



Division Of Commercial Vehicle Enforcement's Authority And Activities Related To Noncommercial Vehicles

Research Report No. 440

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Abstract

A formerly stand-alone entity was reorganized as the Kentucky State Police Division of Commercial Vehicle Enforcement (CVE) in 2009. Other states have also merged commercial vehicle enforcement entities with state highway patrol departments. The primary focus of CVE sworn peace officers is to enforce commercial vehicle laws, but they have statutory authority to issue citations to noncommercial vehicles. From 2009 to 2012, CVE officers issued nearly 91,000 noncommercial vehicle citations, more than one-half of which were issued under federal grants. Nearly 44 percent of noncommercial violations cited by CVE officers were for speeding. The report has two recommendations intended to improve identification and measurement of noncommercial enforcement activities.

Foreword

Program Review staff thank the staff of the Kentucky State Police and its Division of Commercial Vehicle Enforcement for their assistance, particularly Commissioner Rodney Brewer, Lt. Col. Keith Percy, Brandon Cobb, Maj. Merrell Harrison, Lori Hunsaker, David Leddy, Samantha Licklitter, Ron Parritt, John Smoot, and Morgain Sprague. The assistance of Kentucky Transportation Cabinet staff, particularly Tammy Branham and Dawn Gramig; Janice Tomes of the Governor's Office for Policy and Management; and Pamela Rice of the Kentucky Division of the Federal Motor Carrier Safety Administration, is also appreciated.

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Summary

This report analyzes the noncommercial activities of sworn peace officers in the Division of Commercial Vehicle Enforcement (CVE) of the Kentucky State Police (KSP). In 2009, what had been the stand-alone Kentucky Vehicle Enforcement entity was reorganized as CVE. The primary focus of CVE officers is enforcing commercial vehicle laws, but they have statutory authority to issue citations to noncommercial vehicles while on patrol. Some federal grants require CVE officer patrol of certain illegal behaviors by noncommercial vehicle drivers. KSP may assign CVE officers to patrol noncommercial vehicles during special programs, events, or situations. Training of CVE officers covers their noncommercial duties.

KSP reported more than \$2.33 million in savings when Kentucky Vehicle Enforcement came under its auspices as CVE; however, only examples of itemized savings totaling approximately \$1.4 million were provided to Program Review staff. According to KSP staff, the reorganization of CVE was a factor in the significant increase in commercial vehicle delinquent taxes collected in 2009.

As of April 2012, there were an estimated 127 CVE officers and 568 KSP troopers whose primary duties included vehicle law enforcement and highway patrol. From 2009 to 2012, CVE officers issued nearly 91,000 noncommercial vehicle citations; KSP troopers issued nearly 600,000. More than one-half of the CVE citations were issued under two federal grants. In each of the years 2009 to 2012, CVE officers issued more noncommercial than commercial citations but issued significantly more commercial vehicle citations than did KSP troopers.

In past years, Kentucky has received two federal Motor Carrier Safety Assistance Program High Priority grants that require CVE officers and KSP troopers to enforce laws against aggressive driving by noncommercial vehicles in areas with a high number of commercial vehicle crashes. The current grant is Ticketing Aggressive Cars and Trucks (TACT). For federal fiscal year 2012, the Kentucky TACT grant was \$250,000, or one-half of previous years' grants. If the TACT grant becomes unavailable to Kentucky, CVE officer noncommercial vehicle citations could be reduced.

Kentucky receives an annual grant from the National Highway Traffic Safety Administration (NHTSA) for the Click It or Ticket campaign, under which CVE officers enforce seat belt usage, mostly by noncommercial vehicle drivers. Kentucky also receives several NHTSA grant funding streams that require CVE officers to participate in two other noncommercial vehicle programs. Blue Lights Across the Bluegrass targets dangerous noncommercial motorist behaviors such as speeding, not wearing a seatbelt, and not using appropriate child restraints. A campaign against driving while impaired targets noncommercial motorists driving under the influence of alcohol. In addition, the Transportation Cabinet contracts with KSP to patrol highway construction work zones, and KSP often assigns these patrols to CVE officers.

KSP does not track in its electronic database whether citations are issued under the auspices of a grant or other program. CVE has created a TACT database in which information is entered from paper forms. The database contains no information for other grants or programs. Determination of the level of effectiveness of particular grants and programs would be facilitated if citations associated with them could be identified.

Recommendation 3.1

The Kentucky State Police and its Division of Commercial Vehicle Enforcement should develop a method for online tracking of the division's noncommercial vehicle citations issued under the auspices of a grant or other program.

CVE officers use electronic and paper citations. Under both methods, the information is stored in KSP's database. The electronic and paper citations contain a check-box option that allows an officer to mark whether the vehicle the officer stopped is a commercial vehicle or a hazardous commercial vehicle. If no box is checked, it is assumed for purposes of the KSP database that the vehicle is a noncommercial vehicle. To avoid potential errors in identifying noncommercial vehicles, it would be preferable if the form had separate check boxes to indicate whether the citation is noncommercial or commercial.

Recommendation 3.2

The Kentucky State Police and its Division of Commercial Vehicle Enforcement should develop a method by which a division officer specifically indicates when a citation is issued to a noncommercial vehicle.

States vary in the degree to which commercial vehicle entities merge their responsibilities with state police departments. This report compares Kentucky to Florida, Indiana, North Carolina, Ohio, South Carolina, and Tennessee. In five of the states, including Kentucky, the CVE entity is under the control of the state police or state highway patrol. In five of the states, CVE entities' officers have the same pay scale as state police troopers. Kentucky has different pay scales. In all seven states, CVE entity staff includes sworn peace officers. Five of the states, including Kentucky, have received federal Motor Carrier Safety Assistance Program High Priority grants that require officers to enforce aggressive driving laws in areas with high crash rates for commercial vehicles.

CVE expended approximately \$20 million in each of the fiscal years 2007 to 2012, which closely matched revenues. Road funds represented 73 percent of total funding. Federal funding, primarily in the form of grants, represented 23 percent of total funding. The remainder came from restricted funds, which included appropriated officer training stipends and work zone enforcement reimbursements from the Transportation Cabinet.

Each noncommercial citation may include up to nine violations. For example, someone can be cited for speeding, careless driving, and not having an insurance card as part of one citation. More than 143,000 noncommercial violations were cited by CVE officers from 2009 to 2012. The average age of someone cited was 36.

CVE operates in the six regions indicated on the map below. In Regions 1, 2, and 3, the region's percentage of state daily vehicle miles traveled—an estimate of roadway traffic levels—was higher than its share of violations. Region 2, which had 33 percent of statewide daily vehicle miles traveled, had 15 percent of statewide CVE noncommercial violations. Conversely, Region 4 had 8 percent of statewide daily vehicle miles but 24 percent of CVE noncommercial violations. Region 6 had 6 percent of daily vehicle miles traveled but had 20 percent of CVE noncommercial violations.



From 2009 to 2012, nearly one-third of noncommercial citations were issued in five counties. The more than 8,600 citations issued in Laurel County were the most for any county, 9.5 percent of the 4-year total. Four other counties each had at least 5 percent of the total: Fayette, Jefferson, Pulaski, and Shelby.

Over the same period, nearly 44 percent of noncommercial violations cited by CVE were for speeding. Speeding and violations for failure to wear seat belts, no insurance card, no registration receipt, and no license plates accounted for nearly 70 percent of total violations. Region 6 was distinctive in having a lower percentage of speeding violations and higher percentages of other violations and misdemeanor offenses.

Chapter 1

Organization Of The Division And Authority For Noncommercial Enforcement

In 2009, the Kentucky Vehicle Enforcement entity became the Kentucky State Police's (KSP) Division of Commercial Vehicle Enforcement (CVE).

This report describes and analyzes the noncommercial activities of the Kentucky State Police's Division of Commercial Vehicle Enforcement (CVE) sworn peace officers. In 2009, what had been the Kentucky Vehicle Enforcement entity, which had been housed in various cabinets in the past, became a division of the Kentucky State Police (KSP). During the reorganization, KSP and CVE personnel worked to minimize redundancies between KSP and the new entity in such areas as mission, personnel, equipment, and rules and regulations. To do so, they made the Division of Commercial Vehicle Enforcement a fourth division of KSP. Currently, the overlap of mission, operations, and duties between CVE and the other parts of KSP is minimal.

Major Conclusions

This report has five major conclusions.

This report has five major conclusions.

- The Division of Commercial Vehicle Enforcement sworn peace officers have the same arrest powers as do Kentucky State Police troopers. CVE officers are authorized to participate in enforcing noncommercial vehicle laws by Kentucky statutes and Kentucky State Police policy. Such participation is also required under certain federal grants.
- The 2009 reorganization in which the stand-alone Kentucky Vehicle Enforcement entity became the Kentucky State Police Division of Commercial Vehicle Enforcement streamlined duties and expenditures and placed Kentucky in line with other states in the region that have merged commercial vehicle enforcement entities with state highway patrol departments.
- Division of Commercial Vehicle Enforcement sworn peace officers issued nearly 91,000 noncommercial vehicle citations from 2009 to 2012. By comparison, Kentucky State Police troopers issued more than six times as many noncommercial vehicle citations.
- Of the noncommercial vehicle citations issued by Division of Commercial Vehicle Enforcement sworn peace officers from 2009 to 2012, 51 percent were made under federal Motor Carrier Safety Assistance Program grants. This funding has

been decreasing. If these grants end, noncommercial vehicle enforcement by CVE officers may decrease.

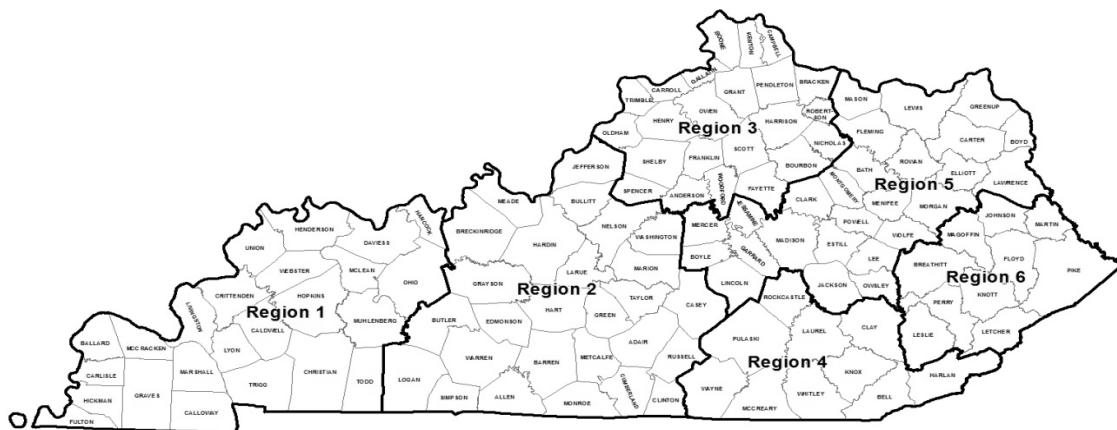
- Nearly 44 percent of the violations cited by Division of Commercial Vehicle Enforcement sworn peace officers from 2009 to 2012 were for speeding. Speeding and violations for failure to wear seat belts, no insurance card, no registration receipt, and no license plates accounted for nearly 70 percent of total violations. Regions varied in frequencies of violations in total and among types.

Organization

CVE operates statewide in six designated regions.

In July 2008, Executive Order 2008-707, codified in June 2009 at KRS 16.187 and 16.188, placed what was then the Kentucky Vehicle Enforcement entity under the auspices of the Kentucky State Police. It was renamed the Division of Commercial Vehicle Enforcement and is now one of four divisions of KSP.¹ CVE's three internal subdivisions are Patrol, Inspection, and Compliance.² Its two operational branches, the East and West troops, operate in the six regions shown in Figure 1.A.³

Figure 1.A
Division Of Commercial Vehicle Enforcement Regions



Source: Created by LRC staff from Kentucky. State Police. CVE Region Locations. Web. Aug. 1, 2013.

KSP reported \$2,334,181 in savings from the reorganization of CVE as a KSP division, but examples of savings totaling only approximately \$1.4 million were provided to Program Review staff.

When the Kentucky Vehicle Enforcement entity became the KSP CVE division in 2009, KSP reported a total of \$2,334,181 in savings realized. Personnel costs were reduced by more than \$1.2 million; operating costs were reduced by more than \$1.1 million. Savings in both areas were reported as a reduction in

¹ The other three divisions are Administrative, Operations, and Technical Services.

road fund expenditures.⁴ Only examples of itemized savings were provided to Program Review staff. These totaled approximately \$1.4 million rather than \$2.33 million. Table 1.1 summarizes the examples of savings provided by KSP.

Table 1.1
Examples Of Reported Savings From The Merger
Of Kentucky Vehicle Enforcement And Kentucky State Police

Expense Category	Item	Savings
Personnel	Abolished two CVE major positions	\$217,000
	Reduction in paid overtime	147,418
	Abolished commissioner’s position*	120,185
	Abolished special assistant position	50,000
	Abolished deputy commissioner’s position*	34,070
	Reduction in training cost	26,848
Operating	Vehicle fleet and expenses	574,071
	Lease purchases	57,213
	In-state and out-of-state travel	54,013
	Utilities	45,921
	Rental of real property	32,215
	Other supplies	24,039
	Office supplies	17,092
	Furnishing expenses	12,768
	Copy machine rental	11,133
Total		\$1,423,986

*Kentucky Vehicle Enforcement positions.

