

9/25/14

**1. GRANT TITLE**  
**SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP)**

**2. NAME OF APPLICANT AGENCY**  
**CITY OF FRESNO**

**4. GRANT PERIOD**  
 From: 10/1/14  
 To: 9/30/15

**3. AGENCY UNIT TO HANDLE GRANT**  
**FRESNO POLICE DEPARTMENT (CITY OF FRESNO)**

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

**6. FEDERAL FUNDS ALLOCATED UNDER THIS AGREEMENT SHALL NOT EXCEED: \$ 966,490.00**

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

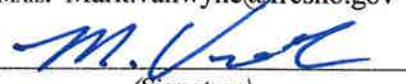
- Schedule A (OTS-38b) – Problem Statement, Goals and Objectives and Method of Procedure
- Schedule B (OTS-38d) – Detailed Budget Estimate and Sub-Budget Estimate (if applicable)
- Schedule B-1 (OTS-38f) – Budget Narrative and Sub-Budget Narrative (if applicable)
- Schedule C (OTS-38g) – Quarterly Evaluation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

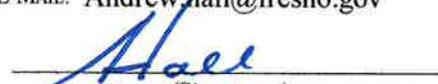
\*Items shown with an asterisk (\*), are hereby incorporated by reference and made a part of this agreement as if attached hereto. These documents can be viewed at the OTS home web page under Grants: [www.ots.ca.gov](http://www.ots.ca.gov).

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: **Mark Van Wyhe** PHONE: 559-621-5065  
 TITLE: **Detective** FAX: 559-621-5069  
 ADDRESS: 2323 Mariposa Mall  
 Fresno, CA 93721  
 E-MAIL: [Mark.vanwyhe@fresno.gov](mailto:Mark.vanwyhe@fresno.gov)  
  
 (Signature) 9.9.14 (Date)

**B. AUTHORIZING OFFICIAL OF APPLICANT AGENCY**  
 NAME: **Andrew Hall** PHONE: 559-621-5051  
 TITLE: **Captain** FAX: 559-621-5069  
 ADDRESS: 2323 Mariposa Mall  
 Fresno, CA 93721  
 E-MAIL: [Andrew.hall@fresno.gov](mailto:Andrew.hall@fresno.gov)  
  
 (Signature) 9/14/14 (Date)

**C. FISCAL OR ACCOUNTING OFFICIAL**  
 NAME: **Courtney Espinoza** PHONE: 559-621-2305  
 TITLE: **Fiscal Official** FAX: 559-457-1541  
 ADDRESS: 2326 Mariposa Mall  
 Fresno, CA 93721  
 E-MAIL: [Courtney.espinoza@fresno.gov](mailto:Courtney.espinoza@fresno.gov)  
  
 (Signature) 9/14/14 (Date)

**D. OFFICE AUTHORIZED TO RECEIVE PAYMENTS**  
 NAME: **Fiscal Affairs Bureau**  
 ADDRESS: **PO Box 1271**  
**Fresno, CA 93715-1271**

**9. DUNS NUMBER**  
 DUNS #: 071887855  
 REGISTERED ADDRESS & ZIP: 2600 Fresno State, Fresno, CA 93721

**GRANTS MADE EASY - STEP  
SCHEDULE A  
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**1. PROBLEM STATEMENT**

In 2011, California's traffic fatalities increased 2.6 percent (2,720 vs. 2,791), one of the lowest levels since the federal government began recording traffic fatalities in 1975. California's 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. Those figures are not yet available through the Statewide Integrated Traffic Reporting System (SWITRS)

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 (NHTSA) 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 the following primary collision factors (PCF): DUI, speed, right-of-way, traffic signal and sign violations, pedestrian violations and improper turning.

\*It should be noted that 2012 SWITRS data was not available at the time of this submission

**A. Traffic Data Summary:**

Using local data (not OTS Rankings or SWITRS), complete the table below.

