

INTER-DEPARTMENT MEMORANDUM

To: Matthew J. Fertal

From: Kevin Raney

Dept: City Manager

Dept: Police

Subject: APPROVAL TO PARTICIPATE IN THE 2014-2015 OFFICE OF TRAFFIC SAFETY (OTS) SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) Date: September 23, 2014

OBJECTIVE

To obtain City Council approval to participate in a Traffic Safety Grant through the California Office of Traffic Safety (OTS). The proposed grant the City is eligible to receive is \$258,629.00 in federal funds to implement DUI/CDL Checkpoints and Selective Traffic Enforcement Operations.

BACKGROUND

The California Office of Traffic Safety awards grants to local law enforcement agencies through the University of California Berkeley Traffic Safety Center (TSC). These one-year grants begin October 1, 2014, and end September 30, 2015. The Garden Grove Police Department has applied for and received similar grants dating back to 1996.

DISCUSSION

The grant that was applied for this year focuses on the reduction of persons killed and injured in alcohol-involved crashes by using “best practice” strategies. These strategies include driving under the influence (DUI)/Driver’s License checkpoints, DUI Saturation Patrols, Warrant Service Operations, Stakeout Operations, a “Hot Sheet” program, Educational Presentations, and Court Stings. The Police and Finance departments will be responsible for providing the necessary reporting to fulfill the goals and objectives of the grant.

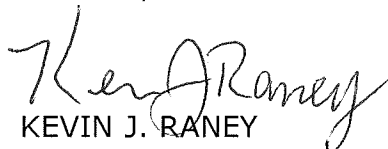
FINANCIAL IMPACT

The total amount for the 2014-2015 grant will be \$258,629.00. This award includes a maximum of \$3,000.00 for the attendance of OTS approved training. There is no requirement to hire additional personnel, and there are no out of pocket expenses. There is neither cost nor income to the City based upon participation in this grant.

RECOMMENDATION

It is recommended that the City Council:


- Authorize participation in the Selective Traffic Enforcement Program (STEP);
- Accept the Office of Traffic Safety Grant Funds in the Amount of \$258,629.00;
- Authorize the Police Chief, Finance Director and Finance Manager to execute the grant agreement on behalf of the City; and
- Allocate these grant monies to fund Selective Traffic Enforcement Operations.


KEVIN J. RANEY
Chief of Police


By: John Keely
Police Lieutenant

Attachment: Grant document from OTS and Program Narrative

Recommended for Approval


for Matthew J. Fertal
City Manager

1. GRANT TITLE

SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP)

2. NAME OF APPLICANT AGENCY
CITY OF GARDEN GROVE

4. GRANT PERIOD

3. AGENCY UNIT TO HANDLE GRANT
GARDEN GROVE POLICE DEPARTMENTFrom: 10/1/14
To: 9/30/15

5. GRANT DESCRIPTION

To reduce the number of persons killed and injured in crashes involving alcohol and other primary collision factors, "best practice" strategies will be conducted. The funded strategies may include: DUI checkpoints, DUI saturation patrols, warrant service operations, stakeouts operations, a "HOT Sheet" program, educational presentations, and court stings. The program may also concentrate on speed, distracted driving, seat belt enforcement, operations at intersections with disproportionate numbers of traffic crashes, and special enforcement operations encouraging motorcycle safety. These strategies are designed to earn media attention thus enhancing the overall deterrent effect.

6. FEDERAL FUNDS ALLOCATED UNDER THIS AGREEMENT SHALL NOT EXCEED: \$ 258,629.00

7. TERMS AND CONDITIONS: The parties agree to comply with the terms and conditions of the following which are by this reference made a part of the Agreement:

- Schedule A (OTS-38b) – Problem Statement, Goals and Objectives and Method of Procedure
- Schedule B (OTS-38d) – Detailed Budget Estimate and Sub-Budget Estimate (if applicable)
- Schedule B-1 (OTS-38f) – Budget Narrative and Sub-Budget Narrative (if applicable)
- Schedule C (OTS-38g) – Quarterly Evaluation Data Form (if applicable)
- Exhibit A – Certifications and Assurances
- Exhibit B* - OTS Grant Program Manual

Items shown with an asterisk (), are hereby incorporated by reference and made a part of this agreement as if attached hereto.

