

# fiscal forum

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## Secondary Road Patrol and Traffic Accident Prevention Program

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### *Executive Summary*

- The Secondary Road Patrol and Traffic Accident Prevention program was created as a state grant program under Public Act 416 of 1978, to provide county sheriffs' offices with funding for patrolling county and local roads outside the limits of cities and villages.
- In FY 2010-11, the Secondary Road Patrol (SRP) program funded a total of 155.0 road patrol deputies. The peak number of road patrol deputies funded by SRP grant funding was 192.7 in FY 2001-02. The number of deputies funded has declined every year since.
- Revenue from the Justice System Fund (JSF) is distributed according to a percentage formula which is outlined in the Revised Judicature Act, Public Act 236 of 1961. Under the statutory formula for the JSF, \$10.00 per paid traffic civil infraction is deposited into the Secondary Road Patrol and Training Fund. The \$10.00 surcharge is collected on all traffic citations issued in Michigan, whether the citations are issued by state, county, or local officers, and is specifically dedicated to the SRP program.
- SRP allocations have been reduced in recent years as a result of a decline in traffic citation revenues. The reduction in allocations to counties is a result of fewer traffic citations being issued, which is largely related to a reduction in the number of police officers working at all levels of law enforcement. The focus of officers has been more on crime response and less on traffic enforcement. Officers that are available have less time for discretionary patrol activities, which results in less traffic enforcement and less program revenue.
- For the four months prior to July 2012, year-to-date program revenue collections have shown double-digit deficits versus initial funding allocations to counties, ranging from 11.9 percent to 12.5 percent. For the month of July, SRP program revenue collections improved slightly, with year-to-date program revenue collections showing a 10.3 percent deficit.
- Public Act of 296 of 2012 contains a \$600,000 general fund/general purpose appropriation to cover the anticipated revenue shortfall in the SRP program for FY 2011-12. Without this supplemental appropriation, it is estimated that between 41 and 55 road patrol deputies could have been laid off across the state.
- The supplemental appropriation for FY 2011-12 addresses the problem in the short term. However, if the amount of assessment revenue collected continues to decline, as it has for the past six years, the shortfall issue could continue to exist in future years, or SRP funding allocations will need to be permanently reduced.

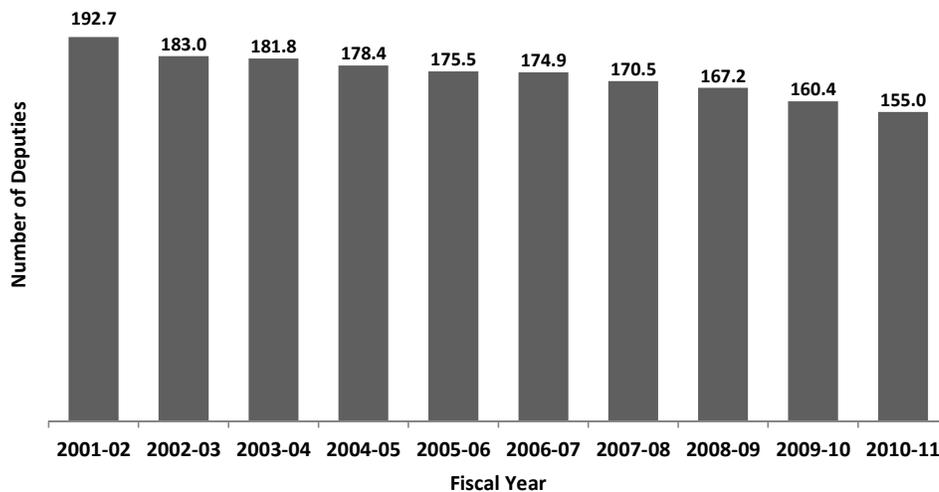
## Program Overview

The Secondary Road Patrol and Traffic Accident Prevention program was created as a state grant program under Public Act 416 of 1978, to provide county sheriffs' offices with funding for patrolling county and local roads outside the limits of cities and villages. Secondary Road Patrol (SRP) grant funding is awarded to county sheriffs' offices to be used for hiring additional personnel, purchasing and maintaining equipment, enforcing laws in state and county parks, conducting selective motor vehicle inspection programs, and providing traffic safety information and education programs. Deputies funded with SRP grant funding are responsible for traffic enforcement, traffic crash prevention and investigation, criminal law enforcement, and emergency assistance.

