

# SAFETY Network

July 2009

[www.michigan.gov/ohsp](http://www.michigan.gov/ohsp)

## Michigan earns national recognition for belt use rate

Michigan's steadily increasing seat belt use rate has earned it national recognition and praise from the United States Department of Transportation (U.S. D.O.T.).

Admiral Tom Barrett, U.S. D.O.T. deputy secretary, presented the National Highway Traffic Safety Administration's *Champion Award* in honor of Michigan's successful efforts to increase seat belt use, achieving the highest belt use in the country in 2008.

Last year, belt use rose to 97.2 percent. At the same time, Michigan traffic deaths dropped to 980, the lowest figure since 1925.

Michigan received the honor as it kicked off the annual *Buckle Up or Pay Up, Click It or Ticket* seat belt mobilization. More than 300 law enforcement agencies from



NHTSA's Admiral Tom Barrett presents the Champion Award to the state of Michigan for its seat belt use ranking. Michael Prince, OHSP director, accepted the award on behalf of the state.

fifty-five counties participated in the state-wide effort May 18-31. Following the effort, belt use jumped to 97.9 percent. Nearly 700 safety belt enforcement zones were set up along with *Continued on page 7 >*

## State law enforcement cracking down on drunk drivers

**EXTRA PATROLS ON THE ROAD FOR JULY 4TH AND LABOR DAY HOLIDAYS**



Officers from 300 law enforcement agencies in fifty-five counties will be participating in *Drunk Driving. Over the Limit. Under Arrest.* crackdowns June 26 through

July 5 and August 21-September 7. These extra patrols are funded by the Michigan Office of Highway Safety Planning through federal traffic safety dollars. The funds will allow for a boost in patrols as well as paid advertising campaigns to bring awareness to the crackdown.

Last year, fourteen motorists died in Michigan over the July 4th holiday, with five of those deaths involving alcohol and three of those motorists being unbuckled. During the 2008 Labor Day holiday period, twelve people died *Continued on page 6 >*

## Car seat law now requires children under four to ride in back seat

Governor Jennifer M. Granholm signed Public Act 57 of 2009 on June 26, making two changes to Michigan's child passenger safety law. The new requirements, effective immediately, include a rear seating requirement and removal of the nursing mother exemption.

Under the newly revised law, children younger than four must ride in a car seat in the rear seat of the vehicle if the vehicle has a back seat. If all available rear seats are occupied by children under four, then a child under four may ride in the front seat if properly restrained in a car seat. If the child is in a rear-facing car seat, they may be placed in the front seat only if the front passenger air bag is turned off and all rear seats are occupied by children under four.

The legislation also now prohibits removing a child from a car seat to nurse while the vehicle is in motion. Nursing mothers should drive the vehicle to a safe place and stop to feed the baby. With this change Michigan is now eligible for additional federal traffic safety funds.

Car seat legislation was expanded last year to require children to ride in a car seat or booster seat until they reach 8 years old or 4'9" whichever comes first.

The rear seating requirement follows research that has long found that the safest place for children is in the back seat. Children are 40 percent more likely to be injured when in the front seat compared to children seated in the rear. Properly restrained children *Continued on page 2 >*



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## Suggestions sought for 2010 Michigan Traffic Safety Summit

The Michigan Office of Highway Safety Planning is seeking relevant topics for general sessions and workshops for the annual Michigan Traffic Safety Summit being held March 30- April 1, 2010, at the Kellogg Center in East Lansing.

### Selections are based on:

- >> Ability to appeal to a broad range of participants
- >> If the topic/similar topic was covered at a recent summit
- >> If the summit is the appropriate venue for the topic

Topic suggestion forms can be found at [www.michigan.gov/ohsp](http://www.michigan.gov/ohsp). For more information, contact Anne Readett at [readetta@michigan.gov](mailto:readetta@michigan.gov) or (517) 333-5317.

Topic suggestions are due by August 31.

## MICHIGAN TRAFFIC SAFETY SUMMIT

## Ohio raises truck speed limit on interstate highways

Effective July 1, Ohio's speed limit for large trucks will increase from 55 to 65 mph on interstate highways, thereby making it equal to the speed limit for passenger vehicles. Ten other states (Arkansas, California, Idaho, Illinois, Indiana, Michigan, Montana, Oregon, Texas, and Washington) still have lower speed limits for large trucks than for passenger vehicles.

