

<b>1. GRANT TITLE</b> Pedestrian and Bicycle Safety Program	
<b>2. NAME OF AGENCY</b> Monterey County	<b>3. Grant Period</b>
<b>4. AGENCY UNIT TO ADMINISTER GRANT</b> Monterey County Health Department	From: 10/01/2019 To: 09/30/2020
<b>5. GRANT DESCRIPTION</b> Best practice strategies will be conducted to reduce the number of persons killed and injured in crashes involving pedestrians and bicyclists. The funded strategies may include classroom education, bicycle rodeos, community events, presentations, and workshops. These countermeasures should be conducted in communities with high numbers of pedestrian and/or bicycle related collisions including underserved communities, older adults, and school-aged children. Coordinated efforts such as Safe Routes to School initiatives, Vision Zero campaigns, and working with community based organizations are highly encouraged to prevent fatalities and injuries of vulnerable non-motorized road users.	
<b>6. Federal Funds Allocated Under This Agreement Shall Not Exceed:</b> <span style="float:right"><b>\$150,000.00</b></span>	
<b>7. TERMS AND CONDITIONS:</b> The parties agree to comply with the terms and conditions of the following which are by this reference made a part of the Agreement: <ul style="list-style-type: none"> <li>• Schedule A – Problem Statement, Goals and Objectives and Method of Procedure</li> <li>• Schedule B – Detailed Budget Estimate and Sub-Budget Estimate (if applicable)</li> <li>• Schedule B-1 – Budget Narrative and Sub-Budget Narrative (if applicable)</li> <li>• Exhibit A – Certifications and Assurances</li> <li>• Exhibit B* – OTS Grant Program Manual</li> </ul> <p>*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: <a href="http://www.ots.ca.gov">www.ots.ca.gov</a>.  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.  <b>IN WITNESS WHEREOF</b>, this Agreement has been executed by the parties hereto.</p>	
<b>8. Approval Signatures</b>	
<b>A. GRANT DIRECTOR</b> NAME: Janet Copeland Vaughan      PHONE: (831) 796-2866 TITLE: Health Program Coordinator      FAX: (831) 757-7076 ADDRESS: 1441 Schilling Place – South 1st Floor Salinas, CA 93901 EMAIL: vaughanjc@co.monterey.ca.us  _____ (_____) (_____) Signature Date	<b>B. AUTHORIZING OFFICIAL OF AGENCY</b> NAME: Elsa Jimenez      PHONE: 831-755-4526 TITLE: Director of Health      FAX: 831-757-9586 ADDRESS: 1270 Natividad Road Salinas, CA 93906 EMAIL: jimenezem@co.monterey.ca.us  _____ (_____) (_____) Signature Date
<b>C. FISCAL OR ACCOUNTING OFFICIAL</b> NAME: Joseph Ripley      PHONE: (831) 796-1250 TITLE: Finance Manager      FAX: ADDRESS: 1270 Natividad Rd. Salinas, CA 93906 EMAIL: ripleyjl@co.monterey.ca.us  _____ (_____) (_____) Signature Date	<b>D. AUTHORIZING OFFICIAL OF OFFICE OF TRAFFIC SAFETY</b> NAME: Barbara Rooney      PHONE: (916) 509-3030 TITLE: Director      FAX: (916) 509-3055 ADDRESS: 2208 Kausen Drive Suite 300 Elk Grove, CA 95758 EMAIL: barbara.rooney@ots.ca.gov  _____ (_____) (_____) Signature Date
<b>E. ACCOUNTING OFFICER OF OFFICE OF TRAFFIC SAFETY</b> NAME: Carolyn Vu ADDRESS: 2208 Kausen Drive, Suite 300 Elk Grove, CA 95758	<b>9. DUNS INFORMATION</b> DUNS #: 125628466 REGISTERED ADDRESS: 1270 Natividad Road CITY: Salinas      ZIP+4: 93906-3122

