



ALAN M. ARAKAWA
MAYOR
MM/lu

OUR REFERENCE

YOUR REFERENCE

POLICE DEPARTMENT

COUNTY OF MAUI

55 MAHALANI STREET
WAILUKU, HAWAII 96793
(808) 244-6400
FAX (808) 244-6411

October 23, 2018



TIVOLI S. FAAUMU
CHIEF OF POLICE

DEAN M. RICKARD
DEPUTY CHIEF OF POLICE

Mr. Sananda Baz
Budget Director, County of Maui
200 South High Street
Wailuku, Hawaii 96793

Honorable Alan M. Arakawa
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

For transmittal to:

Honorable Mike White, Chair
and Members of the Maui County Council
200 South High Street
Wailuku, Hawaii 96793

Dear Chair White and Members:

SUBJECT: DEPARTMENT OF TRANSPORTATION HIGHWAY SAFETY GRANTS

In accordance with Ordinance No. 4861, Bill 57 (2018) Fiscal Year 2019 Budget, we are hereby transmitting to you a copy of the grant agreement with the State of Hawaii, Department of Transportation for the MPD Child Restraint grant for the period of October 1, 2018 to September 30, 2019 in the amount of \$62,475.00.

Thank you for your attention to this matter. If you have any questions, please feel free to contact our accountant, Lesley Ann Uemae, at ext. 6309.

Sincerely,


TIVOLI S. FAAUMU
Chief of Police

APPROVED FOR TRANSMITTAL

Alan Arakawa 10/26/18
Mayor Date

RECEIVED
2018 NOV -1 PM 3:32
OFFICE OF THE
COUNTY CLERK

COUNTY COMMUNICATION NO. 18-402

STATE OF HAWAII HIGHWAY SAFETY OFFICE

GRANT AGREEMENT

Grant No: OP19-05(02-M-01)

Page 1 (To be completed by applicant agency)

1. Grant Title

Maui Police Department Child Restraint Program

2. Name and Address of Applicant Agency

MAUI POLICE DEPARTMENT
55 Mahalani Street
Wailuku, Hawaii 96793

3. Agency Unit to Handle Grant (Name and Address)

COUNTY OF MAUI
200 South High Street
Wailuku, Hawaii 96793

4. Duration
Month – Day – Year

A. Grant Period

From: 10/01/18
To: 9/30/19

B. Project Period

From: 10/01/18
To: 9/30/19

5. Location of Project

MAUI POLICE DEPARTMENT
55 Mahalani St.
Wailuku, HI 96793

6a. Type of Application
(Check Appropriate Item)

☐ Initial ☐ Revision ☒ Continuation

6b. Reimbursement Schedule Desired

☐ Monthly ☒ Quarterly

7. Grant Description (Summarize the grant plan covering activities that address the major goals and objectives in approximately 100 words. Limit to 6 lines.)

To reduce motor vehicle collision injuries and/or fatalities to children by ensuring the proper use of child restraints and booster seats. This project seeks to educate parents and caregivers on the proper use of child passenger safety restraint devices. This project shall include selective enforcement of child passenger safety laws.

8. Federal funds allocated under this agreement shall not exceed

\$62,475.00

9. Approval Signatures

Acceptance of Conditions: It is understood and agreed by the undersigned that a reimbursement grant received as a result of this grant agreement is subject to Public Law 89-564 (Highway Safety Act of 1966) and all administrative regulations governing grants established by the U.S. Department of Transportation and the State of Hawaii. It is expressly agreed that this project constitutes an official part of the Hawaii Highway Safety Program and that said applicant agency will meet the requirements as set forth herein, including accompanying schedules A, B, B-1, C & D, which are incorporated herein and made a part of this grant agreement. Authorization to proceed with this Highway Safety Project is requested.