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in the rear seat have the lowest risk of injury according to the Partners for Child Passenger Safety.

Fifteen other states have similar legislation which requires children to be placed in the back seat of a vehicle.

Children who are passengers in a bus, school bus, taxi, moped or motorcycle are exempt as well as those with a medical exemption granted by the Secretary of State.

The safest place for all children 12 and under is in the back seat, and children up to age 16 must be restrained in all seating positions. Michigan law requires all drivers and front seat passengers to buckle up.

For more information about changes to Michigan's child passenger safety law visit [www.michigan.gov/ohsp](http://www.michigan.gov/ohsp) or [www.michigansafekids.org](http://www.michigansafekids.org).

## What's Ahead

### JULY

**12-16 International Forum on Traffic Records and Highway Safety Information Systems**

[www.atsip.org/](http://www.atsip.org/)

**15 Ride Your Motorcycle to Work Day**

[www.ridetowork.org/](http://www.ridetowork.org/)

### AUGUST

**2-8 National Stop on Red Week**

<http://safety.fhwa.dot.gov/index.cfm>

**21-9/7 Drunk Driving. Over the Limit.**

**Under Arrest. national crackdown**

[www.stopimpaireddriving.org/](http://www.stopimpaireddriving.org/)

## Booster seat PSA honored at C.A.R.E. conference

A public service announcement (PSA) about Michigan's 2008 booster seat law was awarded third place in the 2009 Highway Safety Public safety Announcement category during the International Operation C.A.R.E. (Combined Accident Reduction

Effort) conference in April. The PSA was produced by the Michigan Office of Highway Safety Planning

Operation C.A.R.E. is comprised of state law enforcement agencies who have joined together to deter the three key causes of

highway fatalities: speeding, impaired driving and failure to use occupant restraints, particularly during the national holidays.

# SAFETY Network



## 2010 enforcement programming brings challenges, new focus

Michael L. Prince, Director, Office of Highway Safety Planning

Six years ago, in an effort to increase Michigan's safety belt usage rate from 83.9 to 90 percent, OHSP increased the number of counties participating in federally funded seat belt enforcement zones from eight to forty-four, and eventually fifty-five. This drove a dramatic improvement in seat belt use. Now, Michigan leads the nation with a 97.2 percent use rate. During the same time, traffic fatalities and injuries fell 24 percent and 29 percent respectively. This is outstanding news and we extend our thanks to those agencies that supported this effort through participation in safety belt campaigns.

This fiscal year, OHSP began transitioning from an emphasis on seat belt enforcement to other dangerous driving behaviors, primarily drunk driving. In the last five years, more than 1,700 people died and over 34,000 people were injured in alcohol-involved crashes. As this transition continues, changes will be made to traffic enforcement programming in FY 2010. At the same time, OHSP has fewer federal traffic safety funds available due to (1) improved liquidation (spending) of existing grants resulting in less carry-forward funding, and; (2) a reduction in federal traffic safety funding resulting from changes in the funding formula for all states.

With an emphasis on alcohol-related crashes, OHSP has identified those counties which will provide the greatest opportunities for reductions in crashes, fatalities, and injuries. Using a five-year snapshot of crash data, twenty-five counties with the greatest number of alcohol-related deaths and injuries have been selected to participate in the Safe Communities Grant Program in FY 2010.

In an effort to provide broader geographical coverage for the traffic safety campaigns during the summer travel season, our office expanded the original list of

the top twenty-five highest ranked counties in the state to also include the top ranked counties in northern Michigan and the Upper Peninsula. This resulted in a final list of thirty counties.

*...the contributions of these agencies to Michigan's efforts to increase seat belt use are reflected in the record number of lives being saved on our roadways and the countless injuries prevented. We thank them for the hard work and dedication that they have demonstrated while working with our office and look forward to working with them on future endeavors.*

Some counties that took part in enforcement grants in past years were not selected for the upcoming fiscal year. This is a positive indication that those counties did not rank high enough in an alcohol-related crash data analysis to receive funding.

However, the contributions of these agencies to Michigan's efforts to increase seat belt use are reflected in the record number of lives being saved on our roadways and the countless injuries prevented. We thank them for the hard work and dedication that they have demonstrated while working with our office and look forward to working with them on future endeavors.