SRP program funding is mandated to supplement secondary road patrol efforts by counties, not to supplant or replace county funding. According to section 77(1) of Public Act 416 of 1978, a county is not eligible to receive SRP program funding if it reduces the level of county-funded road patrol deputies below the level which the county was providing immediately before October 1, 1978. If a county is required to reduce general services because of economic hardship, it is exempt from this provision as long as a concurrent resolution is adopted by a majority vote of the Legislature. The concurrent resolution must state that general services are required to be reduced because of economic conditions. This requirement is known as the Maintenance of Effort provision. Such resolutions have been adopted by the Legislature each year since FY 2007-08.

In FY 2010-11, the SRP program funded a total of 155.0 road patrol deputies. The peak number of road patrol deputies funded by SRP grant funding was 192.7 in FY 2001-02. The number of deputies funded has declined every year since. **Figure 1** provides a history of the number of road patrol deputies funded with SRP grant funding over the last ten years.

**Figure 1**  
**Secondary Road Patrol Deputies**  
**FY 2001-02 through FY 2010-11**



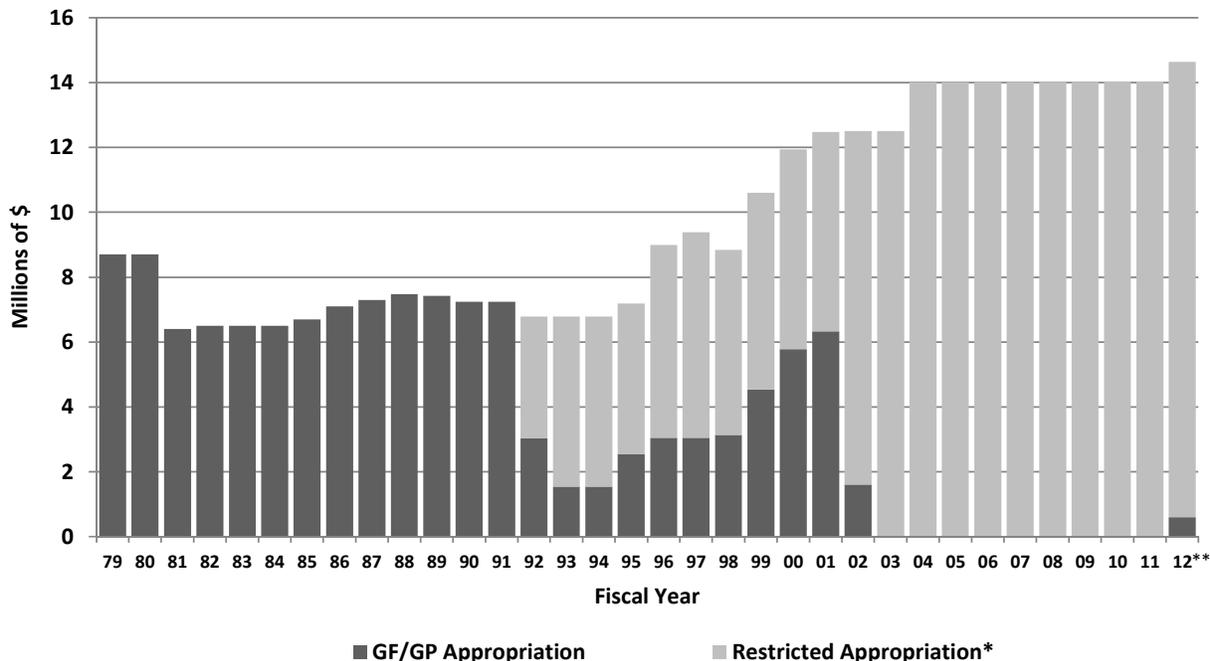
Source: SRP Annual Report Fiscal Year 2011

## Program Funding Sources

When the program began in October 1978, it was funded 100 percent with state general fund/general purpose revenue. In FY 1991-92, the SRP program began a transition from 100 percent general fund support to partial general fund support combined with surcharges on traffic citations. Public Act 163 of 1991 mandated \$5.00 be assessed on moving violations and deposited into the Secondary Road Patrol and Training Fund.

In FY 2000-01, under Public Act 213 of 2001, the \$5.00 surcharge was doubled to \$10.00. The state general fund appropriation was decreased for FY 2001-02 and was completely eliminated in FY 2002-03. **Figure 2** provides the history of SRP program appropriations.