9a. Grant Director

Name: William E. Gannon **Phone:** (808)244-6411
Title: Lieutenant **Fax:** 808-244-6411
Address: 55 Mahalani St. Wailuku, HI 96793

E-Mail: William.Gannon@mpd.net



(Signature)

8/17/18
(Date)

9b. Authorizing Official of Agency Unit

Name: Tivoli Faaumu **Phone:** 808-244-6300
Title: Chief of Police **Fax:** 808-244-6411
Address: 55 Mahalani St. Wailuku, HI 96793

E-Mail: Tivoli.Faaumu@mpd.net


(Signature)

8/18/18
(Date)

STATE OF HAWAII HIGHWAY SAFETY OFFICE

GRANT AGREEMENT – PART II

Grant No: OP19-05 (02-M-01)

Page 2 (To be completed by Highway Safety Office)

10. Grantee: Maui Police Department

11. Standard Area: Occupant Protection

13a. Federal Fiscal Year: 2019

12. Effective Date of Agreement: Oct 1, 2018 - Sep 30, 2019

13b. Addendum: ☐ Yes ☒ No

14. Benefit of : ☐ State ☒ County

15. Action Taken

Grant agreement approved.

16. Funding Disposition & Status

Fiscal Year	Amount
2015	73,400.00
2016	72,100.00
2017	72,100.00
2018	62,100.00
2019	62,475.00
Total	\$342,175.00
Present Obligation	\$62,475.00
Previously Obligated	\$279,700.00
TOTAL FUNDS OBLIGATED \$342,175.00	

17. Budget Summary (From Schedule B – Detailed Budget Estimate) – Fiscal Year Grant Period Ending: Sep 30, 2019

Cost Category

Cost Estimates

A. Personnel Costs	15,000.00
B. Travel Expenses	18,630.00
C. Contractual/Consultant Services	12,800.00
D. Equipment	11,305.00
E. Other Direct Costs	4,740.00

TOTAL FEDERAL FUNDS \$ 62,475.00

18. Grant Approval & Authorization to Expend Obligated Funds

A. Approval Recommended By (Program Area Specialist)

B. Agreement & Funding Authorized By (Highway Safety Manager)

Name: Christy Cowser
Title: Highway Safety Specialist
Phone/E-Mail: (808)587-2360 /
christy.m.cowser@hawaii.gov

Name: Lee Nagano
Title: Highway Safety Manager
Phone/E-Mail: (808)587-6301 /
lee.nagano@hawaii.gov

(Signature)

(Date)

(Signature)

(Date)

STATE OF HAWAII HIGHWAY SAFETY OFFICE

GRANT AGREEMENT – PART III

Grant No: OP19-05 (02-M-01)

Page 3 (To be completed by Highway Safety Office)

19. Addendum (For Highway Safety Office Use Only)

EXHIBIT II

SCHEDULE A

Grant No: OP19-05(02-M-01)

GRANT DESCRIPTION

PAGE # _____

PROBLEM STATEMENT

Identify the traffic safety related problem or deficiency that the proposed grant is intended to correct. Identify and gather appropriate data relevant to the problem. Collision/fatalities data appropriate to the identified problem and a brief analysis of the data is required. When available, three years of data should be presented and analyzed. When identifying the problem, take into consideration changes in population, traffic patterns and other demographic dynamics that may affect traffic safety.

The latest child restraint observational survey is disturbing. From an overall use rate of 92% in 2010, the 2017 overall use rate has plummeted to 56.96%. Infants were observed to be restrained 86.62% however toddlers have dropped to only 47.30%. This complacency must be addressed with enforcement and education. The 2017 Winter Survey also shows a marked contrast in infant seat use on Maui 30% at Kaahumanu Shopping Center and 92.59% at Costco, a reversal of a year ago when the infant use rate was 100% at Kaahumanu Shopping Center and 65% at Costco, a location where many visitors stop before going to their vacation residence.

EMS data from 1997 to 2010 revealed that for children from infants to three year olds, 73% were in car seats, 10% were in seat belts, and 17% were unrestrained. For children 4 to 7 years old during the same period, 42% were in car seats, 36% in seat belts, and 21% were unrestrained.