Source: Keith Peercy. Email to Colleen Kennedy. July 24, 2013.

Duties Of CVE Officers

CVE sworn officers’ primary focus is to enforce commercial vehicle laws, but they also have noncommercial vehicle enforcement duties and are trained to enforce all laws in the state.

CVE officers’ noncommercial vehicle enforcement duties include enforcing traffic laws when violations are observed during routine patrol and enforcing traffic laws in road construction work zones.⁵ CVE officers also issue noncommercial vehicle citations under special KSP programs and federal grants. CVE officers assist with noncommercial vehicle traffic law enforcement for such events as the Kentucky Derby, the Kentucky State Fair, and statewide disaster response.⁶

Though trained to enforce all laws in the state, CVE sworn officers’ primary focus is enforcing commercial vehicle laws. They assist as backup officers on other crimes but do few investigations for criminal activity such as sexual assaults, murders, burglaries, or thefts. CVE officers are not first responders on domestic violence incidents.⁷ An example of a more common criminal arrest scenario would be if a CVE officer suspected drug use during a traffic stop

and further investigation revealed the presence of illegal drugs in the vehicle.⁸

Comparison Of Salaries Of CVE Officers And KSP Troopers

CVE officers have a lower starting salary upon graduation from training than do KSP troopers.

CVE officers earn \$28,248 annually upon graduation from the Criminal Justice Training Center at Eastern Kentucky University.⁹ KSP troopers earn \$37,382 annually upon graduation from the Kentucky State Police Academy.¹⁰ CVE officers and KSP troopers receive a \$3,100 annual training stipend in years when it is appropriated by the General Assembly.¹¹

Because Kentucky Vehicle Enforcement was a stand-alone agency for most of its existence—in either the Transportation Cabinet or the Justice and Public Safety Cabinet—its officers fell under KRS Chapter 18A and had traditional pay grades that mirrored those of the rest of state government employees. KSP troopers are not governed by KRS Chapter 18A; they have their own classifications and salary scales. When Kentucky Vehicle Enforcement was moved under the auspices of KSP in July 2008, KSP received no additional funds to raise officers' salaries to equal those of their KSP counterparts, and there was no existing funding in the KSP budget to raise the salaries.¹²

Authority Of CVE Officers To Write Noncommercial Vehicle Citations

CVE officers are authorized to issue noncommercial vehicle citations by Kentucky statutes and KSP policy. Some noncommercial vehicle enforcement duties by CVE officers are a required component of federal grants that CVE receives and of special national programs.

CVE officers are authorized to issue citations for noncommercial vehicles by Kentucky statutes and KSP policy. Some KSP special programs and events require CVE officer participation in patrolling noncommercial vehicles. Some noncommercial vehicle enforcement duties by CVE officers are a required component of federal grants that CVE receives and of special national programs.¹³ The qualifications and training of CVE officers are consistent with their noncommercial duties.

Kentucky Statutes

Kentucky statutes require that a CVE sworn peace officer not only enforce all state and federal laws and regulations but also enforce all motor vehicle operator, traffic, and criminal law violations on the highways.

The General Assembly codified the position of commercial vehicle enforcement officer under KSP in 2009 (KRS 16.187(1)).

Commercial vehicle enforcement officers are appointed by the KSP commissioner (KRS 16.188(1)(a)). These positions “shall be utilized by the commissioner to enforce the laws of the Commonwealth and to comply with federal and state mandates” (KRS 16.187(2)).

KRS 16.189(1) outlines the powers and duties of CVE officers.

Among the powers and duties of the commercial vehicle enforcement officers are to enforce

- (a) Commercial vehicle licensure, operator, traffic, and criminal violations;
- (b) Motor vehicle operator, traffic, and criminal law violations on a highway; and
- (c) All the laws and administrative regulations of the Commonwealth at the direction of the commissioner (KRS 16.189(1)).

A Kentucky Supreme Court case supports the authority of CVE officers to enforce laws relating to noncommercial vehicles.

Kentucky Supreme Court Case. The Kentucky Supreme Court has supported the authority of officers such as those of CVE to make arrests for violations of laws relating to motor vehicles in general. *Howard v. Transportation Cabinet* (1994) concerned a Transportation Cabinet vehicle enforcement officer, equivalent to what is now a CVE officer.¹⁴ At issue was whether the officer had the statutory authority to arrest the driver of a passenger automobile for driving under the influence, or whether such an officer’s powers were limited to drivers of vehicles governed by KRS Chapter 281, titled “Motor Carriers.” The court held that such an officer had the necessary arrest authority, noting that KRS 281.765 was the controlling statute. That statute says

Any peace officer, including ... special officers appointed by any agency of the Commonwealth of Kentucky for the enforcement of its laws relating to motor vehicles ... now existing or hereafter enacted, shall be authorized and it is hereby made the duty of each of them to enforce the provisions of this chapter and to make arrests for any violation or violations thereof, and for violations of any other law relating to motor vehicles

The term *motor vehicle* means “any motor propelled vehicle used for the transportation of persons or property on a public highway ...” (KRS 281.011(2)).

Kentucky State Police Policy

KSP policy notes that CVE officers are to enforce state and federal laws and regulations, placing special emphasis on commercial vehicles.

KSP policy is that CVE officers should place special emphasis on commercial vehicles, but it also calls for CVE officers to enforce all state and federal laws and regulations. According to the CVE website,

[t]he mission of the Division of Commercial Vehicle Enforcement is to encourage and promote a safe driving environment through education and safety awareness while enforcing State and Federal laws and regulations, placing special emphasis on commercial vehicles.¹⁵

CVE sworn peace officers and KSP troopers must meet the same minimum certification requirements established in KRS 15.382.

CVE Officer Qualifications. CVE sworn peace officers must meet many of the same qualification requirements as KSP troopers. Both must meet the 17 minimum certification requirements in KRS 15.382. These include being a US citizen at least 21 years of age; possessing a high school diploma or equivalent; possessing a valid driver's license; having no felony convictions; and passing a medical examination, drug screening test, and physical agility test.

KRS 16.1901(1)(a) establishes minimum requirements specifically for CVE officers.

KRS 16.1901(1)(a) establishes minimum requirements specifically for CVE officers. They must meet at least one of the following education or experience requirements:

- at least 54 semester hours with a college or university,
- at least 2 years' experience as a commercial vehicle inspector under the North American Standard Requirements,
- at least 2 years' experience as a full-time sworn law enforcement officer, or
- at least 2 years' experience in military duty.

They also must be of good moral character and capable of meeting the physical fitness standards established by the KSP commissioner.

KSP should consider revising its website to clarify statutory language that applies to minimum requirements for becoming a CVE officer.

The CVE website cites KRS 16.040(2) when indicating minimum requirements for becoming a CVE officer.¹⁶ This statute seems to specify qualifications for officers of the Kentucky Department of State Police. Because there are discrepancies between the statutory requirements of this statute and KRS 16.1901(1)(a), KSP should consider revising its website to avoid potential confusion.

The Peace Officer Professional Standards certification process is required for CVE officers and KSP troopers.

CVE Officer Training. KRS 16.1901(2)(a) requires CVE officers to successfully complete the Peace Officer Professional Standards (POPS) certification process upon completion of a probationary period of 1 year. POPS training has been mandatory for all Kentucky peace officers since 1998.¹⁷ The training is 768 hours

over an 18 week period at a school recognized or certified by the Kentucky Law Enforcement Council. Available topics in the course of study include collision investigative techniques, criminal investigation, defensive driving, DUI/Standardized Field Sobriety Test, emergency medical dispatch/CPR, Kentucky Homeland Security, and legal issues.¹⁸

CVE officers must also undergo 4 weeks of concentrated commercial vehicle law training upon completion of a probationary period of 1 year.¹⁹ KRS 16.1901(2)(b) requires successful completion and passage of a certified course in General Hazardous Materials and North American Standard Driver/Vehicle Inspection. The latter program comprises nationally created inspection standards for commercial vehicles.²⁰

CVE officer training takes place at Eastern Kentucky University's Criminal Justice Training Center. KSP trooper operations officers are trained at the KSP Academy in Frankfort. According to KSP staff, the expectation is that CVE officer training operations will be moved to the academy facility by 2014.

Training for CVE officers places more emphasis on commercial vehicle inspections standards; training for KSP troopers places more emphasis on aspects of criminal investigation.

Differences exist between the training of CVE officers and that of KSP troopers. CVE officer training includes emphasis on commercial vehicle inspections standards.²¹ KSP trooper operations training places more emphasis on criminal investigation.²²

KSP and CVE officials noted that because CVE officers and KSP troopers need to be able to back each other up while on patrol, both groups receive the same tactical training and have the same equipment. CVE sworn peace officers would need only minimal additional training to become KSP troopers. Conversely, 145 KSP troopers have cross-trained on the North American Standard for commercial vehicle inspections.²³

Highway work zone assignments for CVE officers may entail commercial or noncommercial vehicle activity.

Work Zones. CVE officers frequently patrol highway construction work zones. CVE officer enforcement in these areas can focus on commercial or noncommercial vehicle activity. Requests from the cabinet to KSP specify the work zones to be patrolled and the times patrols should occur. Appendix B lists the categories included in a typical contract form used by the Transportation Cabinet to request law enforcement presence at work zones. The contract may call for either active or passive patrol. According to Transportation Cabinet staff, many requests are for passive enforcement in which officers remain in their vehicles with their emergency lights flashing at a particular spot in the work zone.²⁴

Officers may leave that location to issue traffic citations to drivers, but usually only egregious violations are pursued.

Work zone enforcement activities are also performed by KSP troopers. Usually, work zone requests to KSP are assigned to the commanders at each of the 16 KSP posts, who then coordinate the assignment of these patrols with CVE officers in the region.²⁵

CVE K-9 Officers. Although the number of noncommercial citations written by CVE K-9 officers is likely to be small, the possibility of such citations is an example of how KSP and CVE activities are merging.

Five CVE officers serve in the Kentucky State Police Special Operations branch of the Operations Division K-9 Squad. K-9 officers handle drug detection dogs.²⁶ CVE officers who serve in the K-9 squad are involved mainly in drug interdiction efforts, but they must also inspect commercial vehicles to keep their certifications as CVE officers.²⁷

CVE officers may be assigned to other programs and events for noncommercial vehicle patrol duty.

Assignment To Other Programs And Events. KSP assigns CVE officers to noncommercial vehicle patrol duty at other programs and events, such as the Kentucky Derby, the Kentucky State Fair, and ball games. CVE officers also respond to disasters throughout Kentucky.²⁸

Federal Grants And Other National Programs

KSP/CVE receives federal grants that require CVE officers to participate in enforcing noncommercial vehicle laws.

CVE officers are required to participate in enforcing noncommercial vehicle laws under federal grants received by KSP/CVE and through programs in which the department participates. The financial aspects of federal grants are covered in Chapter 2.

Any noncommercial vehicle enforcement under the federal Motor Carrier Safety Assistance Program (MCSAP) Basic grant is typically incidental and minimal.

Motor Carrier Safety Assistance Program Basic Grant. The US Department of Transportation's Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Safety Assistance Program (MCSAP) Basic grant provides states with funds to develop or implement uniform federal and state rules and regulations related to reducing the number and severity of crashes and hazardous materials incidents involving commercial motor vehicles.²⁹ Any noncommercial vehicle enforcement under this program is typically incidental and minimal.

Two federal MCSAP High Priority grants require CVE officers to participate in enforcing laws against aggressive driving by noncommercial vehicles in areas with many commercial vehicle crashes.

Motor Carrier Safety Assistance Program High Priority Grants. MCSAP High Priority grants are for various safety activities, some of which address commercial and noncommercial vehicle safe driving issues. Two of these grants require CVE officers to participate in enforcing laws against aggressive driving of noncommercial vehicles in areas with a high number of commercial vehicle crashes.

A crash involving a commercial vehicle often also involves a noncommercial vehicle. According to an FMCSA report, most truck collisions reviewed involved at least one large truck and one passenger car. The study found that in two-vehicle collisions that involved a large truck and a passenger car, the critical reason for the crash was the car in 56 percent of the collisions.³⁰

One MCSAP High Priority grant program was the High Priority Commercial Vehicle Crash Reduction program.³¹ Because this program focused on commercial motor vehicle crash reduction, it provided for CVE officers to participate in enforcing noncommercial vehicle aggressive driving laws in the vicinity of commercial vehicles. It was aimed at corridors across Kentucky with high numbers of commercial vehicle crashes.³²

Under the federal Ticketing Aggressive Cars and Trucks (TACT) grant, special attention is paid to aggressive driving of noncommercial vehicles in the vicinity of commercial vehicles.