APPROVED AS TO FORM


Reviewed as to fiscal provisions

*Nancy Smith*  
DEPUTY COUNTY COUNSELLOR  
COUNTY OF MONTEREY

*[Signature]*  
Auditor-Controller  
County of Monterey

9/9/2019 8:34:22 PM

9-26-19

<b>10. PROJECTED EXPENDITURES</b>						
<b>FUND</b>	<b>CFDA</b>	<b>ITEM/APPROPRIATION</b>	<b>F.Y.</b>	<b>CHAPTER</b>	<b>STATUTE</b>	<b>PROJECTED EXPENDITURES</b>
402PS-20	20.600	0521-0890-101	2019	2019	BA/19	\$150,000.00
				<b>AGREEMENT TOTAL</b>		<b>\$150,000.00</b>
				AMOUNT ENCUMBERED BY THIS DOCUMENT		<b>\$150,000.00</b>
<i>I CERTIFY upon my own personal knowledge that the budgeted funds for the current budget year are available for the period and purpose of the expenditure stated above.</i>				PRIOR AMOUNT ENCUMBERED FOR THIS AGREEMENT		<b>\$ 0.00</b>
				TOTAL AMOUNT ENCUMBERED TO DATE		<b>\$150,000.00</b>
OTS ACCOUNTING OFFICER'S SIGNATURE			DATE SIGNED			
						

**1. PROBLEM STATEMENT**

Monterey County has an overall population of 433,838 people, and it covers a large geographic area which includes some rural, sparsely populated areas. While over 36% of its population is concentrated in the City of Salinas, the disadvantaged communities of Gonzales, Soledad and Greenfield (South Monterey County) often are neglected when it comes to resources, especially costly infrastructure improvements and educational activities to the communities which would help reduce the number of persons killed and injured in crashes involving pedestrians and bicyclists. Due to their conflicting priorities, these communities unfortunately get left behind when it comes to help in improving mobility and encouraging active living.

These communities are made up of primarily of Hispanic residents (Gonzales 88%, Soledad 71% and Greenfield 60%). The medium income in these communities is just under \$50,000 in Gonzales and Greenfield and only \$51,000 in Soledad. The Salinas Valley is known for its agricultural prowess, yet many South Monterey County residents are living below poverty and are primarily Latino, making them predisposed to chronic diseases like diabetes and obesity. These communities have also faced particular economic hardship and violence causing additional concerns with parents to allow their children to walk and bike to school.

South Monterey County has faced serious problems recently with automobile crashes involving pedestrians and bicyclists. This problem is highlighted by the 2016 OTS Rankings, which show that for pedestrian injuries and fatalities for children younger than age 15, Soledad ranked 7th worst of 94 similarly sized cities, Gonzales ranked 11th worst of 67 similarly sized cities and Greenfield ranked 35th worst of 104 similarly sized cities. For bicyclist injuries and fatalities for children younger than age 15, Greenfield ranks 4th worst. The Monterey County Health Department believes that our communities, and especially those under the age of 15, would benefit greatly from educational opportunities about traffic safety.

The County of Monterey and the Cities of Gonzales, Soledad and Greenfield are invested in preventing collisions and are collaborating with the Health Department and Transportation Agency of Monterey County to ensure that more prevention efforts are made. This is true in particular with school-aged children as a fair number of them are and will be riding their bicycles to school as an efficient and inexpensive way to commute especially in areas where new housing developments have recently been built, are being built, or proposed to be built, such as in the case of the City of Gonzales where CHISPA (Community Housing Improvement Systems and Planning Association, Inc.) proposes to begin building 40 units this year within walking distance of two schools.

In 2018, the Cities of Gonzales, Soledad and Greenfield, had 20 total pedestrian collisions recorded by the police departments. Sadly, half of those involved children under the age of 18 and within the last two years fatalities have included an 82 year old pedestrian and in a separate collision 3 pedestrians hit by the same vehicle (two seriously injured and 1 fatality after all three were thrown into the Salinas River by the vehicle).

In addition, many bicyclists under the age of 18 do not wear safety helmets (California Health Interview Survey (CHIS) 2003). Only 34% of teens ages 13-17 and 60% of children ages 0-12 always or usually wear bicycle helmets (CHIS). There may be many reasons why students do not wear bicycle helmets when riding. Reasons may include poor fit, awkward appearance, and lack of knowledge of the legal requirement for youth to wear helmets when riding bicycles. Similarly, bicyclists may not be practicing safe behaviors on roads, such as riding against traffic and not stopping at stop lights and stop signs.