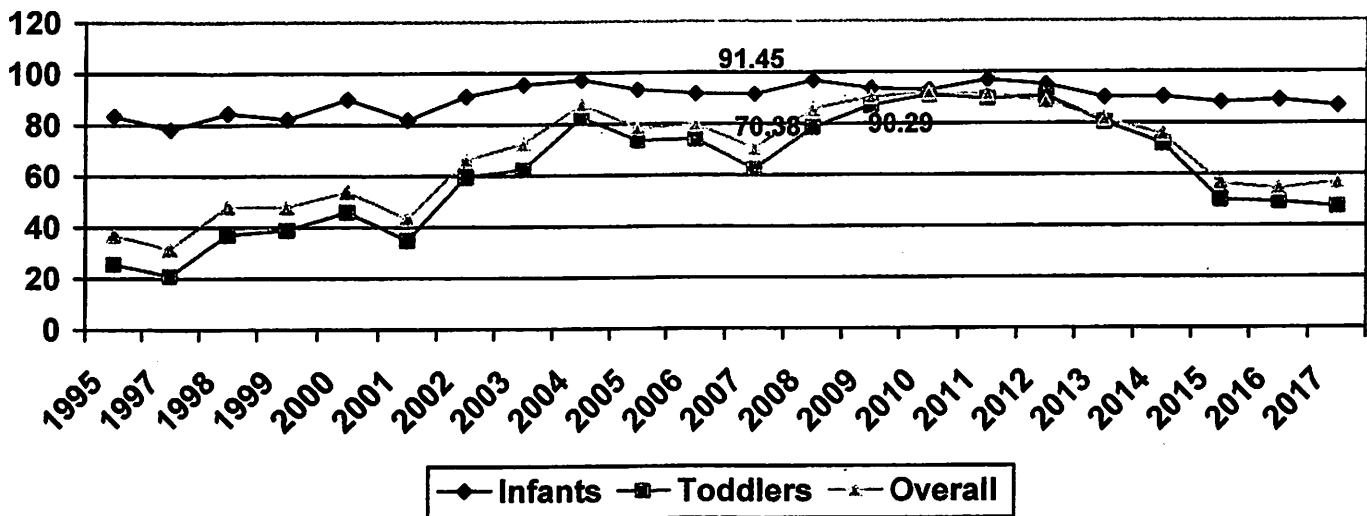
In 2007, an eight year-old child was riding in the front seat of a rental vehicle when another vehicle struck their vehicle head-on. The eight year-old, although legally not required to be in a booster seat, should have been riding in the back seat.

From 2006 to 2010, there were three fatalities to children infant to 3 year olds, and three fatalities for children 4 to 7 year olds, for a total of 6 fatalities.

In addition to the problem of non-use, a current study by Safe Kids reveals that 9 out of 10 parents are moving their children into seatbelts before the recommended height of 57 inches. Booster seats can reduce the risk of serious injury by 45% compared to seat belts alone for children 4-8, according to a 2009 study in Pediatrics.

New LATCH (Lower Anchors and Tethers for CHildren) regulations and new technology like inflatable seatbelts have added to the complexity of childseat installation. New rear-facing recommendations require an ongoing education program to ensure children ride safely on our streets and highways.

Hawaii Child Restraint Use



On June 6, 2006, Lt. Governor Aiona signed Act 175 into law, which would requires vehicle operators to properly secure children under 8 years or under 4'9" in a child restraint or booster seat effective January 1, 2007. There continues to be a tremendous need to educate the public about the new law and to secure a supply of booster seats to meet the needs of many families. More needs to be done to reverse the trend of falling use rates statewide.

GRANT GOALS

Goals serve as the foundation upon which the grant is built. Goals are what you hope to accomplish by implementing a traffic safety grant and represent an end result. Grant goals should be stated in measurable terms (i.e., a percent reduction), be concise and deal with a specific item, be realistic with a reasonable probability of achievement, and be related to a specific time frame (a "by" date). Please notate baseline from which the reduction/increase will result.

The ultimate goal is that no child be hurt or killed as an occupant in a motor vehicle. We propose to increase the overall child restraint use rate in Maui County from 54.41 to 59.85%. On the bright side, Maui's infant use rate remains high but improvements can be made. The area of most concern continues to be the toddler use rate, which has declined statewide.

We propose to continue our fitting stations on all three islands in the County, to include rural districts, staffed by certified Child Passenger Safety Technicians. These include our police stations in Molokai, Lanai, Kihei and Hana which we shall continue to support. We shall train the Maui Fire Department recruit class and seek to establish fitting stations at MFD stations. We shall conduct certification courses and train at least twenty students during the grant year.