Noncommercial traffic enforcement is also a focus of a second MCSAP High Priority grant program: Ticketing Aggressive Cars and Trucks (TACT).³³ The purpose of TACT is also to decrease commercial motor vehicle-related collisions, injuries, and fatalities. The program promotes safe driving practices by car and truck drivers.³⁴ Special attention is paid to aggressive driving of noncommercial vehicles such as speeding, following a truck too closely, making unsafe lane changes, and other careless or reckless driving.³⁵ The grant allows CVE sworn officers to use overtime hours for TACT enforcement activities. Although this work is in addition to regular CVE enforcement duties, it makes officers more aware of violations related to the interaction of commercial and noncommercial vehicles. With such awareness, they might also enforce such laws to a greater extent during regular shifts.³⁶ CVE officers and KSP troopers participate in TACT activities.³⁷

Among other requirements, a TACT grant proposal must demonstrate the applicant's ability to

- Change risky driving behaviors of motorists, raise general public awareness and enforce driving laws;
- Increase the motoring public's knowledge of [commercial vehicle] traffic enforcement (e.g., stopping distance); [and]

- Reduce the incidence of illegal driving behavior (as measured by monitoring and/or trooper observation) by private passenger and [commercial] drivers when operating in proximity.³⁸

During the past 3 years, TACT has grown to encompass heavily traveled truck corridors statewide.

Kentucky began limited implementation of TACT in August 2007. The program was focused on two high-volume, high-crash interstate areas: one in northern Kentucky on I-75 and the other along I-65 in Jefferson and Bullitt Counties. These areas were selected because of their high number of crashes involving trucks.³⁹ During the past 3 years, the TACT program has grown to encompass heavily traveled truck corridors statewide, as listed in Appendix C.⁴⁰

Originally, the High Priority Commercial Vehicle Crash Reduction grant covered corridors separate from those being covered by the TACT grant. Beginning in federal fiscal year 2011, TACT was applied statewide and the separate corridors and funding were combined.⁴¹

If the TACT grant ends, KSP and CVE will not focus on the goals of the program to the same extent and will no longer spend state dollars on overtime.

KSP and CVE officials note that if federal funding for TACT ends, KSP will continue to enforce aggressive driving laws as it always has. There will not be the same focus on the program, however, and KSP will not spend state matching dollars on overtime patrol required by the TACT grant. Currently, the TACT corridors are modified each year if crash data show that different areas warrant the attention. This modification would continue even without TACT funding.⁴²

Under the federal Click It or Ticket grant, CVE officers enforce seat belt usage by noncommercial vehicle drivers.

Click It Or Ticket Grant. Click It or Ticket is a national enforcement initiative conducted annually in late May to early June by the US Department of Transportation's National Highway Traffic Safety Administration (NHTSA). CVE officers enforce seat belt usage by commercial and noncommercial vehicle drivers, although the focus is on noncommercial vehicles.⁴³

The Kentucky Office of Highway Safety channels federal grants to KSP/CVE for two other noncommercial vehicle programs. The first, Blue Lights Across the Bluegrass, targets speeding, not wearing seatbelts, and not using appropriate child restraints. The second targets driving under the influence of alcohol as well as other safety violations.

Federal Grant Funding For Other Highway Safety Campaigns. The Kentucky Office of Highway Safety is Kentucky's designated recipient of several federal NHTSA grant funding streams.⁴⁴ Among other programs, these grants fund two noncommercial vehicle law enforcement mobilizations in which CVE officers participate.

One program, Blue Lights Across the Bluegrass, takes place during July and targets dangerous noncommercial motorist behaviors such as speeding, not wearing a seatbelt, and not using appropriate child restraints.

The other program is a campaign against driving while impaired. Its most recent title was Drive Sober or Get Pulled Over. The program runs for 17 days before and during the Labor Day weekend and targets noncommercial motorists driving under the influence of alcohol as well as committing other safety violations.

Both campaigns aim to increase law enforcement visibility on highways during these short periods that have been identified as particularly dangerous to motorists.⁴⁵ During these campaigns, CVE officers may increase noncommercial vehicle patrol and enforcement.

Operation Safe Driver is a national program aimed at decreasing deaths resulting from collisions between commercial and passenger vehicles.

Operation Safe Driver. Operation Safe Driver is an annual national initiative led by the Commercial Vehicle Safety Alliance in partnership with FMCSA and state and local law enforcement. The initiative is aimed at decreasing the number of deaths resulting from collisions involving commercial and passenger vehicles. The campaign focuses on enforcement and education. Examples of activities include seat belt enforcement and increasing the public's awareness of safe driving procedures around commercial vehicles.⁴⁶ Operation Safe Driver is held during the third week of October. CVE officers have participated in the program each year since its inception in 2007.⁴⁷

Citations made during each year's program are gathered at the regional level and compiled into a report that is sent to the Commercial Vehicle Safety Alliance.⁴⁸ Citations that CVE officers make under this program are not tracked by KSP in its database.⁴⁹

Other States

The regional trend is toward less separation between commercial vehicle entities and state police departments.

According to KSP and CVE officials, the regional trend is toward less separation between commercial vehicle entities and state police departments. States vary in the degree to which these agencies merge their responsibilities.⁵⁰

Program Review staff reviewed entities similar to CVE in Florida, Indiana, North Carolina, Ohio, South Carolina, and Tennessee. The organizational structure ranged from separation of state highway patrol and commercial vehicle enforcement to full merger.

Program Review staff reviewed entities similar to CVE in six other states. States selected for review border Kentucky or are located in the southeast. The range of organizational structures is apparent in states with a configuration similar to Kentucky's, states that have more blending of commercial vehicle officer activities with state police activities, one state that has completely merged its commercial vehicle enforcement entity with state highway patrol, and one state in which commercial vehicle enforcement and the highway patrol are separate divisions.

In five of the seven states, including Kentucky, CVE is under state police control. In five states, but not Kentucky, CVE officers and state troopers have the same pay scale. In all seven states, CVE includes sworn peace officers. Five states, including Kentucky, have received TACT grants.

Table 1.2 compares Kentucky and the six other states in four categories. In five of the seven states, including Kentucky, the commercial vehicle enforcement entity is under the control of the state police or state highway patrol. In five of the states, CVE entities' officers have the same pay scale as state police troopers. The exceptions are Kentucky and Florida. In all seven states, the commercial vehicle entity staff includes sworn peace officers. Five of the states, including Kentucky, received TACT grants at some time during 2009 to 2012 and thus were required to participate in enforcing aggressive driving laws for noncommercial vehicles.

Table 1.2
Comparison Of The Kentucky Division Of Commercial Vehicle Enforcement
With Equivalent Entities In Selected States

State	Organizational Structure	Pay Scale Variation	Sworn Peace Officers	TACT* Participant
Florida	Office within state highway patrol	Yes	Yes	Yes
Indiana	Division within state police	No	Yes	Yes
Kentucky	Division within state police	Yes	Yes	Yes
North Carolina	Section within state highway patrol	No	Yes	Yes
Ohio	Unit within state highway patrol	No	Yes	No
South Carolina	State Transport Police and Highway Patrol are separate divisions within the Department of Public Safety	No	Yes	Yes
Tennessee	Commercial vehicle enforcement entity completely merged with highway patrol	No	Yes	No

*Federal Ticketing Aggressive Cars and Trucks program.

Source: Created by Program Review staff using information obtained through interviews and emails with officials in the states.

Florida

In 2011, the Motor Carrier Compliance Office of the Florida Department of Transportation became the Commercial Vehicle Enforcement Office of the Florida Highway Patrol. CVE troopers in the new office are sworn peace officers. They receive the same training as highway patrol troopers, except that a CVE trooper must have an additional 8 weeks of training in commercial vehicle law. The cars and uniforms used by CVE are the same as before, but the car decals, badges, and patches are the same as for the highway patrol. CVE troopers and highway patrol troopers receive different rates of pay.⁵¹

CVE's focus is patrolling commercial vehicles and enforcing commercial vehicle laws while on patrol and at weigh stations. However, as fully trained and sworn troopers, CVE troopers are required to enforce all laws. CVE troopers engage in noncommercial vehicle enforcement and assist at crash sites as needed. CVE receives financial incentives for noncommercial activity in the form of federal TACT grants. It is also involved in national and state highway safety campaigns such as Click It or Ticket and Commercial Vehicle Safety Alliance campaigns such as Operation Safe Driver.⁵²

Indiana

Indiana's CVE division is part of the Indiana State Police. The division employs 80 to 85 sworn troopers who are assigned specifically to the division. They receive the same training as other state police troopers but must take additional commercial vehicle training. CVE trooper uniforms and cars are identical to those used by other state police troopers, although CVE troopers may wear a type of uniform conducive to commercial vehicle inspection activity. CVE troopers and other state troopers have the same pay rate.⁵³

CVE troopers have the legal authority to enforce noncommercial vehicle laws, but noncommercial vehicle enforcement activity is limited. The CVE division has participated in TACT, but it is not doing so now and so is not receiving this financial incentive to patrol noncommercial vehicles. The division still involves itself in safety and prevention activity directed at driving behavior between cars and trucks, but not as much as when it received TACT funding. The state police participate in national and state highway campaigns such as Click It or Ticket; the CVE division does not.⁵⁴ CVE division troopers may choose to participate in the campaigns outside of their division for overtime hours. The division is a member of the Commercial Vehicle Safety Alliance and participates in its Operation Safe Driver campaign.⁵⁵

North Carolina

Commercial vehicle enforcement in North Carolina is overseen by the Motor Carrier Enforcement (MCE) section of the State Highway Patrol. MCE troopers are sworn peace officers who receive the same training as state highway patrol troopers along with additional training related to commercial vehicle laws, regulations, and enforcement. MCE trooper badges and patches are identical to those worn by state highway patrol troopers, and their

vehicles have the same decals. They tend to drive large SUVs rather than the highway patrol cars in order to haul weights, and they often wear uniforms that are better suited for commercial vehicle inspection. MCE troopers are subject to the same pay grades, based on rank, as state highway patrol troopers.⁵⁶

MCE troopers have legal authority to enforce noncommercial laws. They engage in all highway enforcement activity that state highway patrol troopers do when needed and when violations are observed. MCE received TACT funding previously. It is involved in national highway safety campaigns such as Click It or Ticket. MCE is also a member of the Commercial Vehicle Safety Alliance and is involved in its Operation Safe Driver campaign.⁵⁷

Ohio

Commercial vehicle enforcement is overseen by the Ohio State Highway Patrol, which has 57 Commercial Motor Vehicle (CMV) troopers. CMV troopers are sworn peace officers. CMV troopers receive the same training as state highway patrol troopers but must attain additional training and certification to work in commercial vehicle enforcement. CMV troopers drive SUVs suited to their commercial vehicle duties. CMV troopers often wear a uniform conducive to commercial vehicle inspection. Badges, patches, and decals are the same for CMV troopers and highway patrol troopers. CMV troopers and state highway patrol troopers have the same pay grades.⁵⁸

CMV troopers have legal authority to handle noncommercial law enforcement and do so as needed. The state highway patrol does not receive TACT funding. CMV troopers enforce noncommercial vehicle laws targeted during the state highway patrol's involvement in national and state highway safety campaigns such as Click It or Ticket. CMV troopers are involved in Commercial Vehicle Safety Alliance campaigns such as Operation Safe Driver.⁵⁹

South Carolina

The State Transport Police, whose jurisdiction is commercial vehicle enforcement, and Highway Patrol are separate divisions of the Department of Public Safety. Transport officers are sworn peace officers. They receive the same basic training as other sworn peace officers in the Department of Public Safety, plus further training focused on highway and vehicle law enforcement. Transport officers also receive specialized training in commercial

vehicle laws and regulations; highway patrol troopers receive additional training in accident investigation. Transport officers have different decals on their cars and badges than do highway patrol troopers. The Department of Public Safety maintains the same pay grades and ranking system across all divisions. It is possible for an officer to transfer across divisions within the same rank.⁶⁰

Transport officers have the authority to participate in noncommercial vehicle activity. They assist when additional officers are needed in a variety of situations. Transport officers stop noncommercial vehicles if they witness a state or federal violation. Dangerous driving by noncommercial vehicles around commercial vehicles is of particular concern. The State Transport Police receives TACT funding, which requires this type of noncommercial vehicle enforcement. The entire Department of Public Safety is involved in national and state highway campaigns such as Click It or Ticket. Additionally, Transport officers focus on public education and awareness through the Leave More Space program and the No-Zone program, which provide noncommercial vehicle drivers with safety information for driving in the vicinity of large commercial vehicles.⁶¹

Tennessee

The Commercial Vehicle Enforcement division of the Tennessee Department of Safety merged with the Tennessee Highway Patrol in 2004. No separate CVE division was created within the highway patrol. All highway patrol troopers at the time were trained in commercial vehicle enforcement, and all prior CVE officers, now highway patrol troopers, were trained in all other aspects of highway patrol. Thus, highway patrol troopers are all sworn peace officers engaged in all areas of commercial and noncommercial vehicle law enforcement. All are capable of performing commercial vehicle inspections, although higher levels of such inspection require additional training. All officers, including those formerly of the CVE division, receive highway patrol trooper ranking and pay grades, wear highway patrol uniforms, and drive patrol vehicles.⁶²

Highway Patrol has a special unit known as Alternative Commercial Enforcement Strategies. Particular troopers are assigned to this unit, which has a primarily preventive focus. Troopers use outreach and education to improve safety for noncommercial vehicle drivers around trucks and to improve

knowledge about problem compliance areas for commercial vehicle drivers and employers.⁶³

Highway Patrol does not receive TACT funding but does participate in highway safety campaigns such as Click It or Ticket. It is also a member of the Commercial Vehicle Safety Alliance and participates in the Operation Safe Driver campaign.⁶⁴

Chapter 2

Funding And Expenditures

With few exceptions, revenues and expenditures related to noncommercial vehicle enforcement generally cannot be distinguished from those for commercial vehicle enforcement.