These documents can be viewed at the OTS home web page under Grants: www.ots.ca.gov.

We, the officials named below, hereby swear under penalty of perjury under the laws of the State of California that we are duly authorized to legally bind the Grant recipient to the above described Grant terms and conditions.

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

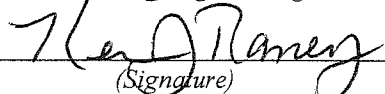
8. APPROVAL SIGNATURES

A. GRANT DIRECTOR

NAME: Kevin Raney PHONE: 714-741-5900

TITLE: Chief of Police FAX:

ADDRESS: 11301 Acacia Parkway
Garden Grove, CA 92842E-MAIL: Keyinr@ci.garden-grove.ca.us

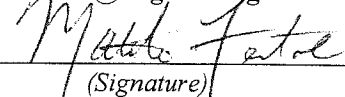
 8-27-14
(Signature) (Date)

B. AUTHORIZING OFFICIAL OF APPLICANT AGENCY

NAME: Matthew Fertal PHONE: 714-741-5100

TITLE: City Manager FAX: 714-741-5765

ADDRESS: 11222 Acacia Parkway
Garden Grove, CA 92842E-MAIL: Mattf@ci.garden-grove.ca.us

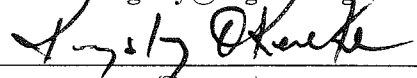
 8-27-14
(Signature) (Date)

C. FISCAL OR ACCOUNTING OFFICIAL

NAME: Kingsley Okereke PHONE:

TITLE: Director of Finance FAX:

ADDRESS: 11222 Acacia Parkway
Garden Grove, CA 92842E-MAIL: Kingsley@ci.garden-grove.ca.us

 9/2/14
(Signature) (Date)

D. OFFICE AUTHORIZED TO RECEIVE PAYMENTS

NAME: Finance Department

ADDRESS: 11222 Acacia Parkway
Garden Grove, CA 92842

9. DUNS NUMBER

DUNS #: 009596495

REGISTERED 11222 Acacia Parkway
ADDRESS & Garden Grove, CA 92842
ZIP:

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1. PROBLEM STATEMENT

In 2012, California's traffic fatalities increased 1.5 percent (2,816 vs. 2,857) – still one of the lowest levels since the federal government began recording traffic fatalities in 1975. California 2011 Mileage Death Rate (MDR) – fatalities per 100 million miles traveled is 0.88, and marks the third time California has been below 1.0. Fatality rates increased 3 percent from 2010 to 2011, and are projected to increase in 2013 when final tallies are submitted.

Alcohol-impaired driving fatalities (fatalities in crashes involving a driver or motorcycle rider (operator) with a blood alcohol concentration (BAC) of 0.08 grams per deciliter (g/dL) or greater) matches our historic low of 774 in 2010 and 2011. The 774 figure is the lowest DUI death total ever. As a percent of total fatalities, alcohol-impaired fatalities decreased from 29 percent in 2010 to 28 percent in 2011. This number has remained virtually unchanged in the past five years and DUI arrests have dropped in 2011 to 180,212 as compared to 195,897 in 2010. The 2011 DUI arrest figure represents the lowest DUI arrests since 2002.

For the second year in row, OTS commissioned an observational survey of cell phone use by drivers within the state, looking for hand-held and hands-free talking as well as texting and other use of mobile devices while driving. The overall rate was 10.8 percent of drivers on the road using cell phones at any given daylight time, up from 7.3 percent in 2011. Although observed cell phone use increases were seen across all age groups, 16 to 25 year olds showed a dramatic rise, doubling from 9 percent to 18 percent. Distracted driving violations continue to be one of the most common cited violations by Garden Grove PD officers.

The problem of drugged driving continues to rise. Based on data from the National Highway Traffic Safety Administration, 30 percent of all drivers who were killed in motor vehicle crashes in California in 2011 tested positive for legal and/or illegal drugs, a percentage that has been increasing since 2006.