We shall maintain current certifications by conducting refresher and renewal courses and assist coalitions in other counties by providing travel support to instructors in order to assist other counties with their certification training. At least one technician will be upgraded to instructor status during the grant year. We shall continue to support CPS efforts in other counties by supporting instructor travel and provide opportunities for CPS technicians to become instructors.

A total of ten public child seat checkup events shall be conducted, including events in rural districts such as Lanai, Molokai and Hana.

GRANT OBJECTIVES

Objectives are tasks or activities conducted in order to accomplish the grant goal(s) (e.g., develop permanent fitting stations for child restraints, enforcement activities, educational activities, etc.). Grant objectives should be stated in measurable terms (i.e., a percent reduction, number of training to be held, number of roadblocks, etc.), be concise and deal with a specific item, be realistic with a reasonable probability of achievement, and be related to a specific time frame (a "by" date). Please notate baseline from which the reduction/increase will result.

MPD will conduct the following activities:

1. Child Restraint Inspections

- Coordinate and support Child Seat Fitting Stations in Maui County, to include Wailuku, Lahaina, Hana, Lanai, and Molokai.
- Conduct at least 10 community child restraint inspections.
- Provide child restraints, to include booster seats, to low-income or needy families, especially in rural districts where restraints are not available.

2. Conduct seat belt enforcement, education and awareness campaigns

- Conduct presentations at community events highlighting the benefits of restraint use.
- Identify low-use areas and conduct enforcement campaigns with officers trained in child passenger safety and if possible partner with CPS Technicians to correct child restraints for parents stopped by police.
- Promote the use of child restraints and booster seats to increase the overall usage rate by 5% to 62%.

3. Child Passenger Safety Technician Training

- Conduct a minimum of two 32-hour CPST certification and one renewal classes during the project year, to include one class in a rural district if interest is expressed.
 - i. Fund instructor travel, to include assistance to other counties if needed.
 - ii. Support training in other counties, to include training materials.
- Re-certify existing technicians.
 - i. Support ongoing programs to ensure technicians re-certify prior to the expiration of their certification.
- Conduct one technical update class for Child Passenger Safety Technicians.
 - i. Fund instructor and technician travel for an in-state CPS update class.
 - ii. Fund travel for expert instructors to present at the statewide technician training.
- Expand CPS activities to neighbor islands
 - i. Provide travel and per-diem funding for technician candidates from Molokai and Lanai to attend certification training and to conduct on-island renewal training.
- Maintain instructor or coordinator knowledge through attendance at a national CPS or highway safety training.

- A CPS coordinator shall:
 - i. Plan classes
 - ii. Set up community child seat checkup events
 - iii. Conduct training in rural districts to ensure technician competency.
 - iv. Ensure that each fitting station is properly stocked with supplies, recall lists, carseat manuals and child restraints

4. Child Restraint Photo ID Program

- Provide free child restraint identification cards to identify children using child restraints to identify children in the event they are involved in crashes.
- Purchase expendable supplies for this program.

METHOD OF EVALUATION

Using data gathered throughout the grant period, the grant manager will evaluate (1) how well the stated grant goals and objectives were accomplished, and (2) was the grant cost effective? How are you going to show effectiveness of your project? What will be the impact of the project on your identified problem and goal(s)? Provide details on the method of evaluation.

The ultimate goal is that no child be hurt or killed as an occupant in a motor vehicle. We propose to increase the overall child restraint use rate from 56.96 to 59.85%.

This project shall be evaluated on

- The completion of all project activities
- The number of child restraint inspections conducted
- The number of CPS enforcement efforts conducted.
- Participation in an enforcement/education effort
- The number of fitting stations maintained,
- The number of new technicians certified
- Support for statewide training conference in Honolulu.
- The number of technicians in the database, the number of technicians who re-certified and updated.
- Assistance rendered to other counties in the state.

