



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 30, 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

APPROVED FOR TRANSMITTAL

*Alan Arakawa* 11/1/18  
Mayor Date

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 Traffic Services grant for the period of October 1, 2018 to September 30, 2019 in the amount of \$105,299.50.

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,

FOR *Tivoli S. Faaumui*  
TIVOLI S. FAAUMU  
Chief of Police

RECEIVED  
2018 NOV - 1 PM 3:31  
OFFICE OF THE  
COUNTY CLERK

COUNTY COMMUNICATION NO. 18-404

# STATE OF HAWAII HIGHWAY SAFETY OFFICE

## GRANT AGREEMENT

Grant No: PT19-01 (03-M-01)

Page 1 (To be completed by applicant agency)

### 1. Grant Title

MPD TRAFFIC SERVICES

### 2. Name and Address of Applicant Agency

MPD Traffic Section  
55 Mahalani Street  
Wailuku, HI 96793

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

Maui Police Department  
55 Mahalani Street  
Wailuku, HI 96793

### 4. Duration

Month – Day – Year

#### A. Grant Period

From: October 01, 2018  
To: September 30, 2019

#### B. Project Period

From: October 01, 2018  
To: September 30, 2019

### 5. Location of Project

MPD Traffic Section  
55 Mahalani Street  
Wailuku, HI 96793  
(808)244-6346

### 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 provide ongoing training on current practices and new technology to traffic crash investigators for fatal and near-fatal investigations. It will be conducted through: Train investigators as crash data recorder technicians and analyst; re-certify officers as CDR train the trainers; attend training conferences (ARC-CSI); attend IPTM training courses; attend police motorcycle instructor training (new program), update and upgrade CDR tool kit. Purchase equipment used to collect crash data as well as equipment updates.

### 8. Federal funds allocated under this agreement shall not exceed

\$ 105,300.00

### 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)244-6346  
Title: Lieutenant Fax: (808)244-6394  
Address: 55 Mahalani Street  
Wailuku, HI 96793

E-Mail: william.gannon@mpd.net


  
(Signature)

8/7/18  
(Date)

#### 9b. Authorizing Official of Agency Unit

Name: Tivoli S. Faaumu Phone: (808)244-6300  
Title: Chief of Police Fax: (808)244-6411  
Address: 55 Mahalani Street  
Wailuku, HI 96793

E-Mail: tivoli.faaumu@mpd.net

  
(Signature)

8/8/18  
(Date)

To be prepared by applicant, use separate sheets as required. Form HS 3-71 Rev. 8/6/09

# STATE OF HAWAII HIGHWAY SAFETY OFFICE

## GRANT AGREEMENT – PART II

Grant No: PT19-01 (03-M-01)

Page 2 (To be completed by Highway Safety Office)

**10. Grantee:** Maui Police Department

**11. Standard Area:** Police Traffic Services

**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 _____	49,740.00 _____
2016 _____	46,200.00 _____
2017 _____	90,012.00 _____
2018 _____	105,433.00 _____
2019 _____	105,299.50 _____
Total	\$396,684.50

Present Obligation \$105,299.50  
Previously Obligated \$291,385.00 \_\_\_\_\_

**TOTAL FUNDS OBLIGATED** \$396,684.50

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

**Cost Category**

**Cost Estimates**

A. Personnel Costs	0.00
B. Travel Expenses	55,699.50
C. Contractual/Consultant Services	31,100.00
D. Equipment	18,500.00
E. Other Direct Costs	0.00

**TOTAL FEDERAL FUNDS** \$ 105,299.50

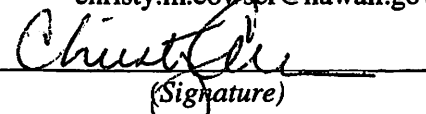
**18. Grant Approval & Authorization to Expend Obligated Funds**

**A. Approval Recommended By  
(Program Area Specialist)**

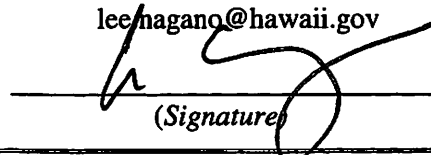
**B. Agreement & Funding Authorized By  
(Highway Safety Manager)**