**Figure 2**  
**Secondary Road Patrol Appropriations History**  
**FY 1978-79 through FY 2011-12**



\* Appropriated amount; does not reflect actual collections.

\*\* FY 2011-12 figures reflect the \$600,000 GF/GP supplemental appropriation contained in House Bill 5015, Public Act 296 of 2012.

Source: SRP Annual Report Fiscal Year 2011

Revenue from traffic citations is made up of three components: fines, costs, and statutory assessments. Section 907 of the Michigan Vehicle Code, Public Act 300 of 1949, specifically governs these components. Fines and costs vary depending on if the traffic citations are written under state statute or local ordinance. Recipients of fines and costs include libraries, local units of government, and courts. The statutory assessments component is an additional charge applied to most violations in order to fund specific programs. Revenue from statutory assessments is required to be deposited into the Justice System Fund (JSF), which was created by Public Act 97 of 2003. The statutory assessment is often referred to as the Justice System Assessment.

The Justice System Assessment is a \$40.00 assessment that is paid on all traffic-related civil infractions. Revenue from the JSF is distributed according to a formula outlined in the Revised Judicature Act, Public Act 236 of 1961. Under the statutory formula for the JSF, \$10.00 per paid traffic civil infraction is deposited into the Secondary Road Patrol and Training Fund. The \$10.00 surcharge is collected on all traffic citations issued in Michigan, whether the citations are issued by state, county, or local officers.

The remaining balance of the fund is distributed according to statutory percentages for several different funds and programs administered by the Departments of State Police, Corrections, Human Services, and Treasury, and the Judiciary. These funds/programs include the Highway Safety Fund, Michigan Justice Training Fund, State Forensic Lab Fund, Jail Reimbursement Program, Sexual Assault Victim's Medical Forensic Intervention and Treatment Fund, Children's Advocacy Center Fund, Drug Treatment Courts, State Court Fund, Court Equity Fund, and the State Court Administrative Office.

## Appropriation versus Allocation

The SRP appropriation in the Department of State Police budget bill is much greater than what the counties are actually allocated. The appropriation serves only as authorization to spend, should that amount of revenue be collected. The appropriation for FY 2010-11 was \$14.0 million. In FY 2010-11, the amount of state funds actually made available to the counties was \$10.0 million, based on the actual amount of revenue collected.

Section 77(5) of Public Act 416 of 1978 authorizes up to 1 percent of the annual appropriation for Secondary Road Patrol to be used by the Department of State Police for costs associated with administration of the program, and for planning and reporting purposes.

The inflated appropriation also allows for carry forward of money that is disbursed to the counties but not expended by the counties in the prior fiscal year. For example, in FY 2010-11, \$10,000,000 was disbursed to counties, but counties spent \$9,925,373. So, \$74,627 was carried forward into FY 2011-12. Carry forward amounts were much larger in earlier years. **Table 1** compares appropriation amounts for the past decade to funding made available to counties, funding expended by counties, and carry forward amounts.

**Table 1**  
**Secondary Road Patrol Appropriations vs.**  
**County Allocations and Expenditures**

<u>Fiscal Year</u>	<u>Total</u> <u>Appropriation</u>	<u>State Funds</u> <u>Available to</u> <u>Counties</u>	<u>State Funds</u> <u>Expended by</u> <u>Counties</u>	<u>Carry</u> <u>Forward</u>
2000-01	\$12,479,400	\$13,500,000	\$12,766,294	\$733,706
2001-02	12,506,100	12,385,600	12,156,256	229,344
2002-03	12,506,600	12,385,600	12,063,463	322,137
2003-04	14,006,600	13,866,731	13,298,815	567,916
2004-05	14,012,100	13,872,000	13,586,872	285,128
2005-06	14,020,100	13,300,000	13,051,369	248,631
2006-07	14,019,500	13,800,000	13,031,927	768,073
2007-08	14,029,900	12,300,000	12,022,656	277,344
2008-09	14,030,100	11,236,000	10,690,221	545,779
2009-10	14,034,500	11,300,000	10,916,730	383,270
2010-11	14,037,000	10,000,000	9,925,373	74,627
2011-12	*14,648,500	9,000,000	8,972,910	27,090

\* Appropriation includes \$600,000 GF/GP supplemental appropriation; other figures for FY 2011-12 are estimates provided by OHSP.

