the Local Implementation Program. This proposal is significantly different than the one introduced to the Commission on February 26, 2014, and was modified after meetings with local stakeholders over the summer.

The Local Implementation Program is the statewide network of coordinators who deliver WTSC programs and projects. A distinction is made between the coordinators and the task forces, which are largely coalitions at the county level that help manage and implement projects. The proposal is focused on the coordinators and the funding for those coordinators.

Governor Inslee signed a new version of the Target Zero Plan about one year ago. WTSC staff looked at how to align investments (state and federal) with the plan. With rising local costs for these positions, the WTSC is trying to sustain the program long term. Staff wants to ensure the federal money coming to the state through the Commission is focused on the best investments promoting traffic safety.

There are two mechanisms to funding these positions. One is through FTEs – local county or city government agencies host the FTEs. Local government agencies contribute funds to pay for the FTEs and the WTSC supplements those FTEs. The second funding mechanism is contractor positions. The independent contractors and the WTSC have an agreement with a local agency that serves as a pass-through agency for the contractors. Funding for contractors comes almost exclusively from WTSC dollars.

WTSC receives an annual state appropriation of \$668,000 dedicated to funding the coordinator positions throughout the state. This equates to approximately 12 positions. In addition, on average, between 2010 and 2014 WTSC appropriated an additional \$530,000. The federal funds are in addition to the state appropriation and fund traffic safety projects.

The current Local Implementation Program structure has 22 coordinator positions covering 22 counties and the Colville reservation. Two of those positions have been vacant for over one year. Currently, coordinators in Walla Walla, Chelan, Spokane, Yakima, and Grant Counties assist neighboring counties, mostly for DUI and seatbelt campaigns. Of the 22 coordinator positions, 13 are locally hosted FTEs and nine are independent contractors.

The February proposal regionalized the east and the west into two super regions, with a total of 12 coordinators – 10 county level coordinators and two regional coordinators. The primary focus of the coordinators would have been the key strategy in the Target Zero Plan – high visibility enforcement.

At the February meeting, the Commission recommended that WTSC staff meet with stakeholders impacted by the designation of the two super regions to better communicate the proposal and discuss the impacts of the proposed changes. At these meetings, discussion focused on the program, the communities impacted by the proposed changes to the program, and how traffic safety is implemented in less populated areas. Ultimately, the meetings helped shape the proposal introduced today.

During the stakeholder meetings, WTSC staff heard that many of the Target Zero strategies are difficult to implement in less populated areas and that the strategies are geared to more urban areas with more driver population and less geographic area. Staff also heard that the local strategies focused more on education, and are, in some cases, more effective than some of the strategies in the Target Zero Plan. The next version of the Target Zero Plan needs to consider options determined to be effective in less populated areas.

Today's proposal was developed recognizing a balance between the known data and the geography in the state. This plan accounts for the challenges presented by the geography and the distances that need to be covered. The recommendations propose elimination of five coordinator positions statewide. Two positions are FTEs, one is in Cowlitz County and the other position is currently vacant (Colville). The other three are contract positions and would cover the regionalized counties – Skagit/Whatcom/San Juan Island, Mason/Grays Harbor/Pacific, and Kittitas/Chelan/Okanogan/Douglas. The Skagit position is vacant at this time.

Mr. Madill explained the data analysis and the process that went into developing this proposal (Slide 10).

In this new proposal, every county is formally adopted into a region, and the two super regions (proposed in February) are now divided into seven regions – three on the east side and four on the west creating more sustainability in the network. The annual operating cost of this proposal is approximately \$1 million, as opposed to annual operating costs of \$1.2 million in the current structure.

The proposal sets aside up to 1/3 of coordinator time for strategies not listed as proven or recommended in the Target Zero Plan. It requires customized statements of work that account for local conditions, and requires close monitoring to ensure reasonable equity in benefit among the counties in the regions.

There are three options for acquiring coordinator services and the order of preference for WTSC would be an FTE first, second a contractor procured and contracted by the WTSC, and third a local contractor procured and contracted by the local agency.

If the proposal is adopted today, the next steps for staff are to work with the local agencies to develop customized statements of work to tailor services that are appropriate for the local communities. There will be some sizing of contract amounts in areas with expanded responsibilities. Once the statements of work are complete, staff will initiate a procurement process in collaboration with the local agencies to select contractors for the service areas.

Commissioner Dillon opened the floor to questions. Discussion ensued related to clarification of certain points of Mr. Madill's presentation.

The following individuals provided public comment:

Commander Steve Aust
Kim Smith, Kittitas County TZM
Ann Riley, Kittitas County Com. Network
Sheriff Casey Salsbury, Mason County

Acting Chief Les Watson, Shelton PD
Chief Tom Robins, Wenatchee PD
Rick Smith, Kittitas Fire Department
Chief Bob Heimbach, Quincy PD
Sargent Josh Stainsbury, Grant County

Commissioner Dillon opened the floor for public testimony. Public testimony was heard related to the proposal.

