



## CITY COUNCIL STAFF REPORT

DATE: September 4, 2013

CONSENT AGENDA

SUBJECT: ACCEPTANCE OF \$92,170 IN GRANT FUNDING FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS) FOR A SELECTIVE TRAFFIC ENFORCEMENT PROGRAM TO BE USED TO ENFORCE, EDUCATE, AND BRING AWARENESS TO THE PUBLIC.

FROM: David Ready, City Manager

BY: Palm Springs Police Department

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### SUMMARY

It is recommended that the City Council authorize the City Manager to accept \$92,170 in OTS grant funding for the Police Department to utilize for a Selective Traffic Enforcement Program. The grant funds will be used to conduct DUI saturation patrols, distracted driving saturation patrols, primary collision factor saturation patrols, and warrant sweeps. It will also allow us to purchase a lighted changeable message board to be used at DUI checkpoints as well as special events and major collision scenes.

### RECOMMENDATION:

1. Accept \$92,170 in grant funding from the California Office of Traffic Safety for a Selective Traffic Enforcement Program.
2. Authorize the City Manager to execute all necessary documents.

### STAFF ANALYSIS:

The Police Department rigorously enforces DUI laws by conducting DUI saturation patrols and warrant sweeps targeting repeat DUI offenders who fail to go to court. The Police Department also enforces speed and red light violations by conducting operations at intersections and streets with disproportionate numbers of traffic collisions. The Department also enforces distracted driving laws by conducting focused enforcement operations for these violations. These projects are labor intensive and thus expensive. The Police Department plans to conduct 120 special operations during this

ITEM NO. 21

grant period. The department has been successful in obtaining grant funding to pay for the personnel and training costs for these programs. Additionally, the Department was able to obtain grant funding to pay for a lighted changeable message board that will increase safety and public awareness during DUI checkpoints, special events, and major collision investigations.


The Police Department was able to successfully solicit OTS grant funding for this community safety project and was awarded \$92,170 in grant funding.

This grant period is for a Selective Traffic Enforcement Program between October 1, 2013 and September 30, 2014.

FISCAL IMPACT:

No fiscal impact. This is a reimbursable costs grant program. No matching funds are required to obtain this additional grant funding.

  
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Alberto Franz III, Police Chief

  
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David H. Ready, City Manager

Attachments:

OTS STEP Grant Agreement PT1471

**1. GRANT TITLE**

Selective Traffic Enforcement Program

**2. NAME OF APPLICANT AGENCY**

City of Palm Springs

**4. GRANT PERIOD**

From: 10/1/13

To: 9/30/14

**3. AGENCY UNIT TO HANDLE GRANT**

Police Department

**5. GRANT DESCRIPTION**

To reduce the number of persons killed and injured in crashes involving alcohol, speed, red light running, and other primary collision factors, “best practice” strategies will be conducted on an overtime basis. The funded strategies may include: DUI saturation patrols to apprehend drunk drivers; and a "HOT Sheet" program. The program may also concentrate on speed, aggressive driving, seat belt enforcement, intersection operations 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:**

\$ 92,170.00

**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 C (OTS-38g) – Quarterly Evaluation Data Form (if applicable) |
| • Schedule B (OTS-38d) – Detailed Budget Estimate and Sub-Budget Estimate (if applicable) | • Exhibit A –Certifications and Assurances                              |
| • Schedule B-1 (OTS-38f) – Budget Narrative and Sub-Budget Narrative (if applicable)      | • 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](http://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: Paul Abshire PHONE: 760-323-8105  
TITLE: Sergeant FAX: 760-323-8178

ADDRESS: 200 S. Civic Drive  
Palm Springs, CA 92262

E-MAIL: Paul.Abshire@palmspringsca.gov

*Paul Abshire* 8/1/13  
(Signature) (Date)

**B. AUTHORIZING OFFICIAL OF APPLICANT AGENCY**

NAME: David Ready PHONE: 760-323-8201  
TITLE: City Manager FAX: 760-323-8207

ADDRESS: 3200 E. Tahquitz Canyon Way  
Palm Springs, CA. 92262

E-MAIL: David.Ready@palmspringsca.gov

*[Signature]* \_\_\_\_\_  
(Signature) (Date)

**C. FISCAL OR ACCOUNTING OFFICIAL**

NAME: Nancy Klukan PHONE: 760-323-8361  
TITLE: Assistant Finance Director FAX: 760-323-8320

ADDRESS: 3200 E. Tahquitz Canyon Way  
Palm Springs, CA. 92262

E-MAIL: Nancy.Klukan@palmspringsca.gov

\_\_\_\_\_  
(Signature) (Date)