Our communities will benefit greatly from a pedestrian observation survey that includes motorist behaviors in South Monterey County; similar to the efforts that have previously been funded for the City of Salinas. Observations would include whether or not pedestrians wait for the walk signal at intersections among practicing other safe behaviors. The survey would also assess whether or not pedestrians demonstrate distracted behavior such as using electronic devices or wearing earphones at intersections and in crosswalks. In addition, a survey would observe motorists and whether or not they stop at intersections before turning right when a pedestrian is waiting to cross and whether or not motorists yield to pedestrians waiting to cross at a mid-street crosswalk. This information could be used to guide education, outreach and training on pedestrian safety developed and provided by program staff. It could also serve to guide police efforts to enforce traffic laws, particularly around schools and will support additional future funding efforts for these communities.

In conclusion, the County of Monterey and its South Monterey County cities of Gonzales, Soledad and Greenfield are facing a serious problem with traffic crashes that result in pedestrian and bicyclist injuries and fatalities. This problem disproportionately affects the vulnerable populations of school-aged children and seniors. It is therefore necessary to increase the efforts to improve the situation for the residents of South Monterey County as soon as possible.

**2. PERFORMANCE MEASURES**

**A. Goals:**

1. Reduce the number of persons killed in traffic collisions.
2. Reduce the number of persons injured in traffic collisions.
3. Reduce the number of pedestrians killed in traffic collisions.
4. Reduce the number of pedestrians injured in traffic collisions.
5. Reduce the number of pedestrians killed under age 15 in traffic collisions.
6. Reduce the number of pedestrians injured under age 15 in traffic collisions.
7. Reduce the number of pedestrians killed over age 65 in traffic collisions.
8. Reduce the number of pedestrians injured over age 65 in traffic collisions.
9. Reduce the number of bicyclists killed in traffic collisions.
10. Reduce the number of bicyclists injured in traffic collisions.
11. Reduce the number of bicyclists under age 15 killed in traffic collisions.
12. Reduce the number of bicyclists under age 15 injured in traffic collisions.
13. Increase bicycle helmet usage.

**B. Objectives:**

	<b>Target Number</b>
1. Issue a press release announcing the kick-off of the grant by November 15. The kick-off press releases and media advisories, alerts, and materials must be emailed to the OTS Public Information Officer at pio@ots.ca.gov, and copied to your OTS Coordinator, for approval 14 days prior to the issuance date of the release.	1
2. Participate in traffic safety fairs and/or community events with an effort to reach individuals.	4
3. Participate in the following campaigns, National Walk to School Day, National Bicycle Safety Month and California's Pedestrian Safety Month.	3
4. Conduct pedestrian and/or bicycle safety presentations at community groups with an effort to reach individuals.	1
5. Conduct pedestrian and/or bicycle safety classroom presentations with an effort to reach students.	43
6. Distribute pedestrian safety equipment to children that may include reflective armbands and/or zipper pulls.	1
7. Distribute bicycle headlights and tail lights during bicycle safety community events or bicycle safety courses.	1
8. Conduct Walking School Busses at schools with an effort to reach students.	5
9. Participate in Open Streets events with an effort to reach individuals.	1
10. Participate in Safe Routes to School coalition meetings.	2
11. Conduct pedestrian safety presentations with an effort to reach older adults.	2
12. Conduct pre and post-grant bicycle helmet usage surveys during the months of October (start of the grant) and September (end of the grant). A pre-survey will be required to determine the base year helmet use rate and a post-survey will be required to determine the operational rate.	1
13. Distribute and properly fit bicycle helmets at bicycle rodeos, workshops, and community events.	570
14. Conduct bicycle helmet inspections and make necessary adjustments at schools and community events.	1
15. Hold quarterly meetings with countywide pedestrian and/or bicycle safety stakeholders to collaborate on events, share best practices, and leverage resources.	3

**3. METHOD OF PROCEDURE**

**A. Phase 1 – Program Preparation (1<sup>st</sup> Quarter of Grant Year)**

- Coordinate staffing and hire as needed.
- Develop operational plans to implement the “best practice” strategies outlined in the objectives section.
- Conduct all training needed to implement the program.