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Collision Type	2011				2012				2013			
	Collisions		Victims		Collisions		Victims		Collisions		Victims	
Fatal	30		30		28		28		30		30	
Injury	1110		1546		1215		1652		1173		1587	
	Fatal	Injury	Killed	Injured	Fatal	Injury	Killed	Injured	Fatal	Injury	Killed	Injured
Alcohol - Involved	6	103	6	154	10	82	10	115	19	82	19	115
Hit & Run	4	139	4	77	8	160	10	199	9	123	9	141
Nighttime (2100-0259 hours)	7	136	7	194	10	139	10	175	10	118	10	154
<b>Top 3 Primary Collision Factors</b>									Fatal	Injury	Killed	Injured
#1 -	Unsafe Speed								5	603	5	334
#2 -	DUI								7	397	7	117
#3 -	Improper Turning Movement								5	281	5	291

**2. PERFORMANCE MEASURES**

**A. Goals:**

- 1) To reduce the number of persons killed in traffic collisions.
- 2) To reduce the number of persons injured in traffic collisions.
- 3) To reduce the number of persons killed in alcohol-involved collisions.
- 4) To reduce the number of persons injured in alcohol-involved collisions.
- 5) To reduce the number of persons killed in drug-involved collisions.
- 6) To reduce the number of persons injured in drug-involved collisions.
- 7) To reduce the number of motorcyclists killed in traffic collisions.
- 8) To reduce the number of motorcyclists injured in traffic collisions.
- 9) To reduce the number of motorcyclists killed in alcohol-involved collisions.
- 10) To reduce the number of motorcyclists injured in alcohol-involved collisions.
- 11) To reduce hit & run fatal collisions.

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- 12) To reduce hit & run injury collisions.
- 13) To reduce nighttime (2100 - 0259 hours) fatal collisions.
- 14) To reduce nighttime (2100 - 0259 hours) injury collisions.
- 15) To reduce the number of bicyclists killed in traffic collisions.
- 16) To reduce the number of bicyclists injured in traffic collisions.
- 17) To reduce the number of pedestrians killed in traffic collisions.
- 18) To reduce the number of pedestrians injured in traffic collisions.

**B. Objectives:**

- 1) To develop 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.
- 2) To send any newly hired law enforcement personnel to the NHTSA Standardized Field Sobriety Testing (SFST) Training by March 31.
- 3) To send any newly hired law enforcement personnel to the NHTSA Advanced Roadside Impaired Driving Enforcement (ARIDE) 16 hour POST-certified training by March 31.
- 4) To send 2 law enforcement personnel to the IACP Drug Recognition Expert (DRE) training program by March 31.
- 5) To conduct 60 DUI/DL Checkpoints.
- 6) To conduct 18 DUI Saturation Patrols.
- 7) To conduct 1 Court Sting operation(s) to cite individuals driving from court after having their driver's license suspended or revoked.
- 8) To conduct 20 Warrant Service operation(s) targeting multiple DUI offenders who violate probation terms or fail to appear in court.
- 9) To conduct 20 Stakeout operation(s) that employ police officers to observe the "worst of the worst" repeat DUI offender probationers with suspended or revoked driver licenses.

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- 10) To conduct 20 Traffic Enforcement operation(s), including but not limited to, primary collision factor violations.
- 11) To conduct 12 Distracted Driving enforcement operation(s) targeting drivers using hand held cell phones and texting.
- 12) To conduct 10 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.
- 13) To participate in the National Distracted Driving Awareness Month in April.
- 14) To participate in the Statewide Click It or Ticket mobilization period in May.
- 15) To conduct 10 speed enforcement operations in identified areas of high bicycle and pedestrian traffic.
- 16) To establish a comprehensive continuing public education program to reduce bicycle and pedestrian collisions.
- 17) To collaborate with the county's Avoid Coalition by: participating in all planning/ scheduling meetings and MADD/Avoid DUI Seminars; providing your agency's schedule of operations that occur during any Avoid campaign; and reporting your agency's DUI arrests & DUI fatality information during any Avoid campaign.
- 18) To collect and report DUI enforcement data for the NHTSA Winter and Summer Mobilizations.
- 19) To provide 4 traffic safety presentations/assemblies to local high schools.
- 20) To conduct 5 pedestrian enforcement operations targeting impaired pedestrians.