Source: House Fiscal Agency

## Program Funding Allocations

The Office of Highway Safety Planning (OHSP) within the Department of State Police is responsible for distributing SRP funding to counties. SRP allocations have been reduced in recent years as a result of a decline in traffic citation revenues. SRP allocations from traffic citation revenues were \$11.3 million in FY 2009-10, \$10.0 million in FY 2010-11, and an estimated \$8.4 million in FY 2011-12 (recently revised downward from \$9.0 million). The reduction in allocations to counties is a result of fewer traffic citations being issued, which is related to a reduction in the number

of police officers working at all levels of law enforcement. **Table 2** provides historical information on the number of paid traffic civil infractions and the resulting fine revenue distribution to the Secondary Road Patrol and Training Fund.

**Table 2  
Traffic Civil Infractions and SRP Distribution**

<u>Fiscal Year</u>	<u>SRP Distribution</u>	<u>Number of Paid Traffic Civil Infractions</u>	<u>Annual Change in Number of Paid Traffic Infractions</u>
2003-04	\$13,574,010	1,357,401	
2004-05	13,596,910	1,359,691	2,290
2005-06	14,051,480	1,405,148	45,457
2006-07	13,288,240	1,328,824	(76,324)
2007-08	12,832,640	1,283,264	(45,560)
2008-09	11,851,030	1,185,103	(98,161)
2009-10	11,305,810	1,130,581	(54,522)
2010-11	10,239,110	1,023,911	(106,670)

Source: Michigan Department of Treasury

There were five fewer SRP deputies in FY 2010-11 vs. FY 2009-10, and twelve fewer deputies in FY 2010-11 vs. FY 2008-09. Taking this into consideration, the following is a summary of trends relative to the number of citations written by SRP deputies:

- Traffic enforcement activity has decreased.

	<u>2009</u>	<u>2010</u>	<u>2011</u>
Vehicle stops	120,038	124,758	117,694
Traffic citations	86,286	91,516	84,468
Drunk driver arrests	1,600	1,334	1,475

- Traffic crash investigations have decreased (each investigation involves at least one moving violation).

	<u>2009</u>	<u>2010</u>	<u>2011</u>
Traffic crashes investigated	15,082	14,334	12,511
-- # on secondary roads	10,604	10,371	9,083
-- # on state truck lines	4,060	3,651	3,171
-- # in villages/cities	418	312	257

- Assists to stranded motorists have decreased.

	<u>2009</u>	<u>2010</u>	<u>2011</u>
Assists to motorists	5,967	5,780	5,563

- Responses to criminal complaints have increased.

	<u>2009</u>	<u>2010</u>	<u>2011</u>
Criminal complaints	13,782	14,117	14,679

- Criminal arrests have increased.

	<u>2009</u>	<u>2010</u>	<u>2011</u>
Criminal arrests	6,332	6,136	6,898

- The average number of citations written annually by SRP deputies has decreased from a high of 616 in 2001.

	<u>2009</u>	<u>2010</u>	<u>2011</u>
Citations written annually	516	571	545

- The average number of citations written by county-funded deputies is relatively stable at around 94 per year.

Source: SRP Annual Reports Fiscal Years 2009, 2010, and 2011

According to the OHSP, the data shows that the focus of officers has been more on crime response and less on traffic enforcement. Most likely, other law enforcement agencies also have fewer police officers answering calls for service. The officers that are available have less time for discretionary patrol activities, which results in less traffic enforcement and less program revenue.

One other factor which may be contributing to the more recent decline in revenues is the fluctuation in the timing of when revenues are submitted by the courts to the Department of Treasury. This is a result of citizens requesting payment plans for paying their assessments, the courts granting the requests, and the courts retaining the revenues until final payments are made.

Section 77(4) of Public Act 416 of 1978 states the following:

. . . a county's share of the amount annually appropriated for secondary road patrol and traffic accident prevention shall be the same percentage that the county received, or was eligible to receive, of the total amount allocated to all counties pursuant to section 12 of Act No. 51 of the Public Acts of 1951, as amended, being section 247.662 of the Michigan Compiled Laws, less the amounts distributed for snow removal and engineers, during the period of July 1, 1976, through June 30, 1977. County primary roads and county local roads within the boundaries of a city or village shall not be used in determining the percentage under this section unless the sheriff's department of the county is providing the services described in section 76(2) and (3) within the city or village pursuant to an agreement between the county and the city or village adopted after October 1, 1978. The agreement shall not be reimbursable under the formula described in this subsection unless the city or village is required to reduce general services because of economic conditions and is not merely reducing law enforcement services.