With few exceptions, revenues and expenditures related to noncommercial vehicle enforcement cannot be distinguished from those for commercial vehicle enforcement.⁶⁵ For example, a CVE officer may cite a semi-truck driver while conducting noncommercial vehicle enforcement activities or may cite a passenger vehicle driver while performing commercial vehicle enforcement activities. Exceptions are the few grants or programs that primarily target noncommercial vehicles, but these represent less than 1 percent of CVE expenditures.⁶⁶

Expenditures

CVE expended approximately \$20 million in each of the past 6 fiscal years. Road funds represented 73 percent of total funding, federal funding represented 23 percent, and the remainder came primarily from restricted funds.

CVE expended approximately \$20 million in each of the past 6 fiscal years, which closely matched revenues. Road funds represented 73 percent of total funding. Federal funding, primarily grants, represented 23 percent of total funding. The remaining 4 percent came primarily from restricted funds, which include appropriated officer training stipends and work zone enforcement reimbursements from the Kentucky Transportation Cabinet.

Table 2.1 shows CVE expenditures by fund for FY 2007 to FY 2012.

Table 2.1
CVE Enforcement Expenditures By Fund
FY 2007 To FY 2012

Fund	2007	2008	2009	2010	2011	2012
Road	\$13,974,900	\$13,881,500	\$13,881,500	\$13,881,500	\$14,579,556	\$15,605,420
Federal	5,672,588	4,511,085	4,670,409	3,964,359	4,195,833	3,759,591
Restricted	1,112,676	1,170,636	794,521	578,637	620,453	481,414
General	0	46,600	0	0	0	0
Total	\$20,760,164	\$19,609,821	\$19,346,430	\$18,424,496	\$19,395,842	\$19,846,425

Note: Nearly three-quarters of restricted fund expenditures were for officer training stipends. General fund expenditures in FY 2008 were one-time costs related to salary adjustments.

Source: Kentucky. Legislative Research Commission. Budget Review Office.

Personnel And Motor Fuel Costs

For the 6 fiscal years reviewed, 75 percent of total CVE expenditures were for salaries, wages, overtime, benefits, and other related costs.

From FY 2007 to FY 2012, 75 percent of CVE expenditures were for salaries, wages, overtime, benefits, and other related costs. Motor fuel costs specifically allocated to the Kentucky Vehicle Enforcement entity or to CVE were not fully tracked from FY 2007 to FY 2011. Motor fuel costs were approximately 12 percent of total CVE expenditures in FY 2012, the first year for which a more accurate amount of CVE motor fuel costs could be determined.

Table 2.2 shows personnel costs for CVE by fund. Nearly three-quarters of all personnel costs were paid from road fund dollars. Federal funding was the second largest source. Restricted fund personnel expenditures were primarily for officer training stipends.

Table 2.2
CVE Personnel Expenditures By Fund
FY 2007 To FY 2012

Fund	2007	2008	2009	2010	2011	2012
Road	\$10,362,101	\$10,909,357	\$10,580,419	\$10,327,514	\$11,258,594	\$10,158,746
Federal	3,197,111	3,713,796	3,517,433	2,978,980	3,489,264	3,463,395
Restricted	904,020	756,256	728,029	556,540	579,319	467,243
General	0	46,600	0	0	0	0
Total	\$14,463,231	\$15,426,009	\$14,825,881	\$13,863,035	\$15,327,177	\$14,089,384

Note: Column figures may not add to total amounts because of rounding. Personnel expenditures are based on the eMars object codes "Personnel Costs" and the code for officer training. General fund expenditures in FY 2008 were one-time costs related to salary adjustments.

Source: Kentucky. Legislative Research Commission. Budget Review Office.

Federal Funding

Motor Carrier Safety Assistance Program

CVE conducts only a small amount of noncommercial activity under the US Department of Transportation's Federal Motor Carrier Safety Administration's Motor Carrier Safety Assistance Program Basic grant.

Basic Grant. CVE conducts only a small amount of noncommercial activity under the US Department of Transportation's Federal Motor Carrier Safety Administration's Motor Carrier Safety Assistance Program Basic grant; the grant is awarded almost entirely for commercial vehicle purposes.⁶⁷ Under this grant, states cannot spend more than 5 percent of federal funds on enforcing noncommercial vehicle laws unless a state's administrator approves (49 CFR 350.309). MCSAP Basic grants have been the largest source of federal revenue for CVE. In federal fiscal year (FFY) 2012, CVE received approximately \$2.9 million,

down slightly from the approximately \$3 million received in previous years.⁶⁸

The federal portion of the MCSAP Basic grant covers 80 percent of eligible costs; states provide a 20 percent match (49 USC 31103(a)).

High Priority Grants. FMCSA reimburses up to 100 percent of eligible costs for public education under MCSAP High Priority grants (49 CFR 350.319(e)). Activities other than those for public education are reimbursed for up to 80 percent of eligible costs. Although both CVE officers and KSP troopers participate in TACT enforcement, federal funds are not separated between the two groups of law enforcement personnel.⁶⁹ Table 2.3 shows MCSAP High Priority grant funds received that require CVE participation in noncommercial vehicle activity for FFY 2009 to FFY 2012.

Table 2.3
Federal Motor Carrier Safety Assistance Program
High Priority Grant Awards
Federal Fiscal Years 2009 To 2012

Federal Fiscal Year	Federal Award	State Match
2009	\$398,944	\$99,736
2010	500,000	125,000
2011	500,000	125,000
2012	250,000	62,500
Total	\$1648944	\$412236

Note: State matches were calculated based on federal awards reported by CVE and the requirement for a 20 percent state match.

Sources: David Leddy. Email to Colleen Kennedy. March 19, 2013; David Leddy. CVE Programs Branch. Interview. April 15, 2013.

Federal MCSAP TACT funds in federal FY 2012 were \$250,000—one-half the amount awarded in each of the 2 previous years.

According to CVE officials, Kentucky was among the few early participants in TACT, when federal funding was divided among only a few states. As more states participated and the federal appropriation decreased, Kentucky’s TACT funding stabilized and eventually decreased.⁷⁰ Enforcement funds from TACT in FFY 2012 were one-half of the amount in each of the 2 previous years. CVE noted that the Federal Motor Carrier Safety Administration increased the High Priority grant amounts it awarded Kentucky in other areas pertaining solely to commercial activities.⁷¹

Kentucky applied for but did not receive a TACT grant for federal FY 2013, but CVE still has TACT funds from the previous fiscal year.

The TACT grant may be unavailable to Kentucky in the future. The federal government is reducing the amount available for such grants. More states are applying for these grants, and Kentucky has been more successful than other states in reducing its commercial vehicle crash rates.⁷² Kentucky applied for but did not receive a TACT grant for FFY 2013. Because the period during which a TACT grant can be used is 2 years, CVE has funds from the 2012 grant to sustain TACT activity during 2013.⁷³ CVE plans to apply for a FFY 2014 TACT grant.⁷⁴

A representative of the Kentucky office of FMCSA stated that its goal is for agencies such as CVE to incorporate TACT-related activities into their general safety plan. TACT was initially scheduled to be a 3-year program, but it was extended. There are no plans to end the TACT program, but its funding will be considered each year.⁷⁵

CVE subgrants a portion of its federal MCSAP Basic and High Priority TACT funds to three local law enforcement agencies in Boone County, Lexington, and Louisville. Local law enforcement uses TACT subgrants to emphasize noncommercial vehicle enforcement around commercial vehicles.

Local Government Subgrants. CVE subgrants a portion of its federal MCSAP Basic and High Priority TACT funds to the Boone County Sheriff's Office, the Lexington Division of Police, and the Louisville Metro Police Department. This subgranting allows CVE officers to focus enforcement efforts on more sparsely populated areas of the state.⁷⁶ The MCSAP Basic subgrants are used to fund the salaries of local officers during their commercial enforcement periods. Basic grant funds are unavailable for their noncommercial vehicle activities.⁷⁷ MCSAP TACT subgrants are used by local law enforcement to emphasize noncommercial vehicle enforcement activities around commercial vehicles.⁷⁸

Local subgrantees provide the 20 percent match for TACT subgrants. No state money is provided to a subgrantee. TACT funding to subgrantees decreased in FY 2012 because of cuts at the federal level.

Table 2.4 shows the annual amount of subgrants to each local law enforcement agency from FY 2007 to FY 2012. According to KSP staff, local subgrantees provide the 20 percent match for each of the MSCAP Basic and MCSAP High Priority TACT grants. No state money is provided to any subgrantee.⁷⁹ TACT funding to subgrantees decreased in FY 2012 because of cuts at the federal level.⁸⁰

Table 2.4
Motor Carrier Safety Assistance Program Subgrants To Local Law Enforcement Agencies
FY 2007 To FY 2012

Agency	Grant	2007	2008	2009	2010	2011	2012
Boone County Sheriff	Basic	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000
	TACT*		25,000	25,000	10,000	10,000	**
	Subtotal	\$10,000	\$35,000	\$35,000	\$20,000	\$20,000	\$10,000
Lexington Division of Police	Basic	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000	\$22,500
	TACT*		75,000	85,000	50,000	50,000	20,000
	Subtotal	\$75,000	\$150,000	\$160,000	\$125,000	\$125,000	\$42,500
Louisville Metro	Basic	\$75,000	\$75,000	\$75,000	\$75,000	\$75,000	\$22,500
	TACT*		53,000	25,000	25,000	40,000	20,000
	Subtotal	\$75,000	\$128,000	\$100,000	\$100,000	\$115,000	\$42,500
All subgrantees	Basic	\$160,000	\$160,000	\$160,000	\$160,000	\$160,000	\$55,000
	TACT*		153,000	135,000	85,000	100,000	40,000
	Total	\$160,000	\$313,000	\$295,000	\$245,000	\$260,000	\$95,000

*Federal Ticketing Aggressive Cars and Trucks program.

**According to KSP staff, Boone County did not receive Motor Carrier Safety Assistance Program TACT funds in FY 2012 because of “reduced [total] funding and priorities.”

Sources: David Leddy. Email to Colleen Kennedy. March 19, 2013; Keith Peercy. Email to Rick Graycarek. July 18, 2013.

Click It Or Ticket Grant

The National Highway Traffic Safety Administration provides grant funding annually to Kentucky for the Click It or Ticket initiative. In 2012, CVE's share of the award was \$20,000.

Click It or Ticket is a national enforcement initiative conducted annually in late May through early June by the US Department of Transportation’s National Highway Traffic Safety Administration, which provides grant funding to Kentucky each year for the initiative.⁸¹ A portion of the award is designated for use by CVE. Table 2.5 presents the award amounts and CVE share for recent years.

Table 2.5
Click It Or Ticket Grant Funding
2009 To 2012

Year	Kentucky	CVE
2009	\$195,000	\$35,000
2010	100,000	20,000
2011	185,000	25,000
2012	186,750	20,000
Total	\$666,750	\$100,000

Source: Keith Peercy. Email to Colleen Kennedy. April 24, 2013.

State Funding

Work Zones

CVE officers frequently patrol highway construction work zones. Their enforcement in these areas can focus on commercial or noncommercial vehicle activity. Although CVE officers can patrol highway work zones at any time as part of their normal duties, the Transportation Cabinet regularly contracts with KSP to conduct such patrols. KSP coordinates these patrol assignments with CVE officers.

CVE has tracked only work zone expenditures that are tied to patrol requests made by the Transportation Cabinet. CVE officers conduct such patrols during their overtime hours. Any work zone citation activity that might be performed during an officer's regular work hours would be considered a normal duty and would not be charged to the Transportation Cabinet.⁸²

In FY 2010, CVE expended \$145,137 for work zone patrols requested by the Transportation Cabinet. Work zone expenditures were not identified separately after FY 2010.

Table 2.6 shows how much the Kentucky Vehicle Enforcement entity and CVE spent conducting work zone patrols that were requested by the Transportation Cabinet from FY 2007 to FY 2010. According to KSP staff, work zone expenditures were not identified separately after FY 2010.⁸³

Table 2.6
Enforcement Expenditures
For Work Zone Patrols Requested
By The Transportation Cabinet
FY 2007 To FY 2010

Fiscal Year	Expenditures
2007*	\$421,781
2008*	273,444
2009	224,014
2010	145,137

*Expenditures are for the Kentucky Vehicle Enforcement agency.

Source: Kentucky. Finance and Administration Cabinet. eMARS, Fund 13GJ. Web. June 16, 2013.

Commercial Vehicle Weigh Stations And Delinquent Taxes

CVE operates 14 permanent and other portable vehicle weigh stations.⁸⁴ One purpose is to ensure that commercial vehicles do not exceed specified limits (KRS Chapter 189).