In the City of Garden Grove, we had 10 fatal traffic collisions in 2013. Of the 10 fatal collisions, 2 were pedestrian involved. The City of Garden Grove has a high concentration of people who frequently use bicycles or travel by foot rather than automobile. Although an outreach program has been put into effect regarding bicycle and pedestrian safety in the City, we still have a high incidence of bicycle and/or pedestrian collisions. These collisions result in a high number of injuries each year.

Of the 10 fatal collisions in 2013, 5 were a result of DUI drivers, with 3 being under the influence of alcohol and 2 being under the influence of drugs. The Garden Grove PD is aggressively combating these collision factors, but unfortunately, DUI seems to be increasing at a steady rate. We have noticed a significant increase in DUI-drugs collisions involving prescription, non-prescription, and recreational drugs.

Statewide, motorcycle fatalities increased 4.6 percent from 415 in 2011 to 435 in 2012. Motorcycle fatalities per 100,000 motorcycle registrations fell from 49 in 2009 to 44 in 2010. This rate had been relatively steady, averaging 68 from 2005 through 2008. Motorcycle safety has become an issue recently in the City of Garden Grove. Aside from numerous injury collisions and 1 fatal motorcycle collision in 2013, Garden Grove Motor Officers were injured in 3 collisions caused by other drivers in 2013. These injuries to officers resulted in a loss of hundreds of man-hours of traffic enforcement, putting the Citizens of Garden Grove at even greater risk.

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Over the years, approximately 60 to 75 percent of fatal and injury-combined collisions involved various Primary Collision Factors (PCF) such as, DUI, speed, right-of-way, traffic signals and signs, pedestrian violations, and improper turning.

The Garden Grove Police Department has noticed several arrestees are not showing up for their court dates, and are subsequently issued arrest warrants for not appearing. This enables "repeat-offending", and allows the public to once again be put at risk by the conscious negligence of an impaired driver. The same issue arises with driver's whom have had their driver's licenses recently suspended. Several traffic violators are stopped daily and are found to have suspended driving privileges. This happens as close as the courtroom parking lots, where violator's drive away directly after having their driver's license suspended.

A. Traffic Data Summary:

Collision Type	2011				2012				2013			
	Collisions		Victims		Collisions		Victims		Collisions		Victims	
Fatal	6		6		9		9		7		7	
Injury	507		801		612		843		576		820	
	Fatal	Injury	Killed	Injured	Fatal	Injury	Killed	Injured	Fatal	Injury	Killed	Injured
Alcohol - Involved	1	22	1	35	3	45	3	76	5	54	5	70
Hit & Run	1	47	1	58	1	79	1	91	0	64	0	72
Nighttime (2100-0259 hours)	2	71	2	112	2	59	2	79	3	75	3	100
Top 3 Primary Collision Factors									Fatal	Injury	Killed	Injured
#1 -	22350 VC								0	107	0	128
#2 -	22107 VC								0	61	0	74
#3 -	23152(a)								4	51	4	64

2. PERFORMANCE MEASURES

A. Goals:

- 1) To reduce the number of persons killed in traffic collisions.
- 2) To reduce the number of persons injured in traffic collisions.
- 3) To reduce the number of persons killed in alcohol-involved collisions.
- 4) To reduce the number of persons injured in alcohol-involved collisions.

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- 5) To reduce the number of persons killed in drug-involved collisions.
- 6) To reduce the number of persons injured in drug-involved collisions.
- 7) To reduce the number of motorcyclists killed in traffic collisions.
- 8) To reduce the number of motorcyclists injured in traffic collisions.
- 9) To reduce the number of motorcyclists killed in alcohol-involved collisions.
- 10) To reduce the number of motorcyclists injured in alcohol-involved collisions.
- 11) To reduce hit & run fatal collisions.
- 12) To reduce hit & run injury collisions.
- 13) To reduce nighttime (2100 - 0259 hours) fatal collisions.
- 14) To reduce nighttime (2100 - 0259 hours) injury collisions.
- 15) To reduce the number of bicyclists killed in traffic collisions.
- 16) To reduce the number of bicyclists injured in traffic collisions.
- 17) To reduce the number of pedestrians killed in traffic collisions.
- 18) To reduce the number of pedestrians injured in traffic collisions.