- Purchase all grant related supplies and materials needed to implement the program.
- Execute subcontract.
- Schedule presentations.
- Identify safety partners and community-based organizations relevant to the program.
- Conduct pre-grant activities bicycle helmet usage survey.

#### **Media Requirements**

- Issue a press release announcing the kick-off of the grant by November 15, but no earlier than October 1. If unable to meet the November 15 date, communicate reasons to your OTS Coordinator. The kick-off press releases and any related media advisories, alerts, and materials must be emailed for approval to the OTS Public Information Officer at [pio@ots.ca.gov](mailto:pio@ots.ca.gov), and copied to your OTS Coordinator, 14 days prior to the issuance date of the release.

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

- Conduct pedestrian safety presentations and walking school busses.
- Conduct BikeSmart and WalkSmart events.
- Distribute bicycle helmets and other bicycle safety equipment.
- Distribute pedestrian safety equipment.

#### **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. The following requirements are for grant-related activities and are different from those regarding any grant kick-off release or announcement.
  - If an OTS-supplied, template-based press release is used, there is no need for pre-approval, however, the OTS PIO and Coordinator should be copied when at the same time as the release is distributed to the press.
  - If an OTS-supplied template is not used, or is substantially changed, a draft press release shall be sent to the OTS PIO for approval. Optimum lead-time would be 10 days prior to the release distribution date, but should be no less than 5 working days prior to the release distribution date.
  - Press releases reporting the immediate and time-valued 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.
  - 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.
- Space permitting, include the OTS logo, on grant-funded print materials; consult your OTS Coordinator for specifics and format-appropriate logos.
- Contact the OTS PIO or your OTS Coordinator, sufficiently far enough in advance of need, for consultation when deviation from any of the above requirements might be contemplated.

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

- Invoice Claims (due January 30, April 30, July 30, and October 30)
- Quarterly Performance Reports (due January 30, April 30, July 30, and October 30)
  - Collect and report quarterly, appropriate data that supports the progress of goals and objectives.
  - Provide a brief list of activity conducted, procurement of grant-funded items, and significant media activities. Include status of grant-funded personnel, status of contracts, challenges, or special accomplishments.

- Provide a brief summary of quarterly accomplishments and explanations for objectives not completed or plans for upcoming activities.
- Collect, analyze and report statistical data relating to the grant goals and objectives.

#### **4. METHOD OF EVALUATION**

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

#### **5. ADMINISTRATIVE SUPPORT**

This program has full administrative support, and every effort will be made to continue the grant activities after grant conclusion.

**GRANT AGREEMENT**

Schedule B

**PS20015**

FUND NUMBER	CATALOG NUMBER (CFDA)	FUND DESCRIPTION	TOTAL AMOUNT
402PS-20	20.600	State and Community Highway Safety	\$150,000.00

COST CATEGORY	CFDA	TOTAL COST TO GRANT
<b>A. PERSONNEL COSTS</b>		
Positions and Salaries		
<b>Full-Time</b>		\$0.00
<b>Overtime</b>		\$0.00
<b>Part-Time</b>		
Health Program Coordinator	20.600	\$5,512.00
Benefits- Health Program Coordinator @36.53%	20.600	\$2,014.00
Chronic Disease Prevention Coordinator	20.600	\$22,656.00
Benefits- Chronic Disease Prevention Coordinator @50.60%	20.600	\$11,464.00
Chronic Disease Prevention Specialist II	20.600	\$46,343.00
Benefits- Chronic Disease Prevention Specialist II @40.68%	20.600	\$18,852.00
Intern	20.600	\$10,500.00
Benefits- Intern @8.00%	20.600	\$840.00
Category Sub-Total		\$118,181.00
<b>B. TRAVEL EXPENSES</b>		
In State Travel	20.600	\$2,483.00
		\$0.00
Category Sub-Total		\$2,483.00
<b>C. CONTRACTUAL SERVICES</b>		
		\$0.00
Category Sub-Total		\$0.00
<b>D. EQUIPMENT</b>		
		\$0.00
Category Sub-Total		\$0.00
<b>E. OTHER DIRECT COSTS</b>		
Bicycle Helmets	20.600	\$5,700.00
Educational Materials	20.600	\$3,000.00
Bicycle and Pedestrian Safety Equipment	20.600	\$5,000.00
Office Supplies	20.600	\$2,000.00
Category Sub-Total		\$15,700.00
<b>F. INDIRECT COSTS</b>		
10% of Modified Total Direct Costs	20.600	\$13,636.00
Category Sub-Total		\$13,636.00
<b>GRANT TOTAL</b>		<b>\$150,000.00</b>