**D. OFFICE AUTHORIZED TO RECEIVE PAYMENTS**

NAME: Finance Department  
ADDRESS: 3200 E. Tahquitz Canyon Way  
Palm Springs, CA. 92262

**9. DUNS NUMBER**

DUNS #: 072522006  
REGISTERED ADDRESS & ZIP: 3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92262

**GRANTS MADE EASY – STEP (Overtime Only)**

**SCHEDULE A - GRANT DESCRIPTION**

Grant No. PT1471

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**PROBLEM STATEMENT**

In 2011, California’s traffic fatalities increased 2.6 percent (2,720 vs. 2,791) – 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 0.87, and marks the third time California has been below 1.0. California is much better than the national 1.11 MDR. Fatality rates increased 3% from 2010 to 2011, and are projected to increase an additional 3% in 2012.

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.

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.

Motorcycle fatalities increased 15 percent from 352 in 2010 to 414 in 2011. Projections indicate a similar number were killed in 2012.

**Primary Collision Factor:** 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.

Statewide Primary Collision Factors	2011	
	Fatal	Injury
1. Improper Turning	512	21,764
2. Driving Under the Influence	470	12,477
3. Speed	394	48,999
4. Traffic Signals & Signs	362	5,460
5. Right of Way	167	24,897
<b>Total</b>	<b>1,905</b>	<b>113,597</b>
<b>Total Fatal and Injury Collisions</b>	<b>162,569</b>	

**GRANTS MADE EASY – STEP (Overtime Only)**  
**SCHEDULE A - GRANT DESCRIPTION**  
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Collision Type	2008				2009				2010			
	Collisions		Victims		Collisions		Victims		Collisions		Victims	
Fatal	8		9		4		6		16		17	
Injury	322		498		319		466		305		370	
	Fatal	Injury	Killed	Injured	Fatal	Injury	Killed	Injured	Fatal	Injury	Killed	Injured
Alcohol Involved	5	55	6	64	2	39	3	55	2	36	3	53
Hit & Run	1	42	1	62	1	21	1	29	1	11	1	10
Nighttime (2100-0259 hours)	3	57	5	75	2	39	3	62	3	36	4	62
<b>Top 3 Primary Collision Factors</b>									Fatal	Injury	Killed	Injured
<b>22350 CVC</b>	Unsafe Speed								1	50	1	67
<b>21801 CVC</b>	Failure to Yield Right-of-Way								2	53	2	93
<b>21453 CVC</b>	Red Light Violation								1	31	1	45

**OFFICE OF TRAFFIC SAFETY – 2010 RANKINGS**

The OTS Rankings provide individual cities a way to compare their city’s traffic safety statistics to those of other cities with similar-sized populations. Cities can use these comparisons to see what traffic safety areas they may have problems in and which they were doing well in. Identifying emerging or on-going traffic safety problem areas help cities plan how to combat the problems.

It should be noted that OTS rankings are only indicators of potential problems; there are many factors that may either understate or overstate a city/county ranking that must be evaluated based on local circumstances.

The OTS Rankings are determined by the following: (1) Victim and collision data for the rankings is taken from the latest available California Highway Patrol (CHP) Statewide Integrated Traffic Records System (SWITRS) data; (2) Victim and collision rankings are based on rates of victims killed and injured or fatal and injury collisions per “1,000 daily-vehicle-miles-of-travel” (Caltrans data) and per “1,000 average population” (Department of Finance data) figures. This more accurately ensures proper weighting and comparisons when populations and daily vehicle miles traveled vary; (3) DUI arrest totals and rankings are calculated for cities only and are based on rates of non-CHP DUI arrests (Department of Justice data). This is so that local jurisdictions can see how their own efforts are working; and (4) Counties are assigned statewide rankings, while cities are assigned population group rankings.

NOTE: City rankings are for incorporated cities only. County Rankings include all roads – state, county and local – and all jurisdictions – CHP, Sheriff, Police and special. OTS Rankings are calculated so that the higher the number of victims or collisions per 1000 residents in a population group, the higher the ranking. Number 1 in the rankings is the highest, or “worst.” So, for Group B, a ranking of 1/53 is the highest or worst, 27/53 is average, and 53/53 is the lowest or best. The same methodology also applies for DUI arrest rankings.