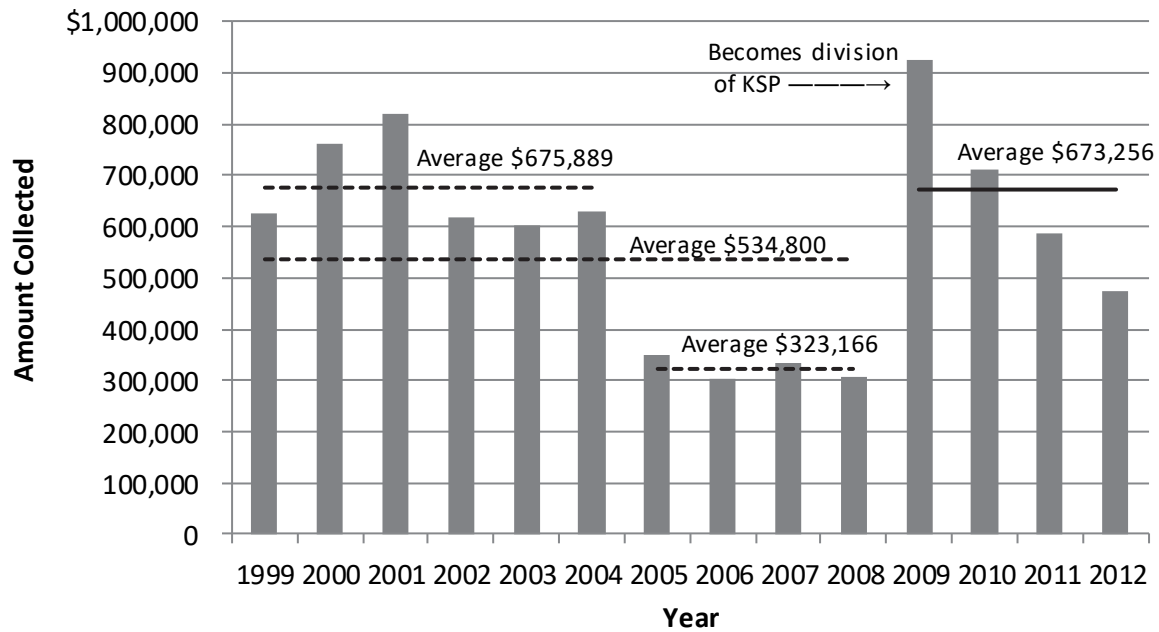
Discovery of delinquent taxes at commercial vehicle weigh stations is an important revenue source for CVE.

When commercial vehicles are weighed, CVE inspectors also check to ensure that motor carriers do not have outstanding motor fuel tax bills.⁸⁵ When delinquent taxes are discovered, CVE staff impound the vehicle until the tax bill has been paid.

From 2005 to 2008, annual delinquent tax collections averaged \$323,166. From 2009 to 2012, annual collections averaged \$673,256.

In addition to showing annual delinquent tax collections, Figure 2.A shows the average annual tax collections for different periods, adjusted for inflation. The average amount collected annually in 2005 to 2008—the years immediately before the Kentucky Vehicle Enforcement entity became the Division of Commercial Vehicle Enforcement of the KSP—was \$323,166. This was considerably lower than either before or after that period. From 2009 to 2012, annual collections averaged \$673,256. According to KSP staff, at least part of the increase from 2008 to 2009 is attributable to the reorganization of CVE under KSP and an administrative decision to increase the hours that weigh stations were open. CVE also received a grant in FY 2010 to assist with collecting delinquent taxes.⁸⁶ The end of that grant, coupled with a decline in the number of vehicles weighed or inspected at weigh stations, contributed to declining delinquent tax revenue collections in 2010, 2011, and 2012.⁸⁷

Figure 2.A
Inflation-Adjusted Delinquent Taxes Collected From Commercial Vehicle Impoundments
1999 To 2012



Note: Collected taxes were adjusted using the US Bureau of Labor Statistics' consumer price index for urban consumers.

Source: Keith Percy. Email to Colleen Kennedy. Jan. 29, 2013.

Chapter 3

Analysis Of CVE Noncommercial Citations

Noncommercial And Commercial Citations Issued

Number Of Officers Issuing Citations

As of April 2012, there were more than four times as many KSP troopers (568) as CVE officers (127) whose primary duties included vehicle and highway safety law enforcement and highway patrol.

To provide a context for the number of noncommercial citations issued by CVE, Table 3.1 shows estimates of the number of CVE officers and KSP troopers employed by KSP on April 1 of each year from 2009 to 2012 whose primary duties included vehicle and highway safety law enforcement and highway patrol.⁸⁸ These CVE officers and KSP troopers would have issued the majority of noncommercial and commercial vehicle citations. On April 1, 2012, there were 127 such CVE officers and 568 such KSP troopers—more than four times as many.

Table 3.1
Estimated Number Of CVE Officers And KSP Troopers
Whose Primary Duties Include Vehicle And Highway Safety
Law Enforcement And Highway Patrol
2009 To 2012

Year	CVE Officers	KSP Troopers
2009	131	563
2010	131	550
2011	127	560
2012	127	568

Note: Numbers do not include KSP sworn officers outside the rank of trooper who are obligated to enforce all laws and therefore occasionally issue citations. The duties of some troopers included in the table involve little traffic law enforcement. CVE officers in supervisory ranks are included in the table, but they issue citations much less frequently than do regular-duty CVE officers. Source: Data provided by the Kentucky State Police.

Noncommercial Citations Issued By CVE Officers And KSP Troopers

Figure 3.A shows the number of noncommercial citations issued by CVE officers and KSP troopers from 2009 to 2012.^a KSP troopers issued significantly more noncommercial citations than CVE officers did each year. Because more KSP troopers than CVE

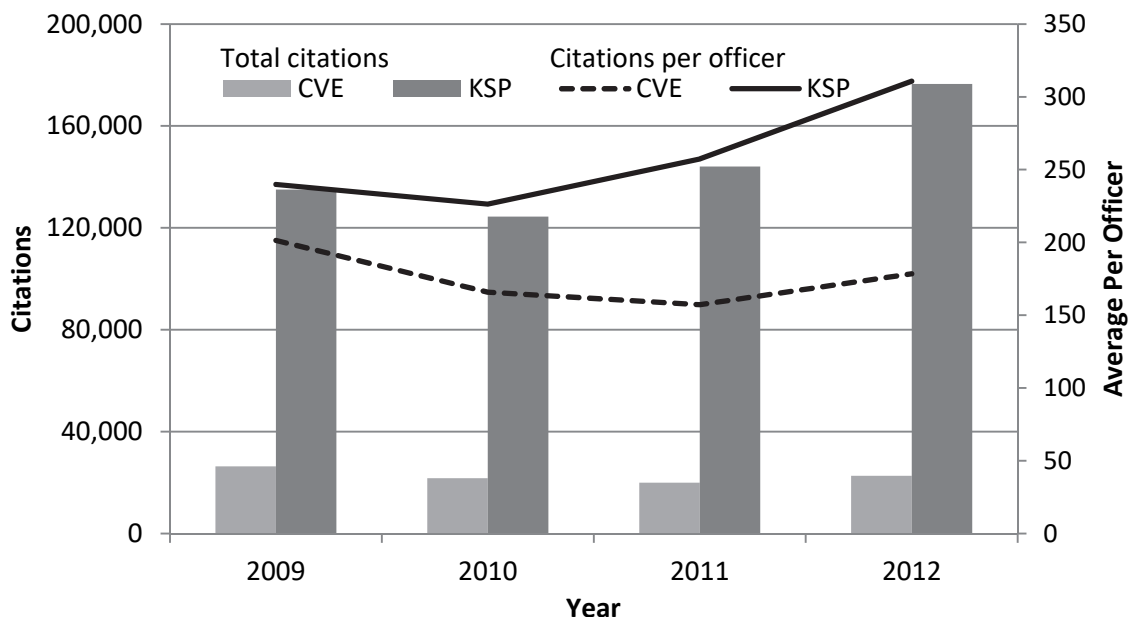
^a Program Review staff sorted and clarified data provided by KSP and removed some commercial vehicle citations as described in Appendix A.

officers are employed to issue noncommercial citations, Figure 3.A also shows an estimate of the average number of noncommercial citations issued per sworn CVE peace officer and KSP trooper.

From 2009 to 2012, CVE officers issued nearly 91,000 noncommercial vehicle citations; KSP troopers issued more than six times as many.

CVE officers issued 90,756 noncommercial vehicle citations from 2009 to 2012. KSP troopers issued 580,045 such citations, more than six times as many. The estimated average number of noncommercial citations issued per CVE officer in 2012 was 179; the estimated average number per KSP trooper in 2012 was 311. The number of noncommercial vehicle citations issued by CVE officers per year ranged from nearly 20,000 to more than 26,000. The number of noncommercial vehicle citations issued by KSP troopers per year ranged from more than 124,000 to more than 176,000.

Figure 3.A
Noncommercial Citations Issued By CVE And KSP
And Average Noncommercial Citations Per Officer
2009 To 2012



Note: Average per officer was determined by dividing the number of noncommercial citations issued each year by the estimated total number of CVE officers or KSP troopers engaged in highway patrol for that year.

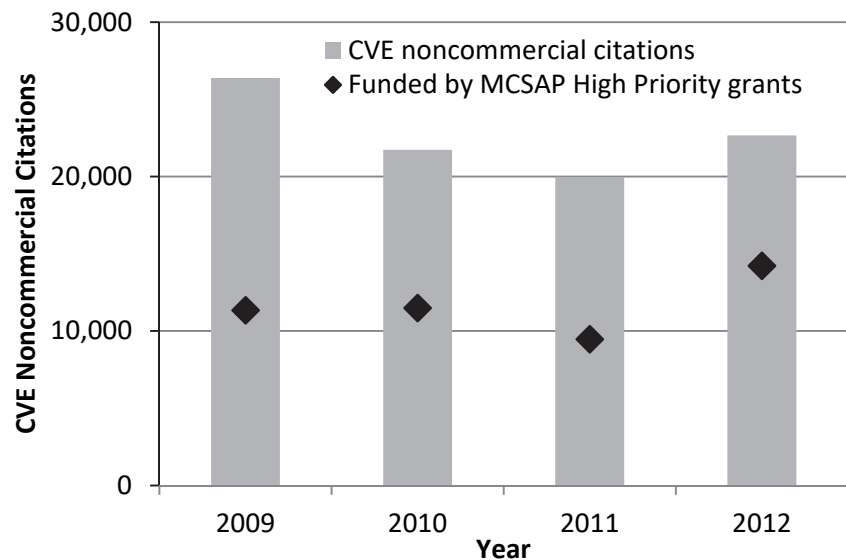
Source: Data provided by the Kentucky State Police.

CVE Noncommercial Citations Issued Under MCSAP High Priority Grants

Just over one-half of all noncommercial citations issued by CVE officers for 2009 to 2012 were issued under the two federal Motor Carrier Safety Assistance Program High Priority grants.

As shown in Figure 3.B, just over one-half of all noncommercial citations issued by CVE officers for 2009 to 2012 were issued under the two federal Motor Carrier Safety Assistance Program High Priority grants.

Figure 3.B
CVE Noncommercial Citations Issued Under Motor Carrier Safety Assistance Program High Priority Grants 2009 To 2012



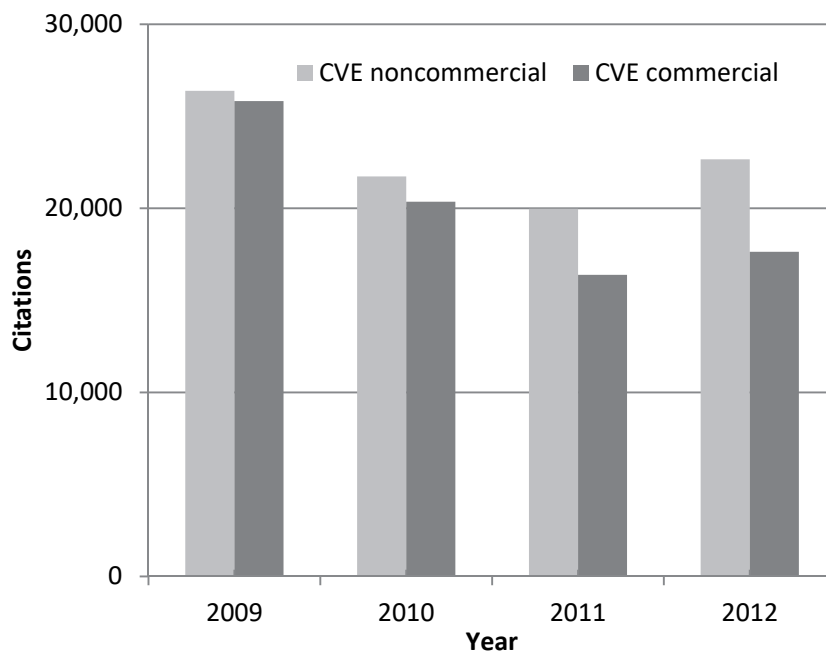
Note: MCSAP=Motor Carrier Safety Assistance Program.
Source: Data provided by the Kentucky State Police.

Noncommercial And Commercial Citations Issued By CVE Officers And KSP Troopers

CVE officers issued more noncommercial vehicle citations than commercial vehicle citations each year from 2009 to 2012.