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

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

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**3. METHOD OF PROCEDURE**

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

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

**Media Requirements**

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

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

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

**Media Requirements**

- Send all grant-related activity press releases, media advisories, alerts and general public materials to the OTS Public Information Officer (PIO) at [pio@ots.ca.gov](mailto:pio@ots.ca.gov), with a copy to your OTS Coordinator.
  - a) If an OTS template-based press release is used, the OTS PIO and Coordinator should be copied when the release is distributed to the press. If an OTS template is not used, or is substantially changed, a draft press release should first be sent to the OTS PIO for approval. Optimum lead time would be 10-20 days prior to the release date to ensure adequate turn-around time.

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- b) Press releases reporting the results of grant activities such as enforcement operations are exempt from the recommended advance approval process, but still should be copied to the OTS PIO and Coordinator when the release is distributed to the press.
  - c) Activities such as warrant or probation sweeps and court stings that could be compromised by advanced publicity are exempt from pre-publicity, but are encouraged to offer embargoed media coverage and to report the results.
- Use the following standard language in all press, media, and printed materials: Funding for this program was provided by a grant from the California Office of Traffic Safety, through the National Highway Traffic Safety Administration.
  - Email the OTS PIO at [pio@ots.ca.gov](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 sufficient notice to arrange for attendance and/or participation in the event.
  - Submit a draft or rough-cut of all printed or recorded material (brochures, posters, scripts, artwork, trailer graphics, etc.) to the OTS PIO at [pio@ots.ca.gov](mailto:pio@ots.ca.gov) and copy your OTS Coordinator for approval 14 days prior to the production or duplication.
  - Include the OTS logo, space permitting, on grant-funded print materials; consult your OTS Coordinator for specifics.

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

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

**4. METHOD OF EVALUATION**

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

**5. ADMINISTRATIVE SUPPORT**

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

SCHEDULE B  
 DETAILED BUDGET ESTIMATE  
 GRANT NO. PT1516

FUND NUMBER	CATALOG NUMBER (CFDA)	FUND DESCRIPTION	TOTAL AMOUNT
405d AL	20.616	NATIONAL PRIORITY SAFETY PROGRAMS	\$ 796,433.00
402 PT	20.600	STATE AND COMMUNITY HIGHWAY SAFETY	\$ 170,057.00