Commissioner Dillon opened the floor to any further questions from Commissioners. Discussion ensued. Commissioners Snyder, Batiste, Quigley, and Dillon commented on the proposal and the process followed that resulted in the recommendations presented today. They thanked Commission staff for their work, and Darrin for his leadership, throughout this process.

Commissioner Snyder moved to accept the October proposal as presented. Commissioner Batiste seconded the motion and the motion passed unanimously.

Legislative Report/Priorities – Shelly Baldwin

Ms. Baldwin reported that the Commission has submitted agency-request legislation related to the distracted driving bill. She asked for the Commissioners' approval to support additional traffic safety issues that may come forward during session and indicated WTSC staff will only support those traffic safety issues (briefly described below) with the approval of the Commission and the Governor's Office.

- Open Container – It is illegal to have an open container of alcohol in a vehicle. Ms. Baldwin requested approval to support a bill that would address the issue of consuming marijuana in vehicles. Discussion ensued. *Commissioners approved staff supporting a bill that addresses marijuana in a vehicle.*
- Repeat Offenders – Progress has been made on identifying repeat offenders. If a judge orders an ignition interlock, the offender has five days to report back to the court that they have installed the interlock device; however, courts are not currently required to report to the Department of Licensing (DOL) the ignition interlock requirement on an offender. When an officer stops someone who is under an ignition interlock court order, the officer has no way of knowing that the interlock device is required for that person. If this issue were to come up during session Ms. Baldwin would like to support that we close that loophole in the law. Discussion ensued. *Commissioners approved staff supporting a bill that addresses notification to DOL by the courts.*
- Circumvention of Ignition Interlock – Ignition Interlock devices now have cameras. Photos taken by those cameras have been forwarded to the Washington State Patrol Impaired Driving Section, Ignition Interlock Compliance, and show parents asking their children to blow into the device for them. When taken to court, some judges have ruled that the current definition of circumvention does not include someone else blowing into the device. Ms. Baldwin asked for approval to include a clarification of the definition of

circumvention to include “having someone other than the driver blow into the device.” Discussion ensued. *Commissioners approved supporting such a change to the law.*

- Ignition Interlock Photos and Jurisdiction – Having a photo can prove that someone else blew into the ignition interlock device, but jurisdiction cannot be proved. Adding a requirement that ignition interlock devices have GPS capability will establish jurisdiction when such an event occurs. Discussion ensued. It was agreed that the GPS requirement is a bigger issue and Commissioners were reluctant, at this point, to approve WTSC supporting such a requirement.
- Legislative Update
 - Implied Consent Warning – Ms. Baldwin explained the current issue surrounding the implied consent warning for blood in relation to the *McNealy* court ruling. As a result of the ruling, many references to voluntary blood tests were removed from statute including removing it from the implied consent statute. This resulted in some drivers who would have been subject to administrative driver’s license suspension no longer being held accountable. Ms. Baldwin asked for approval to support a fix to the law so that all arrestees driving at or above the per se limit (.08 BAC or 5ng THC) are subject to the same license suspension rules regardless of how the sample is taken. Discussion ensued.
 - Comments and action:
 - The law needs to be updated allowing DOL to take administrative action on the blood draws. (Kohler)
 - The Commissioners approved Ms. Shelly Baldwin, WTSC legislative liaison, to act in support of legislation for implied consent warning for blood.

Director’s Report – Darrin Grondel

Staffing: Mr. Madill was promoted to Deputy Director in July and that appointment left the Program Director position vacant. Mr. Grondel advised that he will not fill the Program Director position. Ms. Baldwin’s position has been reallocated to a Legislative and Media Relations Manager, and the Commission now has a dedicated person focused on a prioritized legislative agenda.

The PIRE Roadside Survey Results/Follow-up is on the agenda; however, it is deferred to another meeting due to issues of time today. Mr. Grondel reported that PIRE will be back during the first three weeks in November to conduct another roadside survey. Final results from the first survey have not yet been released.

Mr. Grondel acknowledged Commissioner Sharon Dillon’s work with the Commission since 2008. Effective December 31, 2014, Commissioner Dillon is resigning her seat on the Commission. Mr. Grondel thanked the Commissioner for all she has done to promote traffic safety over the last six years.

Adjourn

There being no further business, Commissioner Dillan moved for adjournment at 12:26 p.m.
The motion passed unanimously.

These minutes in addition to the audio recordings constitute the full minutes. Audio recordings of Commission meetings can be found on the WTSC website – wtsc.wa.gov.

Geri Nelson
Executive Assistant