Figure 3.C shows the noncommercial and commercial citations issued by CVE officers for 2009 to 2012. CVE officers issued more noncommercial vehicle citations than commercial vehicle citations each year. The difference between the numbers of commercial and noncommercial citations issued increased over the period.

Figure 3.C
Noncommercial And Commercial Citations
Issued By CVE Officers
2009 To 2012



Note: Data on CVE noncommercial citations provided by the Kentucky State Police were adjusted as described in Appendix A. The adjusted noncommercial numbers are used in the figure. Commercial citations that were removed were not added to the total number of CVE commercial citations shown in the figure. Adjusted CVE commercial citations (26,805 in 2009, 21,135 in 2010, 17,234 in 2011, and 18,251 in 2012) would have differed slightly from the corresponding numbers shown in the figure.

Source: Data provided by the Kentucky State Police.

CVE officers issued significantly more commercial vehicle citations than did KSP troopers from 2009 to 2012.

Table 3.2 shows commercial and noncommercial citations written by CVE officers and KSP troopers from 2009 to 2012. CVE officers issued significantly more commercial vehicle citations than did KSP troopers, but commercial citations issued by KSP troopers increased each year. In 2012, more than 80 percent of total citations were noncommercial citations issued by KSP troopers. Just over 10 percent of total citations were noncommercial citations issued by CVE officers.

Table 3.2
Commercial And Noncommercial Citations Issued By CVE Officers And KSP Troopers
2009 To 2012

Type Of Citation	2009		2010		2011		2012	
	Number	% Of Total	Number	% Of Total	Number	% Of Total	Number	% Of Total
CVE	25,823	13.7%	20,357	12.2%	16,381	9.0%	17,636	8.1%
Commercial								
Noncommercial	26,385	14.0	21,731	13.0	19,975	11.0	22,665	10.4
KSP	606	0.3	938	0.6	1,579	0.9	1,649	0.8
Commercial								
Noncommercial	135,027	71.9	124,446	74.3	144,092	79.2	176,480	80.8
Total	187,841	100.0%	167,472	100.0%	182,027	100.0%	218,430	100.0%

Note: Percentages may not add to 100.0 percent because of rounding. Data on CVE noncommercial citations provided by the Kentucky State Police were adjusted as described in Appendix A. The adjusted noncommercial numbers are used in the table. Commercial citations that were removed were not added to the total number of CVE commercial citations shown in the table. Adjusted CVE commercial citations (26,805 in 2009, 21,135 for 2010, 17,234 for 2011, and 18,251 for 2012) would have differed slightly from the corresponding numbers shown in the table.

Source: Data provided by the Kentucky State Police.

Duration Of Noncommercial And Commercial Stops

A major reason that CVE officers issued more noncommercial vehicle citations than commercial vehicle citations is that there are many more noncommercial vehicles on the road. Another reason is that commercial vehicle citation stops take more time.

A major reason that CVE officers issued more noncommercial vehicle citations than commercial vehicle citations from 2009 to 2012 is that there are many more noncommercial vehicles on the road. A second reason is that commercial vehicle citation stops take more time than do those for noncommercial vehicles.

For most noncommercial vehicle citation stops, total motorist contact time is 5 to 15 minutes. Factors affecting motorist contact time include how long it takes the vehicle operator to locate documents, an officer's discovery of issues needing further investigation, and the time needed to complete and explain the citation.⁸⁹ For commercial vehicle citation stops, motorist contact time can range from 20 minutes to 1 hour or more depending on the level of inspection required.⁹⁰

Uniform Citations And The Kentucky State Police Database

KSP's database does not indicate whether citations are issued under a grant or other program. CVE staff manually enter TACT noncommercial citation information into a CVE database.

KSP does not indicate in its electronic database whether citations are issued under the auspices of a grant such as TACT. CVE officers turn in activity sheets to KSP, which are turned into summary sheets containing the date and times an officer spent participating in one of the grant operations (for example, February 3, 2012, 1:00–5:00 on TACT). A CVE staff member uses

the summary sheet to search the KSP database for citation numbers associated with that officer during that period. In a CVE database, the staff member manually associates those citation numbers with the grant name under which the citations were issued. This process is followed only for the two federal MCSAP High Priority grants.⁹¹ Thus, the number of noncommercial citations made by CVE under grants or programs such as Click It or Ticket, Blue Lights Across the Bluegrass, the campaign against driving while impaired, Operation Safe Driver, or a work zone assignment can only be tracked on a limited basis, estimated, or not counted at all. Determination of the level of effectiveness of particular grants and programs would be facilitated if citations associated with them could be readily identified.

Recommendation 3.1

Recommendation 3.1

The Kentucky State Police and its Division of Commercial Vehicle Enforcement should develop a method for online tracking of the division's noncommercial vehicle citations issued under the auspices of a grant or other program.

Information from electronic and paper citations is stored in KSP's database.

Officers may use the software program Kentucky Open Portal Solutions to create electronic citations (eCitations). An eCitation is automatically transmitted to KSP.⁹² Officers may also use paper citations. Most officers creating eCitations do so from their vehicles.⁹³ A majority of CVE officers are believed to be using eCitations, but not all of them are, and not all the time. Regardless of whether an officer uses an eCitation or a paper citation, the information from both is eventually stored in KSP's database.⁹⁴

Electronic and paper citation forms require checking a "commercial vehicle" box or a "hazardous commercial vehicle" box. If neither is checked, "noncommercial vehicle" is assumed for the KSP database. The form should have separate check boxes to indicate whether the citation is noncommercial or commercial.

The eCitation and paper citation each contain a check box option that allows an officer to mark whether the vehicle the officer stopped is a commercial vehicle or whether it is a hazardous commercial vehicle. On either version, if neither box is checked, it is assumed for purposes of the KSP database that the vehicle is a noncommercial vehicle.⁹⁵ To avoid potential errors in identifying noncommercial vehicles, the form should have separate check boxes to indicate whether the citation is noncommercial or commercial.

Recommendation 3.2

Recommendation 3.2

The Kentucky State Police and its Division of Commercial Vehicle Enforcement should develop a method by which a division officer specifically indicates when a citation is issued to a noncommercial vehicle.

CVE Noncommercial Citations Written Under Grants Or Special Programs

Click It or Ticket is not directed at commercial vehicle activity; most of its citations are likely to be noncommercial. In campaigns from 2010 to 2012, citations were issued for nearly 4,000 seat belt violations, 2,000+ speeding violations, and more than 100 child restraint violations.

Click It Or Ticket. Table 3.3 depicts seat belt, child restraint, and speeding violations cited by CVE officers during Click It or Ticket campaigns from 2010 to 2012. Citations were issued for nearly 4,000 seat belt violations, more than 2,000 speeding violations, and more than 100 child restraint violations. Data include commercial and noncommercial citations. The campaign is not directed at commercial vehicle activity, so most citations are likely to be noncommercial.⁹⁶

Table 3.3
Selected Violations Cited By CVE Officers During Click It Or Ticket Campaigns 2010 To 2012

Period	Seat Belt Violations	Child Restraint Violations	Speeding Violations
May 24 to June 6, 2010	1,246	53	1,003
May 23 to June 5, 2011	1,950	51	843
May 20 to June 3, 2012	751	17	163
Total	3,947	121	2,009

Note: Data were unavailable for 2009.

Source: David Leddy. Email to Colleen Kennedy. March 19, 2013.

In association with several National Highway Traffic Safety Administration grant programs, CVE officers participate in other campaigns that focus on noncommercial vehicle drivers.

Campaigns Funded By National Highway Traffic Safety Administration Grants. The Kentucky Office of Highway Safety channels grant funds to KSP. Some of these funds are used for participation in Blue Lights Across the Bluegrass and the campaign against driving while impaired, both of which focus on noncommercial vehicle drivers. CVE officers participate in these campaigns and may increase noncommercial vehicle patrol and enforcement during them. Participation does not necessarily require additional enforcement efforts but requires KSP (and thus CVE) to report any relevant safety-related enforcement activity occurring during the campaigns.

KSP and CVE report their safety-related activity during a campaign directly to the Office of Highway Safety, which then compiles their citation numbers for reports to NHTSA.⁹⁷ KSP has limited data on CVE's activity for 2009 to 2012.⁹⁸ The Office of Highway Safety treats KSP and CVE as a single entity and does not record CVE's participation separately.

Time spent by CVE officers patrolling work zones increased significantly from 2011 to 2012.

Work Zone Patrol Hours. CVE officers spent 809 overtime hours patrolling work zones in 2011. In 2012, the number of patrol hours increased to 2,212 because of a higher than usual number of work zones, many of which required patrols 24 hours per day, 7 days per week.⁹⁹

Statistical Overview Of CVE Noncommercial Citations

The report has already reviewed the numbers of noncommercial citations issued by CVE in relation to funding and in comparison with commercial citations issued by CVE and both types of citations issued by KSP. The final section of the report is an analysis of CVE noncommercial citations that is intended to provide a better understanding of them. It addresses basic questions such as where citations are issued, who receives them, and for what violations they are issued. There are no objective standards for determining what the appropriate outcomes are for those questions, so the material presented here is intended to be illustrative.

Citations And Violations Per Region

Each citation may include up to nine violations. There were more than 143,000 violations in 2009 to 2012. More than 44 percent of the citations issued contained only one violation.

Each citation may include up to nine violations. For example, someone can be cited for speeding, careless driving, and not having an insurance card as part of one citation. There were more than 143,000 violations over 2009 to 2012. More than 44 percent of the citations issued contained only one violation. Nearly 20 percent had two violations; 14 percent had three violations. Twenty-two percent of the citations issued had four or more violations. The latter number includes more than 2,600 citations that included the maximum of nine violations.

Although CVE Regions 2 and 3 had the most traffic, more citations were issued in Regions 4 and 5 from 2009 to 2012.

Table 3.4 shows CVE noncommercial citations and violations per region for the period 2009 to 2012.^b The table also includes the Transportation Cabinet's estimated daily vehicle miles traveled, which Program Review staff compiled from county level to CVE region level. Although Regions 2 and 3 were the regions with the most traffic, more citations were issued in Regions 4 and 5. Region 4 also had the most violations.

^b See page 2 of this report for a map showing the regions.

Table 3.4
CVE Noncommercial Citations And Violations Per Region
2009 To 2012

Region	Daily Vehicle Miles Traveled (× 1,000)	Citations	Violations	Average Violations Per Citation
1	19,692	9,275	12,444	1.3
2	42,853	15,620	21,418	1.4
3	32,227	15,632	21,791	1.4
4	10,717	20,542	34,271	1.7
5	16,588	18,485	25,532	1.4
6	7,365	11,202	28,316	2.5
Total	129,442	90,756	143,772	
State average				1.6

Source: Data provided by the Kentucky State Police; Kentucky. Transportation Cabinet. Planning Highway Information, "Mileage And Daily Vehicle Miles Traveled (DVMT)." July 8, 2013. Web. July 30, 2013.

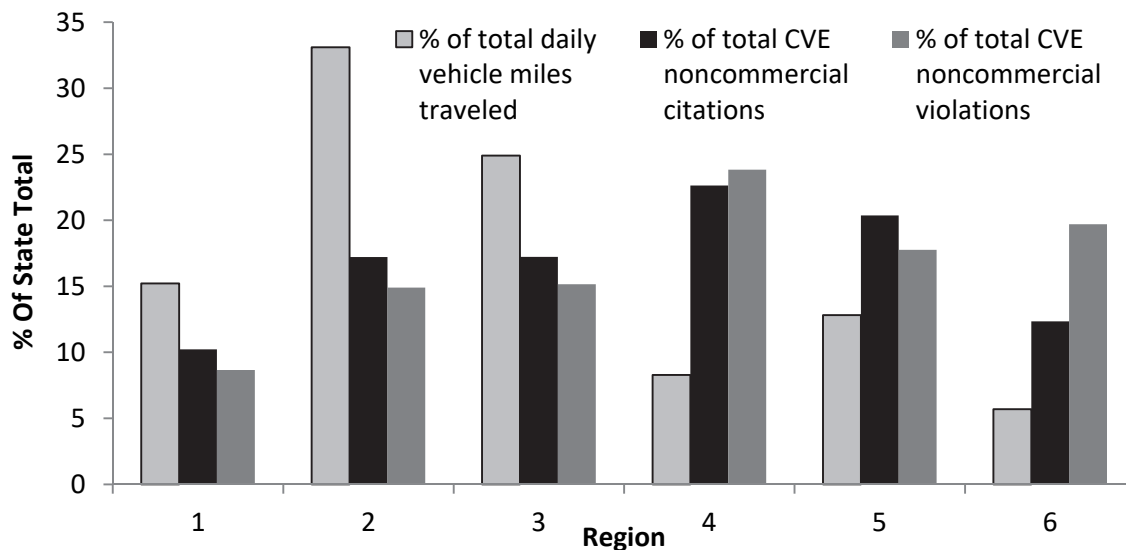
CVE Region 6 had a comparatively high number of violations despite having the second fewest citations.

Overall, there were 1.6 noncommercial violations per citation over the 4-year period. The average varied by region. In Regions 1, 2, 3, and 5, the average was fewer than 1.4 violations per citation. In Region 6, the average was 2.5 violations per citation. Because there were significantly more violations per citation in Region 6, it had a comparatively high number of violations despite having the second fewest citations.