**GRANTS MADE EASY – STEP (Overtime Only)**  
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**OFFICE OF TRAFFIC SAFETY - 2010 RANKINGS**

AGENCY	NCIC	COUNTY	GROUP	POPULATION (AVG)	DVMT
Palm Springs	3311	RIVERSIDE COUNTY	D	44,694	996,580
<u>TYPE OF COLLISION</u>		VICTIMS KILLED AND INJURED	RANKING BY DAILY VEHICLE MILES TRAVELED	RANKING BY AVERAGE POPULATION	
Total Fatal and Injury		425	25/93	3/93	
Alcohol Involved		78	9/93	1/93	
HBD Driver <21		4	30/93	13/93	
HBD Driver 21-34		28	10/93	1/93	
Motorcyclists		18	21/93	5/93	
Pedestrians		21	46/93	9/93	
Pedestrians <15		1	63/93	61/93	
Pedestrians 65+		11	7/93	1/93	
Bicyclists		23	56/93	19/93	
Bicyclists <15		1	72/93	70/93	
Composite			25/93	1/93	
		COLLISIONS			
Speed Related		55	48/93	11/93	
Nighttime		38	20/93	3/93	
Hit and Run		19	47/93	8/93	
	DUI ARRESTS	258	0.96 %	84/92	

**PERFORMANCE MEASURES**

**GRANT 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.
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.

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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.

**GRANT OBJECTIVES**

1. To issue a press release announcing the kick-off of the grant by November 15 of the first grant year. The press releases and media advisories, alerts, and materials should be emailed to the OTS Public Information Officer at [pio@ots.ca.gov](mailto:pio@ots.ca.gov), and copied to your OTS Coordinator, for approval 14 days prior to the issuance date of the release.
2. To include, when appropriate, that an at-fault driver was suspected of or was in fact drug impaired (if possible note the drug involved, e.g., marijuana, prescription drugs, etc.) when reporting to the media the details from a crash or crash investigation.
3. To 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](mailto:pio@ots.ca.gov), with a copy to your OTS Coordinator. If an OTS template-based press release is used, the OTS PIO and OTS 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. Drafts should be sent 10-20 days prior to the operation for approval to ensure adequate turn-around time. Media communications 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 OTS Coordinator when the release is distributed to the press. 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.
4. To 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.

GRANTS MADE EASY – STEP (Overtime Only)

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5. To issue a press release prior to each motorcycle safety enforcement operation to raise awareness about motorcycle safety in general and to draw attention to the motorcycle safety enforcement operations. If an OTS template is not used, the draft press releases, media advisories, alerts, and materials should be emailed to the OTS Public Information Officer at [pio@ots.ca.gov](mailto:pio@ots.ca.gov), and copied to your OTS Coordinator, for approval 14 days prior to the issuance date of the release.
6. To email the OTS Public Information Officer at [pio@ots.ca.gov](mailto: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 enough notice to arrange for attendance and/or participation in the event.
7. To submit a draft or rough-cut of all printed or recorded material (brochures, posters, scripts, artwork, trailer graphics, etc.) to the OTS Public Information Officer at [pio@ots.ca.gov](mailto:pio@ots.ca.gov), and copied to your OTS Coordinator, for approval 14 days prior to the production or duplication.
8. To include the OTS logo, space permitting, on grant funded print materials; consult your OTS Coordinator for specifics relating to this grant.
9. To develop 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 by December 31. Updated Hot Sheets should be distributed to patrol and traffic officers monthly.
10. To submit (encouraged, but not required by OTS) a California Law Enforcement Challenge application to CHP according to instructions on the CHP website <http://www.chp.ca.gov/features/clec.html> and submit a copy of the application to the Office of Traffic Safety by the last Friday of March.
11. To send 4 law enforcement personnel to the NHTSA-certified Standardized Field Sobriety Testing (SFST) training by January 31.
12. To send 4 law enforcement personnel to the NHTSA Advanced Roadside Impaired Driving Enforcement (ARIDE) 16-hour POST-certified training by January 31.
13. To send 1 law enforcement personnel to the IACP-certified Drug Recognition Expert (DRE) training program by March 31.
14. To conduct 50 DUI Saturation Patrols.
15. To conduct 10 Distracted Driving enforcement operation(s) targeting drivers using hand held cell phones and texting.
16. To conduct 50 Traffic Enforcement operation(s), including but not limited to, primary collision factor violations.

GRANTS MADE EASY – STEP (Overtime Only)

SCHEDULE A - GRANT DESCRIPTION

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17. To conduct 8 highly publicized Motorcycle Safety enforcement operation(s) 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.
18. To conduct 2 Warrant Service operation(s) targeting multiple DUI offenders who violate probation terms or fail to appear in court.
19. To participate in the National Distracted Driving Awareness Month in April.
20. To participate in the statewide Click It or Ticket mobilization period in May.
21. To collaborate with the county's "Avoid DUI Coalition" by: participating in all planning and scheduling meetings and MADD/Avoid DUI Seminars; providing your county Avoid Coordinator (Host) with your agency's schedule of operations that occur during any Avoid operational campaign period; and reporting daily, during holiday Avoid efforts, to the county Avoid Coordinator your agency's DUI arrests & DUI fatality information for the Avoid media campaign.