Enforcement programs in FY 2010 will include high-visibility drunk driving patrols, participation in the national seat belt mobilization in May, and enforcement of underage drinking laws designed to address the nexus between underage drinking and underage drinking and driving.

As part of a strategy to address alcohol-related crashes, OHSP will support a number of other proven strategies including sobriety courts, training for law enforcement, prosecutors and the courts, expedited blood alcohol testing for drunk driving cases, and use of new technology to make our current resources go farther and be more efficient.

OHSP is also awaiting the results of pilot projects in the DDACTS program (Data-Driven Approaches to Crime and Traffic Safety) taking place in seven pilot sites around the country. DDACTS is an operational model that uses the integration of location-based crime and traffic data to determine the most effective and efficient methods for deploying law enforcement and other resources. The goal of DDACTS is to reduce the incidents of crime, crashes, and traffic violations in a community. Operational guidelines for DDACTS are now in draft form and evaluations of the pilot sites should be forthcoming in early 2010.

Our office will continue to keep you posted on these programs.

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## Hands-on driving program seeks to improve teen driving skills

A unique opportunity is available for teen drivers to enhance their driving skills during one of two four-hour sessions being offered at no charge Saturday, August 1, at the Michigan State Police (MSP) Training Academy.

Teens with a Level 2 driver license will get hands-on instruction from MSP's

Precision Driving Unit in skid control, evasive maneuvering, controlled braking, and emergency off-road recovery. Sessions are 8 a.m. - noon or 1 - 5 p.m.

The Driving Skills for Life program is funded through a grant from Ford Motor Company Fund. This is the second year that OHSP received funding to conduct

this program. For more information, contact Dianne Perukel at (517) 333-5337 or [perukeld@michigan.gov](mailto:perukeld@michigan.gov).

**Ford Driving Skills**  
FOR LIFE



## OHSP distributes CPS medical tool-kits

The Office of Highway Safety Planning has distributed child passenger safety (CPS) Medical Outreach Toolkits to CPS instructors to share with local health care providers. The kits, created by the National AAA, are part of an effort to supply health care providers with the resources to promote CPS to their patients. The kits include a mixture of English and Spanish CPS educational materials such as:

- >> waiting room poster
- >> DVD
- >> pamphlets
- >> prescription pads with CPS guidelines
- >> stickers for the children

National AAA surveyed parents and determined that only a third learned about CPS from health care providers and that more than two-thirds believe that health care providers should take a more active role in educating parents about this issue.

An evaluation form enclosed in the toolkit will provide OHSP with feedback regarding the need and usefulness of the CPS materials by health care providers.



## Land seeks to strengthen motorcycle safety program

Promoting motorcycle safety and improving Michigan's Motorcycle Safety Program for the thousands of riders who seek a motorcycle license endorsement each year are part of a recently proposed bipartisan legislative package.

Backed by Secretary of State Terri Lynn Land, the legislation would create uniform criteria for motorcycle safety courses, require criminal background checks for instructors, and streamline the testing process by eliminating a second written test if a rider successfully completes the safety course. The legislation also would require that instruction providers be bonded and have liability insurance, among other changes.

The legislative package is sponsored by Reps. Rick Jones, R-Grand Ledge, and Richard LeBlanc, D-Westland, and Sens. Roger Kahn, R-Saginaw Township, and Mickey Switalski, D-Roseville.

The proposals come from the recommendations of the Motorcycle Safety Advisory Committee, which was convened to suggest ways to improve motorcycle safety and the administration of the training program.

In 2009, about 30,000 riders are expected to attend motorcycle training or go through a third-party skills test. The training course and skills test allow riders to obtain their motorcycle license endorsement, which is required to operate a motorcycle legally in Michigan. The training courses are offered at more than fifty locations across the state.

Michigan has about 532,000 licensed motorcyclists, an increase from 517,000 in 2008.

For more information about the proposal or how to enroll in a motorcycle safety course, visit [www.Michigan.gov/sos](http://www.Michigan.gov/sos).