In CVE Regions 1, 2, and 3, the region's percentage of state daily vehicle miles traveled was higher than its share of citations and violations. Region 2 had 33 percent of statewide daily vehicle miles but only 15 percent of statewide CVE noncommercial violations. Region 4 had 8 percent of statewide daily vehicle miles but 24 percent of CVE noncommercial violations.

Figure 3.D shows the regional values for daily vehicle miles traveled and CVE noncommercial citations and violations as percentages of the state total. In Regions 1, 2, and 3, the region's percentage of state daily vehicle miles traveled was higher than its share of citations and violations. The largest discrepancy is in Region 2, which had 33 percent of statewide daily vehicle miles traveled but only 15 percent of statewide CVE noncommercial violations. Conversely, Region 4 had only 8 percent of statewide daily vehicle miles but 24 percent of CVE noncommercial violations. Region 6 had only 6 percent of daily vehicle miles traveled but had 20 percent of CVE noncommercial violations.

Figure 3.D
Percentage Of State Daily Vehicle Miles Traveled
And State CVE Noncommercial Citations And Violations By Region
2009 To 2012



Note: Daily vehicle miles traveled is for 2012.

Sources: Data provided by the Kentucky State Police; Kentucky. Transportation Cabinet. "Planning Highway Information, Mileage And Daily Vehicle Miles Traveled (DVMT)." July 8, 2013. Web. July 30, 2013.

Demographics

From 2009 to 2012, the typical person cited by CVE for a noncommercial violation was a white male who was not Hispanic.

Race, Gender, And Ethnicity. Over 2009 to 2012, the typical person cited for a noncommercial violation by CVE was a white male who was not Hispanic. Table 3.5 shows the demographics of those cited. More than 90 percent were white, nearly 9 percent were black, 66 percent were male, and less than 2 percent were Hispanic.

The percentage of those cited who were black ranged from less than 1 percent (Region 6) to 21 percent (Region 2). The percentage of those who were Hispanic ranged from 0.4 percent (Region 6) to nearly 3 percent (Regions 2 and 3).

Table 3.5
Race, Gender, And Ethnicity Of Those Cited
For Noncommercial Violations By CVE
2009 To 2012

		% Of Total
Race	American Indian or Alaskan native	0.1
	Asian or Pacific Islander	0.5
	Black	8.7
	White	90.7%
		100.0%
Gender	Female	34.0%
	Male	66.0
		100.0%
Ethnicity	Hispanic	1.8%
	Not Hispanic	98.2
		100.0%

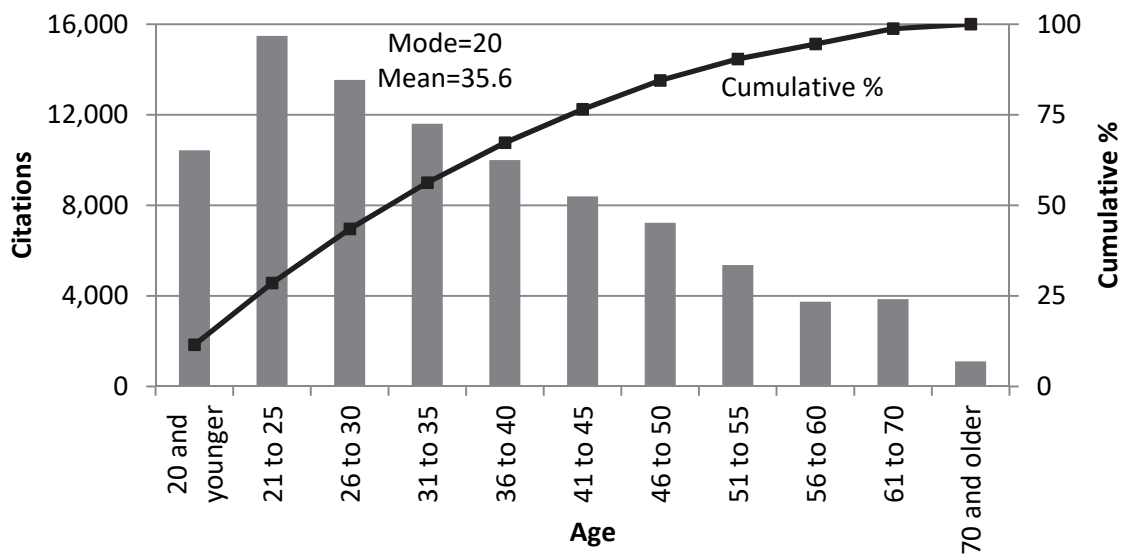
Note: 90,756 citations.

Source: Data provided by the Kentucky State Police.

The average age of someone cited was approximately 36.

Age. As shown in Figure 3.E, those cited for noncommercial violations from 2009 to 2012 were relatively young. The modal age—the age with the most citations—was 20. Thirty percent of those cited were 25 or younger; 50 percent were 33 or younger. The average age of someone cited was 35.6. Average age varied little by region.

Figure 3.E
Age Of Those Cited For Noncommercial Violations By CVE
2009 To 2012

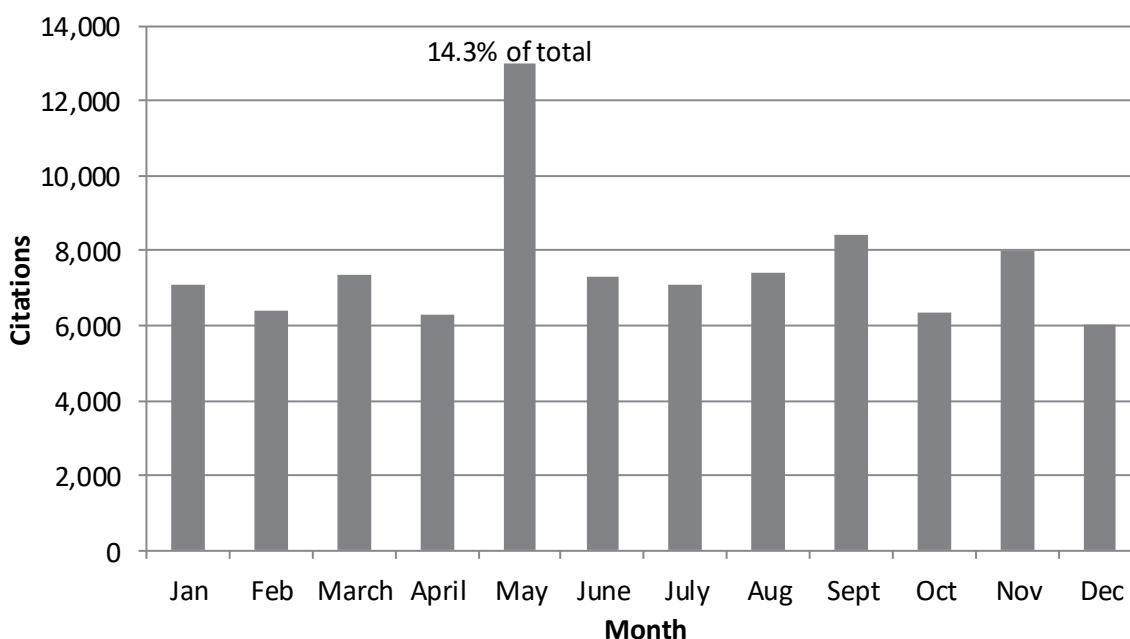


Source: Data provided by the Kentucky State Police.

May is the month in which the most noncommercial citations were issued by CVE across the period. The timing of the Click It or Ticket campaigns may be a reason.

Citations Per Month. Figure 3.F indicates that May is the month in which CVE issued the most noncommercial citations, accounting for more than 14 percent of total citations for 2009 to 2012. May was the month with the most violations each year, ranging from nearly 13 percent to more than 16 percent of annual citations. There may be other explanatory factors, but presumably one reason is the timing of the Click It or Ticket campaigns described previously.

Figure 3.F
Noncommercial Citations By CVE Per Month
2009 To 2012



Source: Data provided by the Kentucky State Police.

Noncommercial Citations Per County. Table 3.6 shows the number of noncommercial citations for 29 counties for 2009 to 2012. For each county in the table, at least 1 percent of the total noncommercial citations issued in Kentucky by CVE over the 4-year period were issued in that county.

From 2009 to 2012, nearly one-third of the citations were issued in Fayette, Jefferson, Laurel, Pulaski, and Shelby Counties.

Nearly one-third of the citations were issued in five counties. The more than 8,600 citations issued in Laurel County were the most for any county, 9.5 percent of the 4-year total. The four other counties each had at least 5 percent of the total: Fayette, Jefferson, Pulaski, and Shelby.

For some counties, the number of citations issued varied significantly by year.

For some counties, the number of citations issued varied significantly by year. For example, the number of citations per year in Bath County ranged from 241 to 1,445. The number in Perry

County ranged from 202 to 942. In Montgomery County, more than 1,300 citations were issued in 2009; 79 were issued in 2012. The number of citations issued per year in Lawrence County increased from 29 to more than 1,000.

Table 3.6
Counties In Which CVE Issued The Most Noncommercial Citations
2009 To 2012

County	2009 To 2012			Citations Per Year			
	Citations	% Of Total	Cumulative %	2009	2010	2011	2012
Laurel	8,619	9.5%	9.5%	1,769	1,542	2,036	3,272
Fayette	5,547	6.1	15.6	1,699	1,276	552	2,020
Jefferson	5,499	6.1	21.7	1,125	1,504	1,459	1,411
Pulaski	4,744	5.2	26.9	887	1,093	1,317	1,447
Shelby	4,521	5.0	31.9	459	1,303	1,336	1,423
Madison	3,602	4.0	35.8	911	416	1,326	949
Warren	3,523	3.9	39.7	907	1,079	830	707
Bath	3,125	3.4	43.2	1,138	1,445	301	241
Pike	2,755	3.0	46.2	858	565	298	1,034
Knott	2,417	2.7	48.9	467	658	647	645
Perry	2,190	2.4	51.3	942	728	318	202
Hardin	2,141	2.4	53.6	827	274	440	600
Clark	1,913	2.1	55.7	943	385	416	169
Montgomery	1,872	2.1	57.8	1,348	309	136	79
Daviess	1,842	2.0	59.8	595	621	415	211
Rockcastle	1,833	2.0	61.9	30	246	781	776
Whitley	1,512	1.7	63.5	151	293	555	513
Lawrence	1,416	1.6	65.1	29	38	275	1,074
Floyd	1,405	1.5	66.6	477	390	361	177
Franklin	1,280	1.4	68.0	550	412	198	120
Rowan	1,233	1.4	69.4	740	282	144	67
Knox	1,194	1.3	70.7	101	144	170	779
Powell	1,032	1.1	71.9	335	276	234	187
Johnson	988	1.1	72.9	361	248	310	69
Scott	961	1.1	74.0	200	328	211	222
Gallatin	945	1.0	75.0	399	414	61	71
Marshall	935	1.0	76.1	363	294	265	13
Lincoln	895	1.0	77.1	443	237	109	106
Bullitt	882	1.0	78.0	718	52	63	49
Total	70,821			19,772	16,852	15,564	18,633
% of state total	78.0%			74.9%	77.5%	77.9%	82.2%

Note: Counties are listed in descending order of total citations over the period.

Source: Created by Program Review staff using data provided by the Kentucky State Police.

From 2009 to 2012, more than two-thirds of those cited by CVE for noncommercial violations lived outside the county in which the citation was issued.

Where Those Cited Are From. Over 2009 to 2012, more than two-thirds of those who were cited by CVE for noncommercial violations lived outside the county in which the citation was issued. The proportion varied by region. In Region 3 and Region 5, more than three-fourths lived outside the citation county. In Region 6, just over one-half lived outside the county in which CVE issued the noncommercial citation.

Over the 4-year period, 23 percent of citations were issued to those living out of state.

Some of those who lived outside the citation county lived outside Kentucky. Over the 4-year period, 23 percent of citations were issued to those living out of state. This percentage varied by region. In Region 2, more than 30 percent of citations were issued to nonresidents of Kentucky. In Region 6, less than 10 percent were.

Noncommercial Violations For Which CVE Issues Citations. In the data set of CVE noncommercial violations provided by KSP, each violation is designated by a five-digit code. In the final data set analyzed for this report, there were more than 400 violation codes used for the nearly 91,000 noncommercial citations issued from 2009 to 2012.

The codes include 26 codes for speeding a specified number of miles per hour over the limit. For example, code 00008 is for driving 8 miles per hour over the limit. In Table 3.7, these speeding codes are grouped into one category and shown with the frequencies for the other 15 most common violation codes.

Statewide, nearly 44 percent of CVE noncommercial violations cited from 2009 to 2012 were for speeding. Speeding, failure to wear seatbelts, failure to produce an insurance card, not having a registration receipt, and not having registration plates accounted for nearly 70 percent of total violations. The types of violations that were most common were fairly consistent across regions.

As shown in the table, nearly 44 percent of CVE noncommercial violations cited statewide from 2009 to 2012 were for speeding. The second most common violation was failure to wear seatbelts. These two types accounted for more than one-half of total violations. Other violations with at least 5 percent each of the total were failure to produce an insurance card, not having a registration receipt, and not having registration plates. These five types were nearly 70 percent of total violations.^c Speeding and the other 15 violations listed in the table accounted for more than 87 percent of noncommercial violations cited by CVE from 2009 to 2012.