*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.*

**METHOD OF PROCEDURE**

**Phase 1 – Program Preparation, Training and Implementation (1<sup>st</sup> Quarter of the Grant Year)**

- The police department will develop operational plans to implement the "best practice" strategies outlined in the objectives section.
- A draft news release will be submitted to OTS to announce the grant program.
- 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 program will be accomplished by deploying personnel at high collision locations.

**Phase 2 – Community Awareness (Throughout Grant Period)**

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

**Phase 3 – Data Collection & Reporting (Throughout Grant Period)**

- The police department will submit a Quarterly Performance Report (QPR) and a separate quarterly Schedule C within 30 days following each calendar quarter.
- The final QPR, Schedule C, Claim and Executive Summary are due to OTS 30 days following the end of the grant period.
- Reports shall be completed and submitted in accordance with OTS requirements specified in the Grant Program Manual.

**METHOD OF EVALUATION**

Using the data compiled during the grant, the Grant Director will prepare the Executive Summary to accompany the final QPR. The Executive Summary will: (1) briefly state the original problem; (2) specify the most significant goals and objectives; (3) highlight the most significant activities that contributed to the success of the program and the strategies used to accomplish the goals; and (4) describe the program's accomplishments as they relate to the goals and objectives.

**ADMINISTRATIVE SUPPORT**

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

SCHEDULE B - Proposal  
 DETAILED BUDGET ESTIMATE  
 GRANT NO. PT1471 - Palm Springs

Fund Number	CFDA #	Program Title		
164AL	20.608	Minimum Penalties For Repeat Offenders For Driving While Intoxicated		
402PT	20.600	State And Community Highway Safety		
COST CATEGORY		FISCAL YEAR ESTIMATES		TOTAL COST TO GRANT
A. PERSONNEL COSTS		CFDA	10/1/13 - 9/30/14	
Positions and Salaries				
<u>Overtime</u>				
DUI Saturation Patrols	20.608	\$	26,884.00	\$ 26,884.00
Warrant Service Operations	20.608	\$	710.00	\$ 710.00
Distracted Driving Enforcement Operations	20.600	\$	5,680.00	\$ 5,680.00
MC Safety Enforcement Operations	20.600	\$	5,680.00	\$ 5,680.00
Traffic Enforcement Operations	20.600	\$	28,400.00	\$ 28,400.00
Category Sub-Total			\$ 67,354.00	\$ 67,354.00
B. TRAVEL EXPENSE				
In-State	20.600	\$	7,016.00	\$ 7,016.00
Category Sub-Total			\$ 7,016.00	\$ 7,016.00
C. CONTRACTUAL SERVICES				
None				\$ -
Category Sub-Total			\$ -	\$ -
D. EQUIPMENT				
Changeable Message Sign Trailer	20.600	\$	15,000.00	\$ 15,000.00
Category Sub-Total			\$ 15,000.00	\$ 15,000.00
E. OTHER DIRECT COSTS				
Phlebotomist	20.608	\$	2,800.00	\$ 2,800.00
Category Sub-Total			\$ 2,800.00	\$ 2,800.00
F. INDIRECT COSTS				
None				\$ -
Category Sub-Total			\$ -	\$ -
<b>GRANT TOTAL</b>			<b>\$ 92,170.00</b>	<b>\$ 92,170.00</b>

SCHEDULE B-1

GRANT NO. PT1471

BUDGET NARRATIVE

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**PERSONNEL COSTS**

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 \$60.00/hour to \$79.82/hour.

Overtime reimbursed will reflect actual costs of the personnel conducting the appropriate operation up to the maximum range specified. No benefits will be reimbursed from this grant.

**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 Vehicular Homicide Seminar, and OTS Leadership and Training Seminar. *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**

**1 Changeable Message Sign Trailer(s)** - fully equipped changeable message sign trailer(s) that is portable, and fully programmable with a digital display to post traffic safety messages and information during OTS funded operations package, safety bars and modifications and accessories.

**OTHER DIRECT COSTS**

**Phlebotomist** - to draw and collect blood samples from suspected DUI drivers on scene as evidence in support of DUI convictions in a court of law. OTS funds will not be used for "testing" of the evidence.

SCHEDULE B-1

GRANT NO. PT1471

BUDGET NARRATIVE

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INDIRECT COSTS

None

PROGRAM INCOME

There will be no program income generated from this grant.

EXHIBIT A  
CERTIFICATIONS AND ASSURANCES

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**

**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.

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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 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.