<b>BUDGET NARRATIVE</b>	
<b>PERSONNEL COSTS</b>	<b>QUANTITY</b>
Health Program Coordinator - is responsible to oversee the overall planning, development and implementation of the OTS project. The coordinator will assure that objectives are met and that project staff comply with all county, state and OTS mandates, policies and guidelines. 104 hours x \$53/hr.	104
Benefits- Health Program Coordinator @36.53% - Total Benefits at 36.53% PERS - Retirement 13.60% FICA - Social Security 6.20% Medicare 1.45% Flex Co Paid Insurance-Pretax 2.31% Life Insurance 0.06% Dental Insurance 0.54% Vision Insurance 0.12% Employee Assistance Program 0.02% Flex-Benefit Plan Contribution 8.52% Special Benefits 1.03% Unemployment Insurance 0.11% Workers Compensation Insurance 2.48% Wellness Plan 0.10%	1
Chronic Disease Prevention Coordinator - The coordinator is the principle project staff responsible for engaging vendors, schools, police departments and community based organizations to coordinate planning and logistics. The coordinator will lead the Chronic Disease Prevention Specialist in completing observational surveys, workgroups, presentations, and other activities for completion of scope of work. The coordinator prepares purchase orders, drafts reports, receives invoices and routes for supervisor and manager approval. 520 hours x \$43.57/hr.	520
Benefits- Chronic Disease Prevention Coordinator @50.60% - Total Benefits 50.60% PERS - Retirement 13.60% FICA - Social Security 6.20% Medicare 1.45% Flex Co Paid Insurance-Pretax 2.36% Life Insurance 0.06% Dental Insurance 0.55% Vision Insurance 0.12% Employee Assistance Program 0.02% Flex-Benefit Plan Contribution 23.38% Special Benefits 0.11% Unemployment Insurance 0.11% Workers Compensation Insurance 2.53% Wellness Plan 0.10%	1
Chronic Disease Prevention Specialist II - The Chronic Disease Prevention Specialist II is the staff responsible for delivering the required activities for the designated program's goals and objectives. The Specialist will be assigned tasks as appropriate by the Health Program Coordinator to assure ongoing progress towards meeting program goals. The Specialist will conduct and/or support stakeholder, coalition and work group meetings, complete surveys, provide educational presentations, and contribute to reports. The specialist will maintain inventory of all purchases. 1144 hours x \$40.51/hr.	1,144
Benefits- Chronic Disease Prevention Specialist II @40.68% - Total Benefits 41.58% PERS - Retirement 13.60% FICA - Social Security 6.20%	1