COST CATEGORY	FISCAL YEAR ESTIMATES			TOTAL COST TO GRANT
	CFDA	FY-1 10/1/14 thru 9/30/15		
<b>A. PERSONNEL COSTS</b>				
Positions and Salaries				
<b>Overtime</b>				
DUI Saturations	20.616	\$ 139,414.00		\$ 139,414.00
DUI Checkpoints	20.616	\$ 464,118.00		\$ 464,118.00
Stakeout Operations	20.616	\$ 43,700.00		\$ 43,700.00
Court Stings	20.616	\$ 6,242.00		\$ 6,242.00
Warrant Service Operations	20.616	\$ 72,828.00		\$ 72,828.00
Benefits 1.45%	20.616	\$ 10,531.00		\$ 10,531.00
Traffic Enforcement Operations	20.600	\$ 72,833.00		\$ 72,833.00
Distracted Driving Operations	20.600	\$ 43,700.00		\$ 43,700.00
Motorcycle Operations	20.600	\$ 43,700.00		\$ 43,700.00
Benefits 1.45%	20.600	\$ 2,324.00		\$ 2,324.00
Category Sub-Total		\$ 899,390.00		\$ 899,390.00
<b>B. TRAVEL EXPENSE</b>				
In-State	20.616	\$ 2,000.00		\$ 2,000.00
Out of State	20.600	\$ 3,000.00		\$ 3,000.00
Category Sub-Total		\$ 5,000.00		\$ 5,000.00
<b>C. CONTRACTUAL SERVICES</b>				
Multi Media	20.616	\$ 4,000.00		\$ 4,000.00
Category Sub-Total		\$ 4,000.00		\$ 4,000.00
<b>D. EQUIPMENT</b>				
DUI Vehicle	20.616	\$ 45,000.00		\$ 45,000.00
Light Tower	20.616	\$ 8,600.00		\$ 8,600.00
Category Sub-Total		\$ 53,600.00		\$ 53,600.00
<b>E. OTHER DIRECT COSTS</b>				
Educational Materials	20.600	\$ 1,000.00		\$ 1,000.00
Networking	20.600	\$ 2,500.00		\$ 2,500.00
Printing/Duplication	20.600	\$ 1,000.00		\$ 1,000.00
Category Sub-Total		\$ 4,500.00		\$ 4,500.00
<b>F. INDIRECT COSTS</b>				
None				
Category Sub-Total		\$ -		\$ -
<b>GRANT TOTAL</b>		\$ 966,490.00		\$ 966,490.00

SCHEDULE B  
 DETAILED SUB BUDGET ESTIMATE  
 GRANT NO. PT15138

FUND NUMBER	CATALOG NUMBER (CFDA)	FUND DESCRIPTION	TOTAL AMOUNT
405d AL	20.616	NATIONAL PRIORITY SAFETY PROGRAMS	\$4,000.00

COST CATEGORY	FISCAL YEAR ESTIMATES			TOTAL COST TO GRANT
	CFDA	FY-1 10/1/14 thru 9/30/15		
<b>A. PERSONNEL COSTS</b>				
None				
<b>B. TRAVEL EXPENSE</b>				
None				
Category Sub-Total		\$ -		\$ -
<b>C. CONTRACTUAL SERVICES</b>				
None				
Category Sub-Total		\$ -		\$ -
<b>D. EQUIPMENT</b>				
None		\$ -		\$ -
Category Sub-Total		\$ -		\$ -
<b>E. OTHER DIRECT COSTS</b>				
Multi Media	20.616	\$ 4,000.00		\$ 4,000.00
Category Sub-Total		\$ 4,000.00	\$ -	\$ 4,000.00
<b>F. INDIRECT COSTS</b>				
None				
Category Sub-Total		\$ -		\$ -
<b>GRANT TOTAL</b>			\$ 4,000.00	\$ 4,000.00

SCHEDULE B-1

GRANT NO. PT1516

STEP BUDGET NARRATIVE

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**PERSONNEL**

**Overtime**

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

Costs are estimated based on an overtime hourly rate range of \$26.74/hour to \$66.23/hour.

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

**Overtime Benefit Rates**

Medicare	1.45%
<b>TOTAL BENEFIT RATE</b>	<b>1.45%</b>

**TRAVEL EXPENSE**

**In State**

Local mileage for grant activities and meetings is included. Anticipated travel may include the DUID Seminar and Vehicular Homicide Conference. All conferences, seminars or training not specifically identified above 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.

**Out-Of-State**

Appropriate staff may attend Governors Highway Safety Association annual meeting or Lifesavers in support of the grant goals and objectives. *All out-of-state travel not specifically identified in the Schedule B-1 (Budget Narrative) must receive written approval from the OTS Director. 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**

**Multi Media Presentations-** To provide 4 high impact traffic safety presentations to convey the message about the consequences of drinking and driving, distracted driving and making the right choices when behind the wheel.

**EQUIPMENT**

**DUI Vehicle-** fully equipped DUI Vehicle to be used for grant purposes.

SCHEDULE B-1

GRANT NO. PT1516

STEP BUDGET NARRATIVE

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**Light Tower Trailer(s)**- trailer with high intensity light fixture(s) mounted on top of a telescoping boom and powered by a generator to illuminate a wide area for greater visibility during night time hour operations.