B. Objectives:

- 1) To develop (by December 31) and/or maintain a "HOT Sheet" program to notify patrol and traffic officers to be on the lookout for identified repeat DUI offenders with a suspended or revoked license as a result of DUI convictions. Updated HOT sheets should be distributed to patrol and traffic officers monthly.
- 2) To send 4 law enforcement personnel to the NHTSA Standardized Field Sobriety Testing (SFST) (minimum 16 hours) POST-certified training.
- 3) To send 4 law enforcement personnel to the NHTSA Advanced Roadside Impaired Driving Enforcement (ARIDE) 16-hour POST-certified training.
- 4) To send 2 law enforcement personnel to the IACP Drug Recognition Expert (DRE) training.

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- 5) To conduct 8 DUI/DL Checkpoints. *Note: A minimum of 1 checkpoint should be conducted during the NHTSA Winter Mobilization and 1 during the NHTSA Summer Mobilization.*
- 6) To conduct 12 DUI Saturation Patrol operations.
- 7) To conduct 1 Court Sting operation to cite individuals driving from court after having their driver's license suspended or revoked.
- 8) To conduct 1 Warrant Service operation targeting DUI offenders who fail to appear in court.
- 9) To conduct 1 Stakeout operation that employ police officers to observe the "worst-of-the-worst" repeat DUI offender probationers with suspended or revoked driver licenses.
- 10) To conduct 6 Traffic Enforcement operations, including but not limited to, primary collision factor violations.
- 11) To conduct 2 Distracted Driving enforcement operations targeting drivers using hand held cell phones and texting.
- 12) To conduct 2 highly publicized Motorcycle Safety enforcement operations in areas or during events with a high number of motorcycle incidents or collisions resulting from unsafe speed, DUI, following too closely, unsafe lane changes, improper turning, and other primary collision factor violations by motorcyclists and other drivers.
- 13) To conduct 1 night-time (2100 - 0259 hours) Click It or Ticket enforcement operation.
- 14) To conduct 2 Traffic Safety educational presentations impacting 500 community members. *Note: Presentations may include topics such as distracted driving, DUI, speed, bicycle & pedestrian safety, seatbelts and child passenger safety.*
- 15) To conduct 2 bicycle and pedestrian enforcement operations in identified areas of high bicycle and pedestrian traffic.
- 16) To participate in the National Distracted Driving Awareness Month in April.
- 17) To participate in the NHTSA Click It or Ticket mobilization period in May.
- 18) To collaborate with the county's Avoid Lead Agency by: participating in planning/scheduling meetings and MADD/Avoid DUI Seminars; providing your agency's schedule of operations that occur during any Avoid campaign; and reporting your agency's DUI arrests & DUI fatality information during any Avoid campaign.

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19) To collect and report DUI enforcement data for the NHTSA Winter and Summer Mobilizations.

NOTE: Nothing in this "agreement" shall be interpreted as a requirement, formal or informal, that a particular police officer issue a specified or predetermined number of citations in pursuance of the goals and objectives hereunder.

NOTE: To enhance the overall deterrent effect and promote high visibility, it is recommended the grantee issue an advance press release for each checkpoint operation. For combination DUI/DL checkpoints, departments should issue press releases that mention DL's will be checked at the DUI/DL checkpoint. Signs for DUI/DL checkpoint operations should read "DUI/Driver's License Checkpoint Ahead." OTS does not fund or support independent DL checkpoints. Only on an exception basis and with OTS pre-approval will OTS fund checkpoint operations that begin prior to 1800 hours.

3. METHOD OF PROCEDURE

A. Phase 1 - Program Preparation, Training and Implementation (1st Quarter of Grant Year)

- The police department will develop operational plans to implement the "best practice" strategies outlined in the objectives section.
- All training needed to implement the program should be conducted this quarter.
- All grant-related purchases needed to implement the program should be made this quarter.
- In order to develop/maintain the "Hot Sheets," research will be conducted to identify the "worst-of-the-worst" repeat DUI offenders with a suspended or revoked license as a result of DUI convictions. The Hot Sheets may include the driver's name, last known address, DOB, description, current license status, and the number of times suspended or revoked for DUI. Hot Sheets should be updated and distributed to traffic and patrol officers at least monthly.
- Implementation of the STEP grant activities will be accomplished by deploying personnel at high collision locations.