**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)

10/5/2018  
(Date)

  
(Signature)

10/5/18  
(Date)

**STATE OF HAWAII HIGHWAY SAFETY OFFICE**

**GRANT AGREEMENT – PART III**

**Grant No: PT19-01 (03-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: PT19-01 (03-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.*

As we continue into the 21<sup>st</sup> century, technology in the field of traffic crash investigations has made major advancements through the use of electronics and software to ensure speed and accuracy of crash reconstruction. Any department that does not keep up with these advances will surely be left behind which will be a disservice to their community. There is an ongoing need to receive new and updated training of accepted practices in the field of impaired driving and crash investigations. More automakers are joining in to release the information from the vehicle's crash data recorders. This data is used to corroborate the crash investigators reconstruction of a crash and the lack of retrieval of this data borders on indifference. We also continue to see drug impaired drivers as a cause for concern in fatal injury crashes on our roadways

**Maui Summary of Traffic Facts  
2012-2016 NHTSA-  
Table I**

Year	Population	Licensed Drivers	Registered Vehicles	VMT (millions)	Traffic Fatalities	Fatalities Per 100,000 Population (all crashes)	Alcohol-Impaired Driving Fatalities (BAC .08+)	Speeding Involved
2012	156,854	110,666	181,307	8,921	23	14.51	15	13
2013	160,880	110,585	193,610	8,864	16	9.94	7	5
2014	163,108	111,664	182,467	8,130	21	12.86	7	10
2015	164,637	114,569	179,937	8,881	21	12.78	11	10
2016	165,388	118,852	181,852	N/A	21	12.70	7	8

**County of Maui summary for Drug Involved Fatal Crashes 2013-2017****Includes motorcycles and pedestrians**

	Fatal crashes	Drug involved	%Drug involved
2013	16	6	37.5%
2014	21	6	28.5%
2015	21	9	42.87%
2016	21	12	57.1%
2017	16	8	50%
TOTAL	95	41	43.2%

**County of Maui summary on Speed involved fatalities\*****Inclusive of *all* crashes not just FARS**

CY	Traffic Crashes	Fatalities County stats	Speed-involved	% Speed-involved	Speeding Citations (County and Grant funded)
2014	27	21	9	42.8%	3,138
2015	21	23	8	38%	3,833
2016	21	23	8	38%	8,408
2017	16	18	6	37.5%	5,599
TOTAL	85	85	31	39%	20,978

**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 goals that the Maui Police Department would like to accomplish through this program are:

1. Train one investigator on the retrieval of crash data from the vehicle's crash data recorders (CDR's) by September 30, 2019;
2. Certify one Traffic officer on the Crash Data Recorder (CDR) Technician; Train the Trainer course by September 30, 2019;
3. Send one Traffic officer to the CDR Analyst course by September 30, 2019;
4. Send two (2) current Traffic Enforcement Police Motorcycle operators to attend a Police Motorcycle Instructor training course, since the start of our program in 2015 we currently do not have any certified instructors. To be completed by September 30, 2019;
5. Send one (2) Traffic investigator to the 2019 ARC-CSI conference by September 30, 2018;
6. Update the crash data recorder (CDR) retrieval system, purchase software/proprietary equipment and hardware updates by September 30, 2019;
7. Update the crash investigator's diagramming tools, purchase current software updates for our new Leica ScanStation P40 program(s) by September 30, 2019;
8. Send up to four (4) officers to various certified IPTM training classes on Oahu by September 30, 2019;
9. Certify up to twelve (12) Traffic officers with (ACTAR Accredited) Leica Total Station training, with Software updates by September 30, 2019;
10. Conduct one week of certified training on the MapScenes 360 software and EVR updates. This training will be to update the users of MapScenes software of new improvements and advanced features of the program for the Total Station and ScanStation capabilities; and



**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).*

The Maui Police Department will conduct the following activities to achieve the program goals:

1. Train one investigator on the retrieval of crash data from the vehicle's crash data recorders (CDR's) by September 30, 2019;
2. Certify one Traffic officer on the Crash Data Recorder (CDR) Technician; Train the Trainer course by September 30, 2019;
3. Send one Traffic officer to the CDR Analyst course by September 30, 2019;
4. Send two (2) current Traffic Enforcement Police Motorcycle operators to attend a Police Motorcycle Instructor training course, since the start of our program in 2015 we haven't had any certified instructors. To be completed by September 30, 2019;
5. Send one (2) Traffic investigator to the 2019 ARC-CSI conference by September 30, 2018;
6. Update the crash data recorder (CDR) retrieval system, purchase software/proprietary equipment and hardware updates by September 30, 2019;
7. Update the crash investigator's diagramming tools, purchase current software updates for our new Leica ScanStation P40 program(s) by September 30, 2019;
8. Send up to four (4) officers to various certified IPTM training classes on Oahu by September 30, 2019;
9. Certify up to twelve (12) Traffic officers with (ACTAR Accredited) Leica Total Station training, with Software updates by September 30, 2019;
10. Conduct one week of certified training on the MapScenes 360 software and EVR updates. This training will be to update the users of MapScenes software of new improvements and advanced features of the program for the Total Station and ScanStation capabilities; and

**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 progress of this program will be included in the quarterly reports to the Highway Safety Office containing the status of our goals and objectives.

Training in this field is always changing, by providing our officers with current and certified training will provide MPD with more accurate and efficient investigations.

Equipment and software updates will also provide MPD with ability to manage changing technology as they apply to our investigative tools.

The overall effectiveness will be determined at the end of the program as we will have met our objectives.

**SCHEDULE B-1**  
**Grant No: PT19-01 (03-M-01)**

**Exhibit III**

**BUDGET NARRATIVE**

**PAGE #** \_\_\_\_\_

**Personnel Costs**

None.

**Travel Expenses**

Travel expenses will be used to send personnel to attend: IPTM certified training held at Honolulu Police Dept. ARC-CSI Crash Conference (Nevada); CDR Technician & Analyst Course (TBD); CDR Technician: Train the Trainer / CDR Technician Level II / CDR User's Summit (Houston, TX); Police Motorcycle Instructor Training- our current solo bike program is 2.5yrs new; we do not have any certified Police Motorcycle Instructors to assist us with expanding of our traffic safety enforcement efforts in our community. Program funds will pay for travel; registration; per diem; excess per diem for lodging; ground transportation; baggage fees; and airport and hotel parking. Since most courses on Oahu are being held at a facility away from the airport, hotel and rental vehicle will be needed for the duration of the training. SHOPO contract allows for excess per diem for lodging for any amount over \$50 per day for intra-state travel, \$85 per day for out-of-state travel. Ground transportation is for shuttle/taxi to/from airport/host hotel.

**Contractual/Consultant Services**

Collision Forensic Solutions-ACTAR certified MapScenes 360 training: 40 hours; Point Cloud software update  
Collision Forensic Solutions-ACTAR certified Total Station training includes travel to Maui; up to 12 officers.

**Equipment**

Purchase MapScenes software updates (Leica 360)  
Purchase ScanStation software update (Leica 3D)  
Purchase Crash Data Recorder hardware updated components

**Other direct costs**

None.

**SCHEDULE B-1**  
**Grant No: PT19-01 (03-M-01)**

**Exhibit III**

<b>BUDGET NARRATIVE</b>	<b>PAGE #</b> _____

**SCHEDULE B**  
**Page 1**  
**Detailed Budget Estimate**  
**Grant No: PT19-01 (03-M-01)**

**Exhibit III**

COST CATEGORY	COST ESTIMATES
<b>A. Personnel Costs</b>	
<u>Employee Salaries and Benefits</u>	
Position Title(s) and Full-Time/Part-Time Yearly Salary:	
Fringe Benefit Rate: _____%	
Time to be spent on project: _____ hours	
Position Title(s) and Overtime Hourly Rate(s):	
Fringe Benefit Rate: _____%	
Time to be spent on project: _____ hours	
<b>Category Sub-Total</b>	<b>\$0.00</b>
<b>B. Travel Expenses</b>	
<u>In-State</u>	
"Institute of Police Technology and Management-IPTM"	
Event/Conference: IPTM -@ HPD (TBD)	
Date: TBD	
Air Travel: R/T for four (4) officers (\$375 ea.)	\$1,500.00
To: Honolulu, HI	
From: Kahului, HI	
Surface Travel:	
Car Rental (daily rate, # of days, fuel, taxes, etc.) \$80.00 day	\$480.00
Per Diem:	
5.5 days @ \$90.00 per day x 4 officers	\$1,980.00
excess per diem for lodging @ \$153.25 per day x 5 nites x 4	\$3,065.00
Parking Fee: 5 days @ \$25 per day	\$125
Baggage fee: No charge for corporate accounts on HA	
Tuition, Course, Registration and Miscellaneous Fees:	
Individual cost: x No. of attendees:	
<b>Sub-Total:</b>	<b>\$7,150.00</b>