**OTHER DIRECT COSTS**

**Educational Materials** – used to purchase, develop or print brochures, pamphlets, fliers, coloring books, posters, signs, and banners associated with grant activities, and traffic safety conference and training materials. Items shall include a traffic safety message and if space is available the OTS logo. *Additional items may be purchased if approved by OTS.*

**Networking-** Funds will be utilized to obtain network access (connections, air cards, file storage fees) for DUI enforcement and officers assigned to the project. Included will be the yearly costs for software renewal, tracking, and monitoring devices.

208.00 monthly for (12) Months

**Printing/Duplication** - costs include the purchase of paper, production, printing and/or duplication of materials associated with daily grant operations.

**INDIRECT COSTS**

None.

**PROGRAM INCOME**

There will be no program income generated from this grant.

**SCHEDULE B-1**  
**GRANT NO. PT 1516**

**ALLIED AGENCIES SUB**  
**BUDGET NARRATIVE**

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**PERSONNEL COSTS**

None

**TRAVEL EXPENSE**

None

**CONTRACTUAL SERVICES**

None

**EQUIPMENT**

None

**OTHER DIRECT COSTS**

**4 Multi Media-** Will provide traffic safety presentations/assemblies to local high schools that convey the message of making smart decisions in life regarding drinking and driving, texting and driving, speeding, racing, and other issues.

**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

**Certifications and Assurances**

The Grantee Agency will implement activities in support of national highway safety goals to reduce motor vehicle related fatalities that also reflect the primary data-related crash factors within the State as identified by the State highway safety planning process, including:

- National law enforcement mobilizations,
- Sustained enforcement of statutes addressing impaired driving, occupant protection, and driving in excess of posted speed limits,
- An annual statewide safety belt use survey in accordance with criteria established by the Secretary for the measurement of State safety belt use rates to ensure that the measurements are accurate and representative,
- Development of statewide data systems to provide timely and effective data analysis to support allocation of highway safety resources.

The Grantee Agency shall actively encourage all relevant law enforcement personnel in the State to follow the guidelines established for vehicular pursuits issued by the International Association of Chiefs of Police that are currently in effect. (23 USC 402 (b) (1) (E))

**Other Federal Requirements**

Cash disbursements and balances will be reported in a timely manner as required by NHTSA. (49 CFR 18.21)

The same standards of timing and amount, including the reporting of cash disbursement and balances, apply to grantees as they do the State. (49 CFR 18.41)

Failure to adhere to these provisions may result in the termination of State drawdown privileges.

Equipment acquired under this Grant Agreement for use in highway safety program areas shall be used and kept in operation for highway safety purposes by the Grantee Agency; or the State, by formal agreement with appropriate

EXHIBIT A  
CERTIFICATIONS AND ASSURANCES

officials of a political subdivision or State agency, shall cause such equipment to be used and kept in operation for highway safety purposes (23 CFR 1200.21);

The Grantee Agency will comply with all applicable State procurement procedures and will maintain a financial management system that complies with the minimum requirements of 49 CFR 18.20;

**Federal Funding Accountability and Transparency Act**

The State will comply with FFATA guidance, OMB Guidance on FFATA Subaward and Executive Compensation Reporting, August 27, 2010, ([https://www.fsrs.gov/documents/OMB\\_Guidance\\_on\\_FFATA\\_Subaward\\_and\\_Executive\\_Compensation\\_Reporting\\_08272010.pdf](https://www.fsrs.gov/documents/OMB_Guidance_on_FFATA_Subaward_and_Executive_Compensation_Reporting_08272010.pdf)) by reporting to FSRS.gov for each sub-grant awarded:

- Name of the entity receiving the award;
- Amount of the award;
- Information on the award including transaction type, funding agency, the North American Industry Classification System code or Catalog of Federal Domestic Assistance number (where applicable), program source;
- Location of the entity receiving the award and the primary location of performance under the award, including the city, State, congressional district, and country; , and an award title descriptive of the purpose of each funding action;
- A unique identifier (DUNS);
- The names and total compensation of the five most highly compensated officers of the entity if-- of the entity receiving the award and of the parent entity of the recipient, should the entity be owned by another entity;
  - (i) the entity in the preceding fiscal year received—
    - (I) 80 percent or more of its annual gross revenues in Federal awards; and(II) \$25,000,000 or more in annual gross revenues from Federal awards; and(ii) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986;
- Other relevant information specified by OMB guidance.

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 (P.L. 88-352) 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 (42 USC § 12101, et seq. PL 101-336), 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 Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse and alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights

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Act of 1968 (42 U.S.C. §§ 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; The Civil Rights Restoration Act of 1987, which provides that any portion of a state or local entity receiving federal funds will obligate all programs or activities of that entity to comply with these civil rights laws; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

**The Drug-free Workplace Act of 1988 (41 U.S.C. 702);**

The Grantee Agency will provide a drug-free workplace by:

- a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- b. Establishing a drug-free awareness program to inform employees about:
  1. The dangers of drug abuse in the workplace.
  2. The grantee's policy of maintaining a drug-free workplace.
  3. Any available drug counseling, rehabilitation, and employee assistance programs.
  4. The penalties that may be imposed upon employees for drug violations occurring in the workplace.
- c. Making it a requirement that each employee engaged in the performance of the grant be given a copy of the statement required by paragraph (a).
- d. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:
  1. Abide by the terms of the statement.
  2. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.
- e. Notifying the agency within ten days after receiving notice under subparagraph (d) (2) from an employee or otherwise receiving actual notice of such conviction.
- f. Taking one of the following actions, within 30 days of receiving notice under subparagraph (d) (2), with respect to any employee who is so convicted:
  1. Taking appropriate personnel action against such an employee, up to and including termination.
  2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by Federal, State, or local health, law enforcement, or other appropriate agency.
- g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f) above.

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**Buy America Act**

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

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

**Political Activity (Hatch Act)**

The Grantee Agency will comply, as applicable, with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit 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 Grantee Agency official 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 Grantee Agency official shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including sub-contracts, sub-grants, and contracts under grant, loans, and cooperative agreements) and that all sub-recipients 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 Grantee Agency official 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 Grantee Agency official 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, proposal, 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 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.
7. The Grantee Agency official further agrees by submitting this Grant Agreement that it will include the clause

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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/proposal 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 Grantee Agency official shall attach an explanation to this Grant Agreement.

**Instructions for Lower Tier Certification**

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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, proposal, 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 proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. (See below)
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency

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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.

**Policy to Ban Text Messaging While Driving**

In accordance with Executive Order 13513, Federal Leadership On Reducing Text Messaging While Driving, and DOT Order 3902.10, Text Messaging While Driving, Grantee Agencies are encouraged to:

1. Adopt and enforce workplace safety policies to decrease crashes caused by distracted driving including policies to ban text messaging while driving-
  - a. Company-owned or –rented vehicles, or Government-owned, leased or rented vehicles; or
  - b. Privately-owned when on official Government business or when performing any work on or on behalf of the Government.
2. Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as-
  - a. Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and
  - b. Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

**Environmental Impact**

The Grantee Agency official has reviewed the Grant Agreement and hereby declares that no significant environmental impact will result from implementing this traffic safety program. If, under a future revision, this program will be modified in such a manner that a program would be instituted that could affect environmental quality to the extent that a review and statement would be necessary, this office is prepared to take the action necessary to comply with the National Environmental Policy Act of 1969 (42 USC 4321 et seq.) and the implementing regulations of the Council on Environmental Quality (40 CFR Parts 1500-1517).