Media Requirements

- Issue a press release announcing the kick-off of the grant by November 15. The kick-off press releases and media advisories, alerts, and materials must be emailed to the OTS Public Information Officer at pio@ots.ca.gov, and copied to your OTS Coordinator, for approval 14 days prior to the issuance date of the release.

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B. Phase 2 - Program Operations (Throughout Grant Year)

- The police department will work to create media opportunities throughout the grant period to call attention to the innovative program strategies and outcomes.

Media Requirements

- Send all grant-related activity press releases, media advisories, alerts and general public materials to the OTS Public Information Officer (PIO) at pio@ots.ca.gov, with a copy to your OTS Coordinator.
 - a) If an OTS template-based press release is used, the OTS PIO and Coordinator should be copied when the release is distributed to the press. If an OTS template is not used, or is substantially changed, a draft press release should first be sent to the OTS PIO for approval. Optimum lead time would be 10-20 days prior to the release date to ensure adequate turn-around time.
 - b) Press releases reporting the results of grant activities such as enforcement operations are exempt from the recommended advance approval process, but still should be copied to the OTS PIO and Coordinator when the release is distributed to the press.
 - c) Activities such as warrant or probation sweeps and court stings that could be compromised by advanced publicity are exempt from pre-publicity, but are encouraged to offer embargoed media coverage and to report the results.
- Use the following standard language in all press, media, and printed materials: Funding for this program was provided by a grant from the California Office of Traffic Safety, through the National Highway Traffic Safety Administration.
- Email the OTS PIO at pio@ots.ca.gov and copy your OTS Coordinator at least 30 days in advance, a short description of any significant grant-related traffic safety event or program so OTS has sufficient notice to arrange for attendance and/or participation in the event.
- Submit a draft or rough-cut of all printed or recorded material (brochures, posters, scripts, artwork, trailer graphics, etc.) to the OTS PIO at pio@ots.ca.gov and copy your OTS Coordinator for approval 14 days prior to the production or duplication.
- Include the OTS logo, space permitting, on grant-funded print materials; consult your OTS Coordinator for specifics.

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C. Phase 3 – Data Collection & Reporting (Throughout Grant Year)

- Agencies are required to collect and report quarterly, appropriate data that supports the progress of goals and objectives.
- Statistical data relating to the grant goals and objectives will be collected, analyzed, and incorporated in Quarterly Performance Reports (QPRs). QPRs for the quarter ending September 30 will include year-to-date comparisons of goals and objectives. If required, a separate quarterly data reporting form will be completed each quarter and submitted as part of the QPR.
- Reports will compare actual grant accomplishments with the planned accomplishments. They will include information concerning changes made by the Grant Director in planning and guiding the grant efforts.
- Reports shall be completed and submitted in accordance with OTS requirements as specified in the Grant Program Manual.

4. METHOD OF EVALUATION

Using the data compiled during the grant, the Grant Director will complete the “Final Evaluation” section in the fourth/final Quarterly Performance Report (QPR). The Final Evaluation should provide a brief summary of the grant’s accomplishments, challenges and significant activities. This narrative should also include whether goals and objectives were met, exceeded, or an explanation why objectives were not completed.

5. ADMINISTRATIVE SUPPORT

This program has full support of the City of Garden Grove. Every effort will be made to continue the activities after the grant conclusion.

SCHEDULE B
DETAILED BUDGET ESTIMATE
GRANT NO. PT1538

FUND NUMBER	CATALOG NUMBER (CFDA)	FUND DESCRIPTION	TOTAL AMOUNT
164AL	20.608	Minimum Penalties for Repeat Offenders for Driving While Intoxicated	\$ 166,792.00
402PT	20.600	State and Community Highway Safety	\$ 91,837.00