### Exhibit III

**Detailed Budget Estimate**  
**Grant No: PT19-01 (03-M-01)**

COST CATEGORY	COST ESTIMATES
Event/Conference: IPTM- @-HPD (TBD)	
Date: TBD	
Air Travel: R/T for four (4) officers (\$375 ea.)	\$1,500.00
To: Honolulu, HI	
From: Kahului, HI	
Parking Fee: 5 days @\$25 per day	\$125.00
Surface Travel: Rent a car 1 car x 6 days. \$80 a day	\$480.00
Per Diem:	
<u>5.5</u> days @ <u>\$90.00</u> per day x 4 officers	\$1,980.00
excess per diem for lodging @ \$153.25 per day x 5 nites x 4	\$3,065.00
<b>Sub-Total:</b>	<b>\$7,150.00</b>
Event/Conference: IPTM-@ -HPD (TBD)	
Date: TBD	
Air Travel: R/T for four (4) officers (\$375 ea.)	\$1,500.00
To: Honolulu, HI	
From: Kahului, HI	
Parking Fee: 5 days @\$25 per day	\$125.00
Surface Travel: Rent a car 1 car x 6 days. \$80 a day	\$480.00
Per Diem:	
<u>5.5</u> days @ <u>\$90.00</u> per day x 4 officers	\$1,980.00
excess per diem for lodging @ \$153.25 per day x 5 nites x 4	\$3,065.00
<b>Sub-Total:</b>	<b>\$7,150.00</b>
Event/Conference: IPTM-@-HPD (TBD)	
Date: TBD	
Air Travel: R/T for two (2) officers x 2 trips (\$375 ea.)	\$1,500.00
To: Honolulu, HI	
From: Kahului, HI	
Parking Fee: 10 days @ \$25 per day	\$250.00
Surface Travel: Rent a car 1 car x 12 days. \$75 a day	\$900.00
Per Diem:	
<u>11</u> days @ <u>\$90.00</u> per day x 2 officers	\$1,980.00
excess per diem for lodging @ \$126.00 per day x 10 nites x 2	\$2,520.00
<b>Sub-Total:</b>	<b>\$7,150.00</b>

**SCHEDULE B**  
**Page 3**  
**Detailed Budget Estimate**  
**Grant No: PT19-01 (03-M-01)**

**Exhibit III**

COST CATEGORY	COST ESTIMATES
<p><b><u>Out-of-State</u></b>  <b>"Accident Reconstruction Conference/Collision Safety Institute"</b>  <b>Event/Conference: ARC-CSI Crash Conference</b>  Date: TBD  Air Travel: 1 person  To: Clark County, NV  From: Kahului, HI</p> <p>Surface Travel:  Car Rental (daily rate, # of days, fuel, taxes, etc.)  Private Car: ( _____ miles @ _____ per mile)  Per Diem:  5.5 days @ \$145.00 per day x 1 officers  est. excess per diem for lodging \$100.00 per nite x 5</p> <p>Baggage Fee:  \$50.00 for first bag each way per person</p> <p>Tuition, Course, Registration and Miscellaneous Fees:  Individual cost: \$1000 (early reg.) x No. of attendees: 1</p> <p style="text-align: right;"><b>Sub-Total:</b></p>	<p style="text-align: right;">\$1,602.50</p> <p style="text-align: right;">\$797.50</p> <p style="text-align: right;">\$500.00</p> <p style="text-align: right;">\$100.00</p> <p style="text-align: right;">\$1,000.00</p> <p style="text-align: right;"><b>\$4,000.00</b></p>
<p><b>Event/Conference: CDR Technician: Train the Trainer / CDR Technician Level I &amp; II / EDR User's Summit</b>  Dates: TBD  Air Travel: R/T for 1 officers  To: TBD  From: Kahului, HI</p> <p>Surface Travel:  Car Rental (daily rate, # of days, fuel, taxes, etc.)  Private Car: ( _____ miles @ _____ per mile)</p> <p>Per Diem:  6.5 days @ \$145 per day  est. excess per diem for lodging \$100 x 5</p> <p>Baggage Fee:  \$50.00 for first bag each way per person</p> <p>Tuition, Course, Registration and Miscellaneous Fees:  Individual cost: \$1,699 (early reg.) x 1 attendee:  (CDR - Technician: Train the Trainer \$699; CDR Technician Level II \$550; CDR User's Summit \$899)</p>	<p style="text-align: right;">\$1,409.00</p> <p style="text-align: right;">\$942.50</p> <p style="text-align: right;">\$500.00</p> <p style="text-align: right;">\$100.00</p> <p style="text-align: right;">\$2,148.00</p>