Under these statutory provisions, each county's percentage of the total available SRP funding is fixed and does not fluctuate from year to year.

The amount of money estimated to be distributed to the counties is projected in July or August for the upcoming fiscal year. The OHSP estimates the funding amount based on current and past revenue collections and projected changes in the economy or other factors. Once the funding amount is estimated, OHSP applies the distribution formula and notifies the counties of projected allocations. A mid-year adjustment of the allocation to counties is made if revenue collections significantly exceed or fall short of projections. In some cases, this results in requiring a sheriff's department to return funds which were previously allocated. This would be the case for counties which have already spent an amount above the revised allocation amount.

For the four months prior to July 2012, year-to-date program revenue collections have shown double-digit deficits versus initial funding allocations to counties, ranging from 11.9 percent to 12.5 percent. For the month of July, SRP program revenue collections improved slightly, with year-to-date program revenue collections showing a 10.3 percent deficit. A mid-year adjustment to county allocations would have been necessary if additional funding to cover the shortfall had not been appropriated.

**Table 3** shows FY 2011-12 original estimated county SRP allocations, revised county SRP allocations, a comparison of the revised allocations with the funds already expended, and the amount remaining or required to be paid back for each county prior to supplemental funding.

**Table 3\***  
**Secondary Road Patrol FY 2011-12 County Allocation of SRP Funds**

<u>County</u>	<u>Allocation Percentage</u>	<u>Original County Allocation</u>	<u>Revised County Allocation</u>	<u>Total Expended Grant Funds</u>	<u>Remaining Allocation (Payback)</u>
ALCONA	0.393	\$35,370	\$33,012	\$19,484	\$13,528
ALGER	0.322	28,980	27,048	11,977	15,071
ALLEGAN	1.216	109,440	102,144	76,517	25,627
ALPENA	0.578	52,020	48,552	37,074	11,478
ANTRIM	0.465	41,850	39,060	0	39,060
ARENAC	0.396	35,640	33,264	35,640	(2,376)
BARAGA	0.310	27,900	26,040	15,304	10,736
BARRY	0.692	62,280	58,128	33,435	24,693
BAY	1.499	134,910	125,916	134,910	(8,994)
BENZIE	0.353	31,770	29,652	28,491	1,161
BERRIEN	2.075	186,750	174,300	88,703	85,597
BRANCH	0.747	67,230	62,748	67,230	(4,482)
CALHOUN	1.762	158,580	148,008	115,018	32,990
CASS	0.766	68,940	64,344	68,940	(4,596)
CHARLEVOIX	0.442	39,780	37,128	39,780	(2,652)
CHEBOYGAN	0.563	50,670	47,292	32,256	15,036
CHIPPEWA	0.706	63,540	59,304	63,540	(4,236)
CLARE	0.531	47,790	44,604	30,578	14,026
CLINTON	0.857	77,130	71,988	45,815	26,173
CRAWFORD	0.369	33,210	30,996	20,113	10,883
DELTA	0.696	62,640	58,464	48,669	9,795
DICKINSON	0.491	44,190	41,244	44,045	(2,801)
EATON	1.090	98,100	91,560	80,411	11,149
EMMET	0.514	46,260	43,176	38,609	4,567
GENESEE	4.380	394,200	367,920	80,465	287,455
GLADWIN	0.467	42,030	39,228	42,030	(2,802)
GOGEBIC	0.415	37,350	34,860	19,068	15,792
GRAND TRAVERSE	0.836	75,240	70,224	46,621	23,603
GRATIOT	0.782	70,380	65,688	70,380	(4,692)
HILLSDALE	0.758	68,220	63,672	68,220	(4,548)
HOUGHTON	0.570	51,300	47,880	51,300	(3,420)
HURON	0.838	75,420	70,392	38,630	31,762
INGHAM	2.310	207,900	194,040	196,435	(2,395)
IONIA	0.749	67,410	62,916	66,719	(3,803)
IOSCO	0.626	56,340	52,584	8,933	43,651
IRON	0.389	35,010	32,676	33,977	(1,301)
ISABELLA	0.782	70,380	65,688	41,717	23,971
JACKSON	1.926	173,340	161,784	94,884	66,900
KALAMAZOO	2.010	180,900	168,840	97,636	71,204
KALKASKA	0.435	39,150	36,540	29,765	6,775
KENT	4.123	371,070	346,332	168,197	178,135