COST CATEGORY	FISCAL YEAR ESTIMATES			TOTAL COST TO GRANT
	CFDA	FY-1 10/1/14 thru 9/30/15		
A. PERSONNEL COSTS				
Positions and Salaries				
<u>Overtime</u>				
DUI / Driver's License Checkpoints	20.608	\$ 62,062.00		\$ 62,062.00
DUI Saturation Patrols	20.608	\$ 68,346.00		\$ 68,346.00
Court Sting Operations	20.608	\$ 3,417.00		\$ 3,417.00
Warrant Service Operations	20.608	\$ 5,696.00		\$ 5,696.00
Stakeout Operations	20.608	\$ 3,771.00		\$ 3,771.00
Benefits @ 16.40%	20.608	\$ 23,500.00		\$ 23,500.00
Traffic Enforcement Operations	20.600	\$ 34,173.00		\$ 34,173.00
Distracted Driving Operations	20.600	\$ 11,391.00		\$ 11,391.00
Motorcycle Safety Operations	20.600	\$ 11,391.00		\$ 11,391.00
CIOT Nighttime Enforcement Operations	20.600	\$ 5,696.00		\$ 5,696.00
Bike/Ped Safety Enforcement Operations	20.600	\$ 11,391.00		\$ 11,391.00
Traffic Safety Education Presentations	20.600	\$ 2,278.00		\$ 2,278.00
Benefits @ 16.40%	20.600	\$ 12,517.00		\$ 12,517.00
Category Sub-Total		\$ 255,629.00		\$ 255,629.00
B. TRAVEL EXPENSE				
In-State	20.600	\$ 3,000.00		\$ 3,000.00
Out-of-State		\$ -		\$ -
Category Sub-Total		\$ 3,000.00		\$ 3,000.00
C. CONTRACTUAL SERVICES				
None		\$ -		\$ -
Category Sub-Total		\$ -		\$ -
D. EQUIPMENT				
None		\$ -		\$ -
Category Sub-Total		\$ -		\$ -
E. OTHER DIRECT COSTS				
None		\$ -		\$ -
Category Sub-Total		\$ -		\$ -
F. INDIRECT COSTS				
None		\$ -		\$ -
Category Sub-Total		\$ -		\$ -
GRANT TOTAL				
		\$ 258,629.00		\$ 258,629.00

SCHEDULE B
DETAILED BUDGET ESTIMATE
GRANT NO. PT1538

SCHEDULE B-1
GRANT NO. PT1538

BUDGET NARRATIVE

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PERSONNEL COSTS

Overtime

Overtime for grant funded law enforcement operations may be conducted by personnel such as a Lieutenant, Sergeant, Corporal, Deputy, Officer, Community Services Officer, Dispatcher, etc., depending on the titles used by the agency and the grantees overtime policy. Personnel will be deployed as needed to accomplish the grant goals and objectives.

Costs are estimated based on an overtime hourly rate range of \$42.29/hour to \$84.94/hour.

Overtime reimbursement will reflect actual costs of the personnel conducting the appropriate operation up to the maximum range specified.

Overtime Benefit Rates

Workers Compensation	14.95%
Medicare	1.45%
TOTAL BENEFIT RATE	16.40%

TRAVEL EXPENSE

In State

Costs are included for appropriate staff to attend conferences and training events supporting the grant goals and objectives and/or traffic safety. Local mileage for grant activities and meetings is included. Anticipated travel may include the Drug Impaired Driving Seminar for Law Enforcement & Prosecution Professionals. *All conferences, seminars or training not specifically identified in the Schedule B-1 (Budget Narrative) must be approved by OTS. All travel claimed must be at the agency approved rate. Per Diem may not be claimed for meals provided at conferences when registration fees are paid with OTS grant funds.*

CONTRACTUAL SERVICES

None

EQUIPMENT

None

OTHER DIRECT COSTS

None

INDIRECT COSTS

None

PROGRAM INCOME

There will be no program income generated from this grant.

EXHIBIT A
CERTIFICATIONS AND ASSURANCES

Page 1

Failure to comply with applicable Federal statutes, regulations, and directives may subject Grantee Agency officials to civil or criminal penalties and/or place the State in a high risk grantee status in accordance with 49 CFR §18.12.