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## United State Supreme Court renders major decision on vehicle searches

By Kenneth Stecker

Traffic Safety Resource Prosecutor, Prosecuting Attorney's Association of Michigan

On April 21, 2009, the United States revamped the law regarding searches of vehicles incident to the arrest of an occupant. All law enforcement officers and prosecutors should familiarize themselves with the ruling of this case as it is unquestionably a landmark case in the area of criminal law.

### FACTS OF THE CASE

The Tucson Police Department acted on a tip that narcotics activity was taking place at a residence. The police conducted a records check of one of the residents, Rodney Gant, and learned that Gant had an outstanding warrant for driving with a suspended license. Gant drove up to the residence while the police were there.

As he stepped out of his vehicle, an officer shined a flashlight on the car, called to him, and Gant walked toward the officer. Gant was about ten feet from his car when the officer placed him under arrest, handcuffed him, and placed him into the back of a nearby patrol car. After his arrest, officers searched Gant's vehicle and found cocaine in the pocket of a jacket in the car and a weapon.

Gant was charged with unlawful possession of cocaine for sale and unlawful possession of drug paraphernalia. He filed a motion to suppress, which the court denied on the ground that the search of his car was lawful because it was a search incident to his arrest, pursuant to the United States Court decision of *New York v. Belton* (In *Belton*, the Supreme Court held that the risks to officer safety and to the preservation of evidence inherent in the arrest of a vehicle's recent occupant justified a contemporaneous warrantless search of the automobile's passenger compartment incident to the arrest). Gant was convicted of the charges and incarcerated for three years.

The Arizona Court of Appeals reversed, and ruled that the defendant's motion to suppress should have been granted. The court further ruled that *Belton* is distinguishable because Gant stopped his vehicle and voluntarily exited his vehicle. By contrast, in *Belton*, the police confronted the suspect while he still was in his car. The Arizona Supreme Court ruled that the post-arrest search of his car violated the Fourth Amendment, and therefore, held the search to be illegal.

### THE COURT'S RULING

The Court ruled that warrantless searches "are per se unreasonable," subject only to a few specifically established and well-delineated exceptions. The Court further ruled that officers may search a vehicle incident to arrest only if (1) the arrestee is unsecured and within reaching distance of the passenger compartment when the search is conducted; or (2) it is reasonable to believe that evidence relevant to the crime of arrest might be found in the vehicle.

### WHAT THE RULING MEANS FOR LAW ENFORCEMENT?

In essence, the United States Supreme Court's ruling authorized a search of a vehicle incident to an arrest under only two circumstances.

First, when the arrestee is unsecured and within reaching distance of the passenger compartment when the search is conducted. The Court stated that it will be a rare case in which an officer is unable to fully effectuate an arrest so that an arrestee has a realistic possibility of access to the vehicle. Thus, the normal case in which an officer secures the arrestee with handcuffs and places him/her in a police vehicle will not satisfy this particular circumstance.

Second, whether it is reasonable to believe that evidence relevant to the crime

of arrest might be found in the vehicle. For motor vehicle offenses, such as Operating While Intoxicated, there may be valid grounds for believing that there is relevant evidence to the offense that may exist in the vehicle (i.e. controlled substances or alcohol containers used to drink or otherwise orally ingest them). How recent the offense was committed will be important in determining the "reasonable to believe" standard.

If neither circumstance exists to allow a search of the vehicle, there are other Fourth Amendment exceptions that may authorize a warrantless search of the vehicle.

### These exceptions are as follows:

- >> Probable cause to believe that evidence of criminal activity exists in the vehicle;
- >> Reasonable suspicion that a person is dangerous and might access the vehicle to gain immediate control of weapons;
- >> Impoundment and inventory of a vehicle, which must be conducted under standard operating procedures that are reasonable under the Fourth Amendment;
- >> Consent to search.

Law enforcement must keep this new standard in mind. The *Belton* rule has been curtailed and a number of searches that previously

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## LMB offers bike safety information for law enforcement

The League of Michigan Bicyclists is offering law enforcement agencies several resources to assist in training officers on bicycling issues, educate motorists and bicyclists about safe bicycling, and enforce

traffic laws. The information is located at [www.lmb.org/education.html](http://www.lmb.org/education.html).

For more information, contact the League of Michigan Bicyclists at (888) 642-4537 or [office@lmb.org](mailto:office@lmb.org).