<u>County</u>	<u>Allocation Percentage</u>	<u>Original County Allocation</u>	<u>Revised County Allocation</u>	<u>Total Expended Grant Funds</u>	<u>Remaining Allocation (Payback)</u>
KEWEENAW	0.188	\$16,920	\$15,792	\$13,840	\$1,952
LAKE	0.422	37,980	35,448	37,980	(2,532)
LAPEER	0.925	83,250	77,700	66,340	11,360
LEELANAU	0.389	35,010	32,676	35,010	(2,334)
LENAWEE	1.221	109,890	102,564	49,670	52,894
LIVINGSTON	1.032	92,880	86,688	92,880	(6,192)
LUCE	0.279	25,110	23,436	10,168	13,268
MACKINAC	0.366	32,940	30,744	19,367	11,377
MACOMB	5.173	465,570	434,532	238,094	196,438
MANISTEE	0.569	51,210	47,796	41,377	6,419
MARQUETTE	0.906	81,540	76,104	81,540	(5,436)
MASON	0.555	49,950	46,620	49,950	(3,330)
MECOSTA	0.597	53,730	50,148	7,139	43,009
MENOMINEE	0.650	58,500	54,600	39,316	15,284
MIDLAND	0.833	74,970	69,972	74,970	(4,998)
MISSAUKEE	0.415	37,350	34,860	16,341	18,519
MONROE	1.733	155,970	145,572	91,421	54,151
MONTCALM	0.836	75,240	70,224	75,240	(5,016)
MONTMORENCY	0.352	31,680	29,568	19,489	10,079
MUSKEGON	1.590	143,100	133,560	111,621	21,939
NEWAYGO	0.774	69,660	65,016	64,187	829
OAKLAND	8.459	761,310	710,556	135,591	574,965
OCEANA	0.562	50,580	47,208	33,798	13,410
OGEMAW	0.461	41,490	38,724	35,527	3,197
ONTONAGON	0.356	32,040	29,904	32,040	(2,136)
OSCEOLA	0.486	43,740	40,824	18,576	22,248
OSCODA	0.360	32,400	30,240	22,328	7,912
OTSEGO	0.448	40,320	37,632	14,146	23,486
OTTAWA	1.907	171,630	160,188	144,436	15,752
PRESQUE ISLE	0.427	38,430	35,868	14,103	21,765
ROSCOMMON	0.455	40,950	38,220	40,950	(2,730)
SAGINAW	2.472	222,480	207,648	112,485	95,163
ST. CLAIR	1.629	146,610	136,836	70,126	66,710
ST. JOSEPH	0.801	72,090	67,284	72,090	(4,806)
SANILAC	0.899	80,910	75,516	38,005	37,511
SCHOOLCRAFT	0.301	27,090	25,284	0	25,284
SHIAWASSEE	0.917	82,530	77,028	42,852	34,176
TUSCOLA	0.967	87,030	81,228	42,013	39,215
VANBUREN	0.901	81,090	75,684	32,708	42,976
WASHTENAW	2.196	197,640	184,464	138,723	45,741
WAYNE	14.407	1,296,630	1,210,188	391,696	818,492
WEXFORD	0.555	49,950	46,620	35,842	10,778
<b>TOTALS</b>	<b>100.000</b>	<b>\$9,000,000</b>	<b>\$8,400,000</b>	<b>\$5,035,491</b>	<b>\$3,364,509</b>

\* Figures in **Table 3** do not include the \$600,000 GF/GP supplemental appropriation contained in House Bill 5015, Public Act 296 of 2012.

Source: Michigan Department of State Police

On July 18, 2012, the Legislature passed House Bill 5015, which contains a \$600,000 general fund/general purpose appropriation to cover the anticipated revenue shortfall in the SRP program for FY 2011-12. Without this supplemental appropriation, the Michigan Sheriffs Association estimates that between 41 and 55 road patrol deputies could have been laid off across the state. House Bill 5015 was signed by the Governor on August 1, and became Public Act of 296 of 2012. As a result of the supplemental appropriation, the counties will be able to maintain the number of SRP deputies currently employed, and will not have to return funds which were previously allocated.

The supplemental appropriation for FY 2011-12 addresses the problem in the short term. However, if the amount of assessment revenue collected continues to decline, as it has for the past six years, the shortfall issue could continue to exist in future years, or the SRP funding allocations will need to be permanently reduced.

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*NOTE: This report was written by Robin R. Risko, Senior Fiscal Analyst. Kathryn Bateson, Administrative Assistant, prepared the report for publication.*



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