The types of violations that were most common were fairly consistent across regions. The 10 most common violations in each region were among the violation types included in the table.

^c *Violation* is the term used in the KSP database for any cited transgression. In statute, these are classified as violations, misdemeanors, or felonies.

Table 3.7
Most Common CVE Noncommercial Violations Cited
2009 To 2012

Code	Description	Frequency	% Of Total	Cumulative %
Speeding*	Specified miles per hour over limit (violation)	63,074	43.9%	43.9%
00499	Failure to wear seat belts (violation)	12,785	8.9	52.8
00519	Failure to produce insurance card (violation)	8,953	6.2	59.0
00407	No registration receipt (violation)	7,739	5.4	64.4
00424	No registration plates (violation)	7,664	5.3	69.7
02906	Serving bench warrant for court	5,183	3.6	73.3
00480	Failure of owner to maintain required insurance/security—1st offense (misdemeanor)	4,488	3.1	76.4
00403	Operating on suspended or revoked operator’s license (misdemeanor)	3,434	2.4	78.8
00435	License to be in possession (misdemeanor)	2,149	1.5	80.3
00136	Careless driving (violation)	1,986	1.4	81.7
00380	No operator’s-moped license (misdemeanor)	1,731	1.2	82.9
00482	Failure of non-owner operator to maintain required insurance/security—1st offense (misdemeanor)	1,707	1.2	84.1
00436	Failure to notify address change to Dept. of Transportation (misdemeanor)	1,276	0.9	85.0
02108	Operating motor vehicle under influence of alcohol/drugs/etc. 0.08—1st offense (misdemeanor)	1,173	0.8	85.8
00115	Reckless driving (violation)	1,100	0.8	86.6
02900	Serving warrant for other police agency	983	0.7	87.2
Total		125,425		

Note: *Violation* is the term used in the KSP database for any cited transgression. In statute, these are classified as violations, misdemeanors, or felonies. Percentages of the total may not add to cumulative percentage shown because of rounding.

*The speeding category codes are 00001 (1 mile per hour over limit) to 00026 (at least 26 miles per hour over limit). Source: Compiled by Program Review staff from data provided by the Kentucky State Police.

Statutory violations accounted for more than 35 percent of the total. More than 4 percent of reported violations were for warrants being served. Approximately 16 percent of the cited violations were for misdemeanor offenses. Felonies were 0.5 percent of the total.

Program Review staff recoded the violation codes in the data set of noncommercial violations cited by CVE into the 39 categories shown in Table 3.8. Statutory violations accounted for more than 35 percent of the total. More than 4 percent of reported violations were for warrants being served. Approximately 16 percent of the cited violations were for misdemeanor offenses. Felonies were 0.5 percent of the total.

Table 3.8
CVE Noncommercial Violations Cited By Category
2009 To 2012

Category	Frequency	% Of Total
Speeding Violations		
1-9 miles per hour (mph) over limit (9 codes)	1,292	0.9%
10-14 mph over limit (5 codes)	18,955	13.2
15-19 mph over limit (5 codes)	24,836	17.3
20-25 mph over limit (6 codes)	14,446	10.0
26 mph or more over limit	3,545	2.5
Subtotal: Speeding violations	63,074	43.9%
Other Violations		
Improper passing	302	0.2%
Failure to or improper signal	740	0.5
Improper turning	110	0.1
Disregarding stop sign	524	0.4
Disregarding traffic control device/traffic light	424	0.3
Reckless driving (3 codes)	1,229	0.9
Careless driving	1,986	1.4
Inadequate silencer (muffler)	234	0.2
Improper equipment	519	0.4
Rear license not illuminated	380	0.3
No tail lamps, one headlight (2 codes)	400	0.3
Obstructed vision and/or windshield	494	0.3
Excessive windshield/window tinting	549	0.4
Improper lane use (2 codes)	158	0.1
Following another vehicle too closely	404	0.3
Instructional permit violations	232	0.2
Improper plate (5 codes)	376	0.3
No or improper registration (3 codes)	7,747	5.4
No or expired plate (3 codes)	7,691	5.3
Possession of open alcoholic beverage container in motor vehicle	479	0.3
Failure to wear seat belts	12,785	8.9
No insurance card (2 codes)	8,965	6.2
Motorcycle-related (6 codes)	172	0.1
Alcohol intoxication in a public place (1st and 2nd offense)	328	0.2
All other violations (81 codes)	3,688	2.6
Subtotal: Violations other than speeding	50,916	35.4%
Serving Warrants (5 codes)	6,178	4.3%

Category	Frequency	% Of Total
Misdemeanors		
No valid operator's license (13 codes)	9,241	6.4%
Operating motor vehicle under influence of alcohol or drugs (7 codes)	2,099	1.5
No insurance (5 codes)	6,617	4.6
Public intoxication (2 codes)	287	0.2
Drug use, possession, or trafficking (31 codes)	2,064	1.4
All other misdemeanors (88 codes)	2,548	1.8
Subtotal: Misdemeanors	22,856	15.9%
Felonies		
Drug-related (48 codes)	333	0.2%
All other felonies (60 codes)	403	0.3
Subtotal: Felonies	736	0.5%
Total	143,760	100.0%

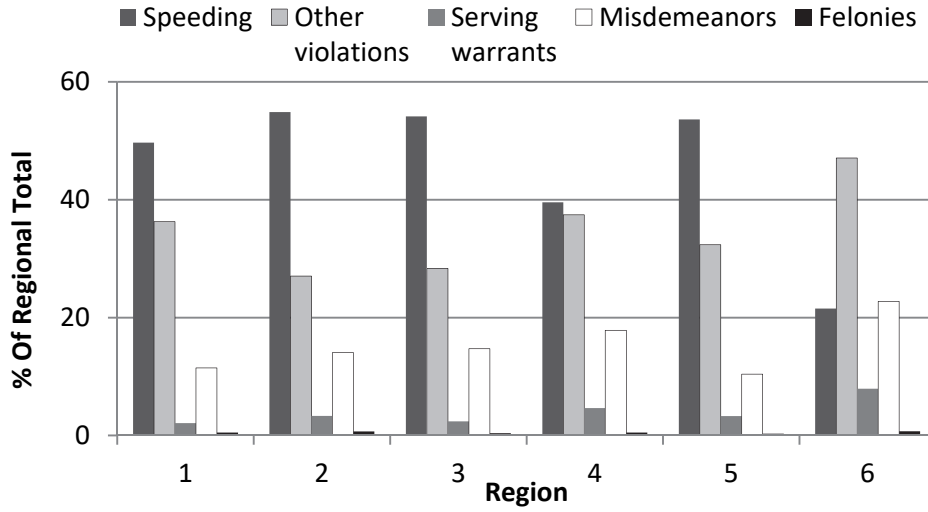
Note: *Violation* is the term used in the KSP database for any cited transgression. In statute, these are classified as violations, misdemeanors, or felonies. Program Review staff recoded the violation codes in the data set of noncommercial violations cited by CVE into the categories shown.

Source: Created by Program Review staff using data provided by the Kentucky State Police.

Speeding violations were at least 50 percent of the total violations cited in Regions 1, 2, 3, and 5. Speeding violations were less than 40 percent of the total in Region 4 and just over 20 percent in Region 6.

Figure 3.G shows five broad categories of violations as the percentages of total violations in each region from 2009 to 2012. In Regions 1, 2, 3, and 5, speeding violations were at least 50 percent of the total. Speeding violations were less than 40 percent of the total in Region 4 and just over 20 percent in Region 6. In Region 6, nearly half the total violations were violations other than speeding. The percentages of violations indicating that a warrant was served or that there was a misdemeanor offense were also higher in Regions 4 and 6. Violations that were felony offenses were less than 1 percent in each region.

Figure 3.G
Types Of CVE Noncommercial Violations Cited By Region
2009 To 2012



Source: Data provided by the Kentucky State Police.

Appendix A

How This Study Was Conducted

Program Review staff conducted a literature review; interviewed agency officials; reviewed pertinent state and federal laws and regulations; reviewed data from CVE; and reviewed financial information from CVE, KSP, the Kentucky Finance and Administration Cabinet's Office of the Controller, the Office of the State Budget Director, and the Legislative Research Commission Office of Budget Review.

Program Review staff reviewed data provided by KSP on noncommercial citations written by CVE officers from 2009 to 2012. Based on other data compiled by CVE and KSP, some of the citations in the KSP noncommercial data were identified as commercial and removed. In analyzing the data, Program Review staff removed citations for vehicles that were identified as commercial and citations for which all the violations were commercial.

Appendix B

Transportation Cabinet Work Zone Enforcement Request

A Kentucky Transportation Cabinet Division of Construction “Work Zone Enforcement Request” is used to request law enforcement presence at highway work zones. The contract form includes the following elements:

- Contract ID number
- Date of contract
- Note that “Estimated dates, time and type of work subject to change”
- Requested by (the Transportation Cabinet personnel requesting the enforcement)
- Telephone number of the requester
- Email address of the requester
- County in which the work zone is located
- Route on which the work zone is located (for example, I-64)
- Milepost from
- Milepost to
- Date from (date on which patrol is first needed)
- Date to (date on which patrol will end)
- Days of week
- Times (example: 24 hours Tuesday, especially 7:00 p.m. until 6:00 a.m.)
- Request type of enforcement (example: speeding/reckless lane shifts)
- Type of work (example: highway construction)
- Details of the request (example: It is requested to monitor/enforce speed limits and reckless lane shifts. The project is identified as a double-fine work zone. The operation is 24 hours per day, 7 days per week. Heavy trucks will be entering and exiting traffic 24 hours per day. Lane closures are only allowed between 7:00 p.m. and 6:00 a.m.)

Source: Keith Peercy. Email to Colleen Kennedy. May 3, 2013.

Appendix C

Ticketing Aggressive Cars and Trucks Grant Corridors

These are the corridors where enforcement efforts for the Ticketing Aggressive Cars and Trucks (TACT) grant are focused. This information was current as of September 2012 and is shown by CVE region. In the table, “MM” is “mile marker.”

CVE Region	Corridor
1	I-24 (entire length) US 41 (Henderson County) Purchase Parkway (between Fulton and Mayfield) Pennyrile Parkway Western Kentucky Parkway (between Green River and Pennyrile)
2	I-65 from the 5-mile point to the 10-mile point I-65 from the 17-mile point to the 22-mile point I-65 from the 28-mile point north to the Indiana/Kentucky line, special emphasis in the areas at all interchanges I-264 (Watterson Expressway) from I-64 (west end) to I-71 (east end) I-71 from I-265 interchange north to the Oldham County line, special emphasis in the area of I-265 where numerous lanes merge with through traffic KY 55 (10 miles each side of Campbellsville) Louie Nunn Parkway (Adair County)
3	I-75 (Grant, Kenton, Boone, Fayette, and Scott [south of MM 129] Counties) I-275 I-71 (Boone, Gallatin, Carroll, Henry, and Oldham Counties) I-64 (Shelby County)
4	I-75 MM 0 to 71 (Whitley, Laurel, and Rockcastle Counties) US 27 (McCreary and Pulaski Counties) Hal Rogers Parkway MM 10 to 35 (Clay County) US 421 (Clay and Harlan Counties) Hal Rogers Parkway MM 0 to 10 (Laurel County) KY 80 MM 0 to 11 (Laurel County), MM 21 to 40 (Pulaski County) Louie Nunn Parkway MM 72 to MM 88 (Pulaski County) KY 119 (Bell and Harlan Counties) US 25E (Knox, Bell, and Laurel Counties) US 25 (Laurel and Rockcastle Counties) KY 192 (Laurel County) US 150 (Rockcastle County) KY 461 (Rockcastle and Pulaski Counties)

CVE	
Region	Corridor
5	I-75 (Madison County) Mountain Parkway MM 11 to 62 (Powell, Wolfe, and Morgan Counties) I-64 MM 115 to 180 (Bath, Rowan, and Carter Counties) US 127 MM 0 to 15 (Jessamine County), MM 0 to 10 (Lincoln County) KY 11 MM 20 to 25 (Powell County), MM 0 to 15 (Montgomery County), MM 0 to 12 (Bath County), MM 0 to 16 (Fleming County) KY 9 (Mason, Lewis, and Carter Counties) US 23 (Lawrence and Boyd Counties)
6	US 23 MM 0 to 30 and US 119 MM 0 to 15 (Pike County) US 23 MM 0 to 21 and KY 80 MM 0 to 12 (Floyd County) US 23 MM 0 to 16 and US 460 MM 0 to 7 (Johnson County) KY 3 MM 0 to 15 (Martin County) KY 80 MM 0 to 20 and KY 15 MM 0 to 15 (Knott County) KY 80 MM 0 to 10 and the Hal Rogers Parkway MM 56 to 64 (Perry County) US 23 MM 0 to 12 (Letcher County) US 460 (Pike County) US 460 (Johnson and Magoffin Counties) US 119 and KY 15 (Letcher County) KY 15 (Perry and Breathitt Counties)

Source: David Leddy. Email to Colleen Kennedy. March 19, 2013.

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