## U.S. D.O.T. doubles roof strength standard for light vehicles

United States Transportation Secretary Ray LaHood recently announced tough, new roof standards that will significantly strengthen vehicle roof structures and improve rollover crash protection.

The new regulation from the National Highway Traffic Safety Administration will double the current roof strength requirement for light vehicles weighing up to 6,000 pounds. It specifies that both the driver and passenger sides of the roof must be capable of withstanding a force equal to three times the weight of the vehicle.

The current standard calls for roofs to withstand 1.5 times the weight of the vehicle, applied to one side of the roof, for light vehicles up to 6,000 pounds.

Heavier vehicles from 6,000 to 10,000 pounds, which have never been regulated, must now have both sides of the roof capable of withstanding a force equal to 1.5 times the weight of the vehicle.

The phase-in schedule, which begins in September 2012, will be completed for all affected vehicles by the 2017 model year.

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would have been held to be legal would now likely be found to be unconstitutional.

For more information on this article and PAAM training programs, contact Kenneth Stecker,

Traffic Safety Resource Prosecutor, at (517) 334-6060 or e-mail at [steckerk@michigan.gov](mailto:steckerk@michigan.gov).

NOTE: Consult your prosecutor before adopting practices suggested by reports in

*this article. The court decisions in this article are designed to keep you informed of trends in the law. Discuss your practices that relate to these types of cases with your commanding officers, police legal advisors, and the prosecuting attorney before changing your practices in reliance on a reported court decision.*

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in traffic crashes, with four of those deaths involving alcohol and three motorists not being belted.

In 2008, there were 317 alcohol-related traffic deaths, a decrease of 8.2 percent from 2007. Although the number of alcohol and/or drug-related traffic deaths declined last year, crashes involving alcohol are eight times more likely to be fatal.

Television, radio, cable TV, and internet advertising will let motorists know about the crackdown. Targeted advertising will reach the group most likely to drive drunk—men between the ages of 21 and 35. The ad, dubbed *Keg and Chain*, visually illustrates how a drunk driving arrest follows the arrestee around as they go about their life.

The following fifty-five counties will be conducting drunk driving patrols during the two holiday crackdowns: Allegan, Arenac, Barry, Bay, Berrien, Branch, Calhoun, Cass, Cheboygan, Chippewa, Clare, Clinton, Delta, Eaton, Emmet, Genesee, Grand Traverse, Gratiot, Hillsdale, Huron, Ingham, Ionia, Isabella, Jackson, Kalamazoo, Kent, Lapeer, Lenawee, Livingston, Mackinac, Macomb, Marquette, Mason, Mecosta, Menominee, Midland, Monroe, Montcalm, Muskegon, Newaygo, Oakland, Oceana, Ogemaw, Osceola, Ottawa, Saginaw, Sanilac, St. Clair, St. Joseph, Shiawassee, Tuscola, Van Buren, Washtenaw, Wayne, and Wexford.

For a listing of planned enforcement times, dates, and locations, visit [www.michigan.gov/ohsp](http://www.michigan.gov/ohsp).





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## Traffic crash facts data tool can identify seasonal trends in crashes

Some characteristics of traffic crashes may have a seasonal nature and users can explore crash data for seasonality using the Michigan Traffic Crash Facts Web tool at [www.michigantrafficcrashfacts.org](http://www.michigantrafficcrashfacts.org). For example, the table below shows the seasonal trend for crashes in Michigan from 2004 through 2008 by month and maximum injury severity in the crash. Note that while December has the most crashes of any month, followed by November and January; fatal crashes are most frequent in August, followed by July and September. Many factors are involved in creating this seasonal pattern.

**MTCF Data Query Tool**  
Two-way Table View of Your Query Results

Current Query: Crashes for the years 2008 and 2007 and 2006 and 2005 and 2004 in the state of Michigan

1,679,419 Crashes

Analysis Variables [?]  
Row Variable: Accident Month  
Column Variable: Worst Injury In Accident

Your Table  
Crashes for the years 2008 and 2007 and 2006 and 2005 and 2004 in the state of Michigan