BUDGET NARRATIVE**PAGE #1****Personnel Costs**

Child Restraint Enforcement teams. MPD to conduct selective enforcement to identify and cite drivers in violation of child passenger safety or truck bed violations and recertification activities- to include checkup events. 15,000.00

Travel Expenses

Instructor/outer district tech per-diem and travel, intra-state training 4,280.00
 Attendance at 2018 Lifesavers Conference or KIM CPS/Special Needs Conference 3,250.00
 Monthly CPS Meeting for Coordinator and Traffic Commander 5,480.00
 Honolulu CPS Update Training 5,620.00

Contractual/Consultant Services

Administrative Fee to Safe Community of Maui to coordinate county activities 5,000.00
 Fitting Station Coordination to support fitting station activities and community events 4,000.00
 Safe Community of Maui support for Statewide CPS Update Training in Honolulu 3,800.00

Equipment

Child restraints and booster seats for three islands 4,875.00
 Training seats and Special Needs seats 1,000.00
 Fitting Station supplies, manuals, CD manuals class supplies and tents 3,100.00
 Child restraint awareness materials, stickers, videos, activity books 1,270.00
 Childseat ID cards and printer supplies 1,060.00

Other Direct Costs

Travel and freight for neighbor island community inspections 1,140.00
 Safe Kids Certification/Recertification fees 3,600.00

Total 62,475.00

Budgeted 62,475.00

Exhibit III

[illegible]

Detailed Budget Estimate
Grant No: OP19-05(02-M-01)

COST CATEGORY	COST ESTIMATES
Air Travel: To: <u>Honolulu</u> From: <u>Kahului</u> Per Diem: 24 days @ \$ 20 per day	480.00
Event/Conference: Honolulu and Hawaii CPS Update Training 1 Instructor to assist with Statewide training 4 Instructors-2 days, 20 technicians 1-day only Air Travel: To: <u>Honolulu</u> From: <u>Kahului, Molokai and Lanai</u> Per Diem: 4 days @ \$ 80 per day 20 days @ \$ 20 per day Baggage Fee:	4,800.00 320.00 400.00 100.00
Out-of-State Event/Conference: KIM Conference or Lifesavers Air Travel: To: Louisville, KY or Orlando, FL From: Kahului OGG Surface Travel: Shuttle Car Rental (daily rate, # of days, fuel, taxes, etc.) Private Car: (_____ miles @ _____ per mile) Rental car if conference is in a remote area. Per Diem: 24 quarters @ \$22.50 per day Excess lodging estimate Baggage Fee: Tuition, Course, Registration and Miscellaneous Fees: Individual cost: 400 x No. of attendees: 1	1,500.00 60.00 540.00 700.00 50.00 400.00

SCHEDULE B
Page 3
Detailed Budget Estimate
Grant No: OP19-05(02-M-01)

Exhibit III

COST CATEGORY	COST ESTIMATES
Category Sub-Total	18,630.00
C. Contractual/Consultant Services	
Safe Community of Maui, County CPS Coordination	5,000.00
Safe Community of Maui, Fitting Station Coordination	4,000.00
Safe Community of Maui support for Statewide Training	3,800.00
Category Sub-Total	12,800.00
D. Equipment	
Child Restraints 75 @\$65.00	4,875.00
Special Needs Spica restraints for loan program 5@ 200.00	1,000.00
Fitting Station supplies	
LATCH Manuals 10@ 40.00	400.00
SafetyBeltSafe subscription \$50.00	50.00
10 Manufacturer's Instruction DVD @20.00=200.00	200.00
Tents for district fitting stations 3 @500.00 = \$1,500	1,500.00
Printer cartridges 2@ \$100.00 = \$200.00	200.00
Tent replacement bags 2@ \$50.00 2 sets of 4 weights @\$50.00	200.00
Copy paper for inspection forms and classes 4@25 =100	100.00
Pocket folders 50 @ 1.00 = 50.00	50.00
Child restraint awareness materials, signs, 4 @100.00	400.00
Booster seat videos for pre-schoolers 10 @ \$15 = 150	150.00
Cars safety activity books 1120 @\$1.00 = \$1,120.00	1,120.00
Childseat ID cards and printer supplies @\$1,060	1,060.00
Category Sub-Total	11,305.00
E. Other Direct Costs	
Travel for on-island CPS Renewal Course for outside districts and	
Per-diem 10 x 20 = \$200.00	200.00
Shipping to send carseats to Lanai and Molokai \$200.00	200.00
Airfare or ferry charges for techs to go to Lanai and Molokai	
Airfare 4 x 140 = \$560.00 Ferry to Lanai 6 x 30= \$180.00	740.00