The officials named on the Grant Agreement, certify by way of signature on the Grant Agreement signature page, that the Grantee Agency complies with all applicable Federal statutes, regulations, and directives and State rules, guidelines, policies and laws in effect with respect to the periods for which it receives grant funding. Applicable provisions include, but are not limited to, the following:

- 23 U.S.C. Chapter 4 - Highway Safety Act of 1966, as amended
- 49 CFR Part 18 - Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments
- 23 CFR Chapter II - (§§1200, 1205, 1206, 1250, 1251, & 1252) Regulations governing highway safety programs
- NHTSA Order 462-6C - Matching Rates for State and Community Highway Safety Programs
- Highway Safety Grant Funding Policy for Field-Administered Grants

NONDISCRIMINATION

The Grantee Agency will comply with all Federal statutes and implementing regulations relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (88), which prohibits discrimination on the basis of race, color or national origin (and 49 CFR Part 21); (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683 and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and the Americans with Disabilities Act of 1990 (101), as amended (42 U.S.C. 12101, et seq.), which prohibits discrimination on the basis of disabilities (and 49 CFR Part 27); (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101-6107), which prohibits discrimination on the basis of age; (e) the Civil Rights Restoration Act of 1987 (100), which requires Federal-aid recipients and all subrecipients to prevent discrimination and ensure nondiscrimination in all of their programs and activities; (f) the Drug Abuse Office and Treatment Act of 1972 (92), as amended, relating to nondiscrimination on the basis of drug abuse; (g) the comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (91), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (h) Sections 523 and 527 of the Public Health Service Act of 1912, as amended (42 U.S.C. 290dd-3 and 290ee-3), relating to confidentiality of alcohol and drug abuse patient records; (i) Title VIII of the Civil Rights Act of 1968, as amended (42 U.S.C. 3601, et seq.), relating to nondiscrimination in the sale, rental or financing of housing; (j) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (k) the requirements of any other nondiscrimination statute(s) which may apply to the application.

EXHIBIT A
CERTIFICATIONS AND ASSURANCES

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BUY AMERICA ACT

The Grantee Agency will comply with the provisions of the Buy America Act (49 U.S.C. 5323(j)), which contains the following requirements:

Only steel, iron and manufactured products produced in the United States may be purchased with Federal funds unless the Secretary of Transportation determines that such domestic purchases would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. Clear justification for the purchase of non-domestic items must be in the form of a waiver request submitted to and approved by the Secretary of Transportation.

POLITICAL ACTIVITY (HATCH ACT)

The Grantee Agency will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508) which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

CERTIFICATION REGARDING FEDERAL LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

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RESTRICTION ON STATE LOBBYING

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

CERTIFICATION REGARDING DEBARMENT AND SUSPENSION

Instructions for Primary Certification

1. By signing and submitting this Grant Agreement, the Grantee Agency official is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the Grantee Agency official to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the Grantee Agency official knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.
4. The prospective primary participant shall provide immediate written notice to the department or agency to which this Grant Agreement is submitted if at any time the Grantee Agency official learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms *covered transaction*, *debarred*, *suspended*, *ineligible*, *lower tier covered transaction*, *participant*, *person*, *primary covered transaction*, *principal*, *Grant Agreement*, and *voluntarily excluded*, as used in this clause, have the meaning set out in the Definitions and coverage sections of 49 CFR Part 29. You may contact the department or agency to which this Grant Agreement is being submitted for assistance in obtaining a copy of those regulations.
6. The Grantee Agency official agrees by submitting this Grant Agreement that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

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7. The Grantee Agency official further agrees by submitting this Grant Agreement that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the list of Parties Excluded from Federal Procurement and Non-procurement Programs.
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Covered Transactions

- (1) The Grantee Agency official certifies to the best of its knowledge and belief, that its principals:
 - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;
 - (b) Have not within a three-year period preceding this Grant Agreement been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of record, making false statements, or receiving stolen property;
 - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - (d) Have not within a three-year period preceding this application/Grant Agreement had one or more public transactions (Federal, State, or local) terminated for cause or default.
- (2) Where the Grantee Agency official is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this Grant Agreement.

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Instructions for Lower Tier Certification

1. By signing and submitting this Grant Agreement, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this Grant Agreement is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms *covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, Grant Agreement, and voluntarily excluded*, as used in this clause, have the meanings set out in the Definition and Coverage sections of 49 CFR Part 29. You may contact the person to whom this Grant Agreement is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this Grant Agreement that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this Grant Agreement that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. (See below)
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from

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participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions

1. The prospective lower tier participant certifies, by submission of this grant agreement, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this grant agreement.