

This rule was filed as: 18 NMAC 20.6.

TITLE 18 TRANSPORTATION AND HIGHWAYS
CHAPTER 20 TRAFFIC SAFETY
PART 6 COMMUNITY DWI PREVENTION PROGRAM

18.20.6.1 ISSUING AGENCY: New Mexico State Highway and Transportation Department, Post Office Box 1149, Santa Fe, New Mexico 87504-1149 (505) 827-0427.
[Recompiled 11/16/01]

18.20.6.2 SCOPE: All local governments and general public.
[Recompiled 11/16/01]

18.20.6.3 STATUTORY AUTHORITY: This rule is adopted pursuant to NMSA 1978, Sections 31-12-7 and 31-12-9.
[Recompiled 11/16/01]

18.20.6.4 DURATION: Permanent.
[Recompiled 11/16/01]

18.20.6.5 EFFECTIVE DATE: July 1, 1998, unless a later date is cited at the end of a section or paragraph.
[Recompiled 11/16/01]

18.20.6.6 OBJECTIVE: The purpose of this rule is to establish procedures for implementation of NMSA 1978, Section 31-12-9. This includes providing procedures for local governments to submit applications to the Traffic Safety Bureau for funding of Driving While Impaired (DWI) Prevention projects, minimum requirements for those applications and the basis by which funds will be distributed.
[Recompiled 11/16/01]

18.20.6.7 DEFINITIONS:

- A. Community -- any municipality or county government or any combination thereof whose governing bodies mutually agree to jointly submit an application.
- B. Comprehensive Community DWI Prevention Program -- a program that reflects an integrated approach to the community's alcohol related traffic safety problems, incorporates multiple approaches to these problems over a sustained period of time and ensures that public and private entities work in concert to address these problems.
- C. DWI Prevention Project -- an activity that has a clear and measurable effect on the Driving While Impaired (DWI) problems in the community.
[Recompiled 11/16/01]

18.20.6.8 COMPREHENSIVE COMMUNITY DWI PREVENTION PROGRAM: Any community may apply for funding of a DWI Prevention Project provided that:

A. The community establish a task force of community representatives that will prepare a comprehensive community DWI prevention plan that addresses the issues outlined in paragraph 3 of this section. This task force must adequately represent the following disciplines

- (1) law enforcement;
- (2) community traffic safety groups;
- (3) local health department office;
- (4) courts;
- (5) prosecution;
- (6) schools;
- (7) media;
- (8) emergency medical services; and
- (9) other interested parties.

B. The task force identify the DWI prevention activity that is on-going locally in the following areas:

- (1) education programs in the schools and at the workplace;
- (2) public information activities aimed at the driving public;

(3) DWI enforcement activities including; number of DWI arrests, number of police officers involved in DWI enforcement, status of use of sobriety check-points at peak hours, number of citations for open-container violations, average blood alcohol concentration of offenders, amount of enforcement of under age drinking laws and serving intoxicated person laws;

(4) court activities including case reporting, service of bench warrants, sentence compliance by offenders, probation follow-up and alternative sentencing options, and prosecution activities of the applicable legal office; and

(5) other activities aimed at reducing DWI such as designated driver programs, subsidized taxi service, alcohol server training, Project Graduation, etc.

C. The task force identify the activities it intends to implement in each of the above mentioned areas in an application to be submitted to the Traffic Safety Bureau. The activities to be implemented must be determined by using a process established by the Traffic Safety Bureau. The process will be made available to the communities by Traffic Safety Bureau prior to submission deadlines established by this rule. A community may choose not to address one or more of the above issues only if it can document that the issue (s) is already being adequately addressed by other resources or activities.

[Recompiled 11/16/01]

18.20.6.9 APPLICATION PROCESS:

A. All applications must be received by the Traffic Safety Bureau by June 1st of each year. However multi-year applications may be submitted but funding will only be authorized for the projects scheduled to be implemented during the first year. The out year projects will be authorized on a year to year basis.

B. Project periods shall run from July 1 or the date of Traffic Safety Bureau approval whichever is later to the following June 30.

C. All funding shall be on a reimbursable basis. The expenses for the approved program shall be paid by the applicant. These expenditures shall be reimbursed to the applicant from the DWI Prevention Fund upon submission from the applicant of an invoice, plus proof of payment from the applicant to the person/company supplying the service or equipment.

D. Indirect costs or overhead shall not be eligible for reimbursement.

E. All applicants shall be submitted on forms or in a format provided by the Traffic Safety Bureau. Other information may be requested by the Bureau and must be submitted upon request.

F. All records and receipts shall be made available to the Traffic Safety Bureau for audit purposes and shall be kept for a period of three years following the end of the grant period.

G. Failure to submit a timely application in the format required by this regulation shall nullify the application. Funds not applied for by the deadlines specified shall be redistributed to other eligible applicants. Any exceptions shall be made only by prior written approval from the Traffic Safety Bureau Chief.

H. All applicants must include a line item budget and an implementation schedule of when the project tasks will commence and end.

I. All applicants must be approved by the governing body of the community or communities for which the plan is submitted.

J. All procedures required by the Traffic Safety Bureau in its Community DWI Prevention Program Accounting Manual must be followed.

[Recompiled 11/16/01]

18.20.6.10 REPORTING REQUIREMENTS:

A. Communities shall submit quarterly reports no later than October 31, January 31, April 31, and a final report no later than August 31 of each year which describes, in detail, progress on activities funded through this program.

B. Communities shall submit reimbursement requests at least quarterly, or monthly if they so choose, including appropriate expenditure documentation.

C. The final report shall describe, in detail, activities supported and outcome of efforts.

[Recompiled 11/16/01]

18.20.6.11 FUNDING FORMULA:

A. Distribution of funds shall be made in proportion to the amount of fees collected by the courts and the law enforcement agencies initiating the arrest in the communities as provided by NMSA 1978, Sections 31-12-7 and 31-12-9.

B. Communities shall be notified by the Traffic Safety Bureau of the amount of funding they are eligible to receive each year.

C. Any unexpended balance remaining at the expiration of a community's approved project shall revert to the Traffic Safety Bureau for redistribution.

[Recompiled 11/16/01]

HISTORY OF 18.20.6 NMAC:

Pre-NMAC Regulatory Filing History:

The material in this Part was derived from that previously filed with the State Records and Archives under: SHTD Rule 91-5, Community DWI Prevention Program, filed December 13, 1991.

History of Repealed Material: [RESERVED]