2008, 2007, 2006, 2005, 2004	Worst Injury In Accident					Total Crashes
	Fatal	A - incapacitating injury	B - nonincapacitating injury	C - possible injury	No injury	
January	351	2,392	5,972	19,326	140,136	168,179
February	311	2,195	5,398	17,467	121,781	147,152
March	315	2,093	5,112	15,576	102,460	125,556
April	328	2,277	5,644	14,817	87,768	110,834
May	425	2,773	6,894	17,255	100,951	128,298
June	452	3,182	7,899	17,164	103,246	131,943
July	488	3,152	7,860	16,095	90,691	118,286
August	510	3,159	7,595	16,699	89,136	117,099
September	479	2,941	6,777	16,686	96,775	123,658
October	463	2,725	6,501	17,954	129,113	156,756
November	484	2,370	5,776	17,937	147,048	173,615
December	383	2,327	5,844	19,305	150,184	178,043
<b>Total Crashes</b>	<b>4,389</b>	<b>31,586</b>	<b>77,272</b>	<b>206,283</b>	<b>1,359,289</b>	<b>1,679,419</b>

One prime contributor to fatal crashes is alcohol use by drivers. Looking at fatal crashes by month and drinking involvement shows that August has the highest number of drinking-involved fatal crashes followed by September and October. Clearly, drinking and driving is a contributing circumstance to the increase in fatal crashes in the summer and fall months.

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additional late-night traffic patrols where officers had zero tolerance for unbuckled drivers.

The effort was coordinated by the Michigan Office of Highway Safety Planning (OHSP) utilizing federal funds for

traffic safety programs. Statewide, officers wrote 11,727 seat belt citations, an increase of more than 3,000 compared to the 2008 mobilization, and arrested 164 drunk drivers, 51 more than last year.

## Minnesota and Florida enact primary seat belt laws

### MINNESOTA LEGISLATION HONORS FORMER SAFETY ADVOCATE

In May, Florida, and Minnesota joined twenty-seven other states that have adopted primary seat belt laws to save lives on their highways.

In Minnesota, the law was named the Kathryn Swanson Seat Belt Safety Act in honor of the former director of the Minnesota Highway Safety Office who died in 2008 after a battle with ALS. Swanson was a tireless safety advocate, spending nearly thirty years in various positions in Minnesota's highway safety office.

The Minnesota Department of Public Safety (DPS) estimates that its new law will save up to 30 additional lives and prevent yearly 400 injuries annually. Additionally, DPS estimates it will result in a savings of \$11 million in hospital charges the first year after passage.

Primary seat belt laws have a proven track record of increasing state seat belt use rates. In 2008, the average seat belt use rate in states with primary enforcement laws was 13 percentage points higher than in states with secondary enforcement laws. The National Highway Transportation Safety Administration estimates that, with the passage of its primary belt law, Florida will save 124 lives, prevent 1,733 serious injuries, and save \$408 million in associated costs each year.



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**MTCF Data Query Tool**  
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May	425	2,773	6,894	17,255	100,951	128,298
June	452	3,182	7,899	17,164	103,246	131,943
July	488	3,152	7,860	16,095	90,691	118,286
August	510	3,159	7,595	16,699	89,136	117,099
September	479	2,941	6,777	16,686	96,775	123,658
October	463	2,725	6,501	17,954	129,113	156,756
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This examination of seasonal contributions to the fatality count can be refined by examining other potentially seasonal trends. Another seasonal element to crashes is the use of motorcycles in warm weather, and motorcycle fatalities clearly contribute to the seasonal nature of the fatality counts.



## Lansing family Saved by the Belts

A Lansing family survived a violent crash in DeWitt Township on November 16, 2008, because of their use of seat belts and child restraints.

Melissa Brown was traveling east in a van on Clark Road when a west-bound pickup truck slid into her path. Brown's van was totaled in the crash and although several of the occupants sustained serious injuries, everyone survived. The two occupants of the truck were killed.

Nominated by DeWitt Township Chief Brian Russell, awards were presented to Melissa Brown, Junior Brown II, and children Junior Brown III, James Brown, and Maelynn Brown.



## MSP and NETS offer defensive driving course

OHSP's Network of Employers for Traffic Safety program, together with the Michigan State Police, will offer an eight-hour defensive driving class. The course will consist of a one-hour classroom lecture on defensive driving and the remainder of the day will be devoted to driving. The class will be held at MSP's Precision Drive Track in Dimondale and will take place on July 25 and August 8.

# SAFETY Network



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