SCHEDULE B**Exhibit III****Page 4****Detailed Budget Estimate
Grant No: OP19-05(02-M-01)**

COST CATEGORY	COST ESTIMATES
Safe Kids Certification/Recertification fees (85.00 for certification 50.00 for recertification)	3,600.00
Category Sub-Total	4,740.00
GRANT TOTAL	62,475.00
	62,475.00

EXHIBIT IV

SCHEDULE C

SCHEDULE C**Exhibit IV****Grant No:OP19-05(02-M-01)****MILESTONES****PAGE # 1**

Month	Activity
October	Contract with Imua Family Services to coordinate county activities. Coordinate with CPS Coordinators on Annual Refresher Training for 2019.
October	Contract with Imua Family Services to support training activities.
October	Schedule first Certification or Renewal class. Order instructor supplies and sample restraints.
October	Hold checkup event, order childseat ID supplies.
October	Identify low-use areas for future selective enforcement.
November	Plan for refresher classes and certification class of the fiscal year, hold checkup event, conduct CPS enforcement, provide support for the Click-It-or-Ticket Campaign. Support statewide CPS update training in Honolulu by funding instructor travel by nationally recognized CPS expert. Provide logistical support for statewide training.
December	Schedule event for neighbor island, conduct CPS enforcement, submit quarterly report.
January	Conduct checkup event. Conduct CPS enforcement.
February	Conduct checkup event in Hana and Central Maui, conduct CPS enforcement.
March	Conduct checkup event and submit quarterly report. Order childseats as needed. Conduct CPS enforcement. Conduct Renewal class in outer district.
April	Conduct checkup event, send one person to Lifesavers Conference (or Child Passenger Safety Conference in August). Conduct CPS enforcement.
May	Conduct checkup event, conduct CPS enforcement, plan refresher class.
June	Conduct checkup event, hold refresher class for technicians, conduct CPS enforcement and submit quarterly report to DOT. Conduct refresher class on Lanai Island.
July	Schedule Maui Renewal training. Conduct checkup event and CPS enforcement.
August	Conduct neighbor island checkup event and another on Maui. Conduct CPS enforcement.
September	Conduct second certification training and checkup event. Conduct CPS enforcement. Submit quarterly and final report to DOT.

Hawaii

SCHEDULE D

SCHEDULE D

Certifications and Assurances for Fiscal Year 2019 Hawaii Highway Safety Grants (23 U.S.C. Chapter 4; Sec. 1906, Pub. L. 109-59, As Amended)

THIS AGREEMENT made and entered into by and between the STATE OF HAWAII by and through its Director of Transportation, hereinafter referred to as "State," and the Governmental Unit named in this application, hereinafter referred to as "Applicant."

WHEREAS, the National Highway Safety Act of 1966 (Public Law 89-564) provides Federal funds to the STATE for approved highway safety projects, and

WHEREAS, STATE may make said funds available to various state, county or municipal agencies or governments or political subdivisions upon application and approval by STATE and the UNITED STATES DEPARTMENT OF TRANSPORTATION, and

WHEREAS, STATE is obligated to reimburse the UNITED STATES DEPARTMENT OF TRANSPORTATION out of its funds for any ineligible or unauthorized expenditures for which Federal funds have been claimed and payment received, and

WHEREAS, the above name APPLICANT has submitted an application for Federal funds for highway safety projects.

NOW, THEREFORE, IN CONSIDERATION OF MUTUAL PROMISES AND OTHER GOOD AND VALUABLE CONSIDERATION, THE PARTIES AGREE AS FOLLOWS:

GENERAL REQUIREMENTS

The APPLICANT will comply with applicable statutes and regulations, including but not limited to:

- 23 U.S.C. Chapter 4 – Highway Safety Act of 1966, as amended
- Sec. 1906, Pub. L. 109-59, as amended by Sec. 4011, Pub. L. 114-94
- 23 CFR part 1300 – Uniform Procedures for State Highway Safety Grant Programs
- 2 CFR part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- 2 CFR part 1201 – Department of Transportation, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

NONDISCRIMINATION

The APPLICANT will comply with all Federal statutes and implementing regulations relating to nondiscrimination ("Federal Nondiscrimination Authorities"). These include but are not limited to:

- **Title VI of the Civil Rights Act of 1964** (42 U.S.C. 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin) and 49 CFR part 21;
- **The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970**, (42 U.S.C. 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);

- **Federal-Aid Highway Act of 1973**, (23 U.S.C. 324 *et seq.*), and **Title IX of the Education Amendments of 1972**, as amended (20 U.S.C. 1681-1683 and 1685-1686) (prohibit discrimination on the basis of sex);
- **Section 504 of the Rehabilitation Act of 1973**, (29 U.S.C. 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability) and 49 CFR part 27;
- **The Age Discrimination Act of 1975**, as amended, (42 U.S.C. 6101 *et seq.*), (prohibits discrimination on the basis of age);
- **The Civil Rights Restoration Act of 1987**, (Pub. L. 100-209), (broadens scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal aid recipients, subrecipients and contractors, whether such programs or activities are Federally-funded or not);
- **Titles II and III of the Americans with Disabilities Act** (42 U.S.C. 12131-12189) (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing) and 49 CFR parts 37 and 38;
- **Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations** (prevents discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations); and
- **Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency** (guards against Title VI national origin discrimination/discrimination because of limited English proficiency (LEP) by ensuring that funding recipients take reasonable steps to ensure that LEP persons have meaningful access to programs (70 FR 74087-74100).

The State highway safety agency—

- Will take all measures necessary to ensure that no person in the United States shall, on the grounds of race, color, national origin, disability, sex, age, limited English proficiency, or membership in any other class protected by Federal Nondiscrimination Authorities, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of its programs or activities, so long as any portion of the program is Federally-assisted;
- Will administer the program in a manner that reasonably ensures that any of its subrecipients, contractors, subcontractors, and consultants receiving Federal financial assistance under this program will comply with all requirements of the Non-Discrimination Authorities identified in this Assurance;
- Agrees to comply (and require its subrecipients, contractors, subcontractors, and consultants to comply) with all applicable provisions of law or regulation governing US DOT's or NHTSA's access to records, accounts, documents, information, facilities, and staff, and to cooperate and comply with any program or compliance reviews, and/or complaint investigations conducted by US DOT or NHTSA under any Federal Nondiscrimination Authority;
- Acknowledges that the United States has a right to seek judicial enforcement with regard to any matter arising under these Non-Discrimination Authorities and this Assurance;
- Agrees to insert in all contracts and funding agreements with other State or private entities the following clause:

“During the performance of this contract/funding agreement, the contractor/funding recipient agrees—

- a. To comply with all Federal nondiscrimination laws and regulations, as may be amended from time to time;
- b. Not to participate directly or indirectly in the discrimination prohibited by any Federal non-discrimination law or regulation, as set forth in appendix B of 49 CFR part 21 and herein;
- c. To permit access to its books, records, accounts, other sources of information, and its facilities as required by the State highway safety office, US DOT or NHTSA;
- d. That, in event a contractor/funding recipient fails to comply with any nondiscrimination provisions in this contract/funding agreement, the State highway safety agency will have the right to impose such contract/agreement sanctions as it or NHTSA determine are appropriate, including but not limited to withholding payments to the contractor/funding recipient under the contract/agreement until the contractor/funding recipient complies; and/or cancelling, terminating, or suspending a contract or funding agreement, in whole or in part; and
- e. To insert this clause, including paragraphs (a) through (e), in every subcontract and subagreement and in every solicitation for a subcontract or sub-agreement, that receives Federal funds under this program.

POLITICAL ACTIVITY (HATCH ACT)

The APPLICANT 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 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.

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 Lower Tier Participant Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.
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 or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal 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*, *civil judgment*, *debarment*, *suspension*, *ineligible*, *participant*, *person*, *principal*, and *voluntarily excluded*, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal 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 proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "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 and will require lower tier participants to comply with 2 CFR parts 180 and 1200.
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 is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).

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 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 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 proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions 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 proposal.

BUY AMERICA ACT

The APPLICANT will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or Applicant, to purchase with Federal funds only steel, iron and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items 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. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification for approval by the Secretary of Transportation.

PROHIBITION ON USING GRANT FUNDS TO CHECK FOR HELMET USAGE

The APPLICANT will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.