Medicare 1.45% Flex Co Paid Insurance-Pretax 2.54% Life Insurance 0.07% Dental Insurance 0.59% Vision Insurance 0.13% Employee Assistance Program 0.02% Flex-Benefit Plan Contribution 13.01% Special Benefits 0.12% Unemployment Insurance 0.12% Workers Compensation Insurance 2.72% Wellness Plan 0.11%	
Intern - A bilingual Intern will support the Chronic Disease Prevention Specialist II to complete presentations, outreach and to ensure a community presence. 700 hours x \$15/hr.	700
Benefits- Intern @8.00% - Total Benefits 8.00% FICA - Social Security 6.20% Medicare 1.45% Employee Assistance Program 0.35%	1
<b>TRAVEL EXPENSES</b> In State Travel - Costs are included for appropriate staff to attend conferences and training events supporting the grant goals and objectives and/or traffic safety. Local mileage for grant activities and meetings is included. Anticipated travel may include the Active Transportation Program Symposium in October 2019 in Sacramento, CA. All conferences, seminars or training not specifically identified in the Budget Narrative must be approved by OTS. All travel claimed must be at the agency approved rate. Per Diem may not be claimed for meals provided at conferences when registration fees are paid with OTS grant funds.	1
<b>CONTRACTUAL SERVICES</b> -	
<b>EQUIPMENT</b> -	
<b>OTHER DIRECT COSTS</b> Bicycle Helmets - to be distributed during bicycle rodeos and other bicycle safety related events.	570
Educational Materials - costs of purchasing, developing or printing 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.	1
Bicycle and Pedestrian Safety Equipment - such as bicycle headlights/taillights, reflectors, and reflective arm and leg bands to be distributed during pedestrian presentations, bicycle rodeos and other bicycle safety related events. Other items may be purchased with prior OTS approval.	1
Office Supplies - used for standard office supplies to support grant related activities, grant monitoring and reporting. Costs may include paper, toner, ink cartridges, CDs/DVDs and desk top supplies such as pens, pencils, binders, folders, flip charts, easels and clips. Excludes office furnishings and fixtures such as but not limited to the following: desk, chair, table, shelving, coat rack, credenza, book, filing cabinet, floor covering, office planter, storage cabinet, portable partition, picture, wall clock, draperies and hardware, and fixed lighting/lamp.	1
<b>INDIRECT COSTS</b> 10% of Modified Total Direct Costs - de minimis indirect cost rate of 10% applied to Modified Total Direct Costs	1
<b>STATEMENTS/DISCLAIMERS</b> There will be no program income generated from this grant.	

Salaries may include wages, salaries, special compensations, or authorized absences such as annual leave and sick leave provided the cost for the individual employee is (a) reasonable for the services rendered, and (b) follows an appointment made in accordance with state or local laws and rules and meets federal requirements.

Any non-grant funded vacancies created by reassignment to a grant-funded position must be filled at the expense of the grantee agency.

**CERTIFICATIONS AND ASSURANCES**  
**HIGHWAY SAFETY GRANTS**

**(23 U.S.C. CHAPTER 4 AND SEC. 1906, PUB. L. 109-59, AS AMENDED)**

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 Part 1300—Uniform Procedures for State Highway Safety Grant Programs

**NONDISCRIMINATION**

(applies to subrecipients as well as States)

The State highway safety agency 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—

- To comply with all Federal nondiscrimination laws and regulations, as may be amended from time to time;
- 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;
- 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;
- 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
- To insert this clause, including paragraphs (a) through (e), in every subcontract and sub agreement and in every solicitation for a subcontract or sub-agreement, that receives Federal funds under this program.

## **POLITICAL ACTIVITY (HATCH ACT)**

(applies to subrecipients as well as States)

The State 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**

(applies to subrecipients as well as States)

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**

(applies to subrecipients as well as States)

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**

(applies to subrecipients as well as States)

### **Instructions for Primary Tier Participant Certification (States)**

1. By signing and submitting this proposal, the prospective primary 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 inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective primary tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary tier participant 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 prospective primary tier participant 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 or may pursue suspension or debarment.

4. The prospective primary tier participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary tier participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. 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 department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.

6. The prospective primary 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 entering into this transaction.

7. The prospective primary 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," 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 and will require lower tier participants to comply with 2 CFR parts 180 and 1200.

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 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/>).

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 the transaction for cause or default.

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

- (1) The prospective primary tier participant certifies to the best of its knowledge and belief, that it and its principals:
- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal 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 records, 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 prospective primary tier participant is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this proposal.

### **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**

(applies to subrecipients as well as States)

The State and each subrecipient will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, 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**

(applies to subrecipients as well as States)

The State and each subrecipient 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.

**LAW ENFORCEMENT AGENCIES**

All subrecipient law enforcement agencies shall comply with California law regarding profiling. Penal Code section 13519.4, subdivision (e), defines "racial profiling" as the "practice of detaining a suspect based on a broad set of criteria which casts suspicion on an entire class of people without any individualized suspicion of the particular person being stopped." Then, subdivision (f) of that section goes on to provide, "A law enforcement officer shall not engage in racial profiling."