**SCHEDULE B**  
**Page 4**  
**Detailed Budget Estimate**  
**Grant No: PT19-01 (03-M-01)**

**Exhibit III**

COST CATEGORY	COST ESTIMATES
Sub-Total:	\$5,099.50



### Exhibit III

**Detailed Budget Estimate**  
**Grant No: PT19-01 (03-M-01)**

COST CATEGORY	COST ESTIMATES
<b>Event/Conference: CDR Technician &amp; Analyst Course</b> Dates: TBD Air Travel: for 1 To: TBD From: Kahului, HI	\$1,758.50
Surface Travel: Car Rental (daily rate, # of days, fuel, taxes, etc.) Private Car: ( _____ miles @ _____ per mile)	
Per Diem: 6.5 days @ \$145.00 per day est. excess per diem for lodging \$100.00 x 5 nights	\$942.50 \$500.00
Baggage Fee: \$50.00 for first bag each way per person	\$100.00
Tuition, Course, Registration and Miscellaneous Fees: Individual cost: \$699 x No. of attendees: 1	\$699.00
<b>Sub-Total:</b>	<b>\$4,000.00</b>
<b>Event/Conference: Police Motorcycle Instructor Course</b> Dates: TBD Air Travel: R/T for two (2) To: TBD From: Kahului, HI	\$3,350.00
Surface Travel: Car Rental (daily rate, # of days, fuel, taxes, etc.) Private Car: ( _____ miles @ _____ per mile)	
Per Diem: 16.5 days @ \$145 per day x 2 est. excess per diem for lodging \$62.5 x 15 nights x 2	\$4,785.00 \$1,875.00
Baggage Fee: \$50.00 for first bag each way per person x2	\$200.00
Tuition, Course, Registration and Miscellaneous Fees: Individual cost: \$1,895 x 2 attendee	\$3,790.00
<b>Sub-Total</b>	<b>\$14,000.00</b>
<b>Category Sub-Total</b>	<b>\$55,699.50</b>
<b>C. Contractual/Consultant Services</b>	
Certified ACTAR Leica/360 IMS Point Cloud Training	\$14,500.00

**SCHEDULE B**

Page 6

**Exhibit III****Detailed Budget Estimate  
Grant No: PT19-01 (03-M-01)**

<b>COST CATEGORY</b>	<b>COST ESTIMATES</b>
Certified ACTAR Leica TotalStation training w/software Instructor airfare and associated fees conducted on Maui.	\$16,600.00
<b>Category Sub-Total</b>	<b>\$31,100.00</b>
<b>D. Equipment</b>	
MapScenes software updates and ScanStation software updates	\$13,500.00
Crash Data Recorder hardware updates	\$5,000.00
<b>Category Sub-Total</b>	<b>\$18,500.00</b>
<b>E. Other Direct Costs</b>	
<b>Category Sub-Total</b>	<b>\$0.00</b>
<b>GRANT TOTAL</b>	<b>\$105,299.50</b>

**EXHIBIT IV**

**SCHEDULE C**

## Exhibit IV

[illegible]

**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 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.



## **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.