

**1. GRANT TITLE****SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP)****2. NAME OF AGENCY****CITY OF STOCKTON****3. AGENCY UNIT TO ADMINISTER GRANT****POLICE DEPARTMENT****4. GRANT PERIOD**

From: 10/1/15

To: 9/30/16

**5. GRANT DESCRIPTION**

To reduce the number of persons killed and injured in traffic 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, stakeout 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:****\$ 395,420.00****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)
- 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: **James Chraska**

PHONE: 209-937-8519

TITLE: Lieutenant

FAX: 209-937-8896

ADDRESS: 22 E. Market St.  
Stockton, CA 95202

E-MAIL: **james.chraska@stocktongov.com**

(Signature)

(Date)

**B. AUTHORIZING OFFICIAL OF AGENCY**NAME: **Kurt O. Wilson**

PHONE: 209-937-8457

TITLE: City Manager

FAX: 209-937-7149

ADDRESS: 425 N. El Dorado St.  
Stockton, CA 95202

E-MAIL: **city.manager@stocktongov.com**

(Signature)

(Date)

**C. FISCAL OR ACCOUNTING OFFICIAL**NAME: **Erin Mettler**

PHONE: 209-937-8533

TITLE: Fiscal Coordinator

FAX: 209-937-8896

ADDRESS: 22 E. Market St.  
Stockton, CA 95202

E-MAIL: **erin.mettler@stocktongov.com**

(Signature)

(Date)

**D. OFFICE AUTHORIZED TO RECEIVE PAYMENTS**NAME: **Stockton Police Department**

ADDRESS: Fiscal Unit  
22 E. Market St.  
Stockton, CA 95202

**9. DUNS NUMBER**DUNS #: **608173761**

REGISTERED ADDRESS &amp;

ZIP: **22 E Market  
Stockton, CA 95202-2802**

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

In 2012, California's traffic fatalities increased 1.5 percent (2,816 vs. 2,857) – still one of the lowest levels since the federal government began recording traffic fatalities in 1975. California's 2012 Mileage Death Rate (MDR) – fatalities per 100 million miles traveled is 0.88, and marks the fourth time California has been below 1.0. California is much better than the national 1.1 MDR.

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) increased from 774 in 2011 to 802 in 2012. California's alcohol-impaired driving fatality rate for 2011 remained at the 2010 rate of 0.24. California's rate is much better than the national average of 0.33. Of the five largest states in terms of total traffic fatalities, (CA, FL, TX, PA, and NC), California has the best rate. As a percent of total fatalities, alcohol-impaired driving fatalities increased from 27 percent in 2011 to 28 percent in 2012. This number has remained virtually unchanged in the past three years. California is better than the national average of 31 percent. In 2010, the 21-24 age group had the highest percentage of drivers in fatal crashes with BAC levels of 0.08 or higher – 30 percent (down from 33 percent in 2009).

In 2012, 3,328 people were killed and an estimated additional 421,000 were injured in motor vehicles crashes involving a distracted driver. In July 2008, California passed a law prohibiting hand-held cell phone use while driving and a ban on texting while driving in January 2009. According to the OTS Statewide Intercept Opinion Survey, 36.3 percent of Californians stated that texting and talking are the biggest safety concerns on California roadways. OTS and CHP co-lead the Strategic Highway Safety Plan Challenge Area 17 to Reduce Distracted Driving by developing action items to reduce this problem. Countermeasures include increased and focused enforcement, observational surveys, and public awareness campaigns, while other actions are being developed to change behavior. Serving as a role model for other traffic safety professionals and public and private agencies, OTS established its own policy prohibiting employees from any use of cell phones while driving on state business

The City of Stockton experiences similar statistics much like California. Pedestrian fatalities decreased 3.9% from 633 in 2011 to 612 in 2012. Pedestrian fatalities age 65 and older increased 7% from 150 in 2010 to 151 in 2011. While overall pedestrian fatalities decreased, pedestrian violation fatalities accounted for 58.82% of the fatal collisions reported in Stockton in 2014. Bicycle fatalities increased 7% from 116 in 2011 to 124 in 2012.

As evidenced by the last three years, Stockton experienced a drop from 2011 to 2012; however, 2013 brought steep increases across the board. Fatal collisions increased 91%, while alcohol involved fatal collisions and victims increased 60%. As stated above, pedestrian involved collisions continue to be a major problem within the city, suffering a drastic 350% increase in pedestrian fatalities from 2012-2013.

In 2013, traffic fatalities increased by 218%, going from 11 in 2012 to 24 in 2013. Of these 24 fatalities, eight (8) involved DUI driver's, four (4) were hit and run, and eight (8) occurred in the nighttime hours (2100-0259hrs).

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In 2014 the City of Stockton had 20 fatalities from traffic collisions and 1022 people injured. Of the 20 fatalities, four (4) involved a DUI driver, five (5) were hit and run, and five (5) occurred in the nighttime hours (2100-0259hrs). The primary causes of these collisions are: unsafe speed, right of way violations, and stop sign/stop light violations.

Historically, the San Joaquin Valley has been well known for its agricultural industry. The City of Stockton is located in the heart of the San Joaquin Valley. A large part of agricultural industry employees migrate from other countries as a means to provide for their families. The language and cultural barriers can hinder the understanding of the California Vehicle Code and traffic laws. A large number of migrant workers in the San Joaquin Valley are found driving without a valid license and required insurance. A significant percentage of arrests made by the Stockton Police Department for collisions, DUI's, and driving without a license are attributable to this part of the community. Many countries do not share the same values as California when it comes to seatbelt safety. Seatbelt violations remain a challenge because often times, the driver and occupants are unaware of the seatbelt law and the safety it provides when driving or riding in a vehicle. The linguistic barriers make it difficult to communicate the importance of the seatbelt requirement.

The City of Stockton has a large homeless population in the central and south parts of the city. Due to this, downtown Stockton and south Stockton have a large volume of pedestrian and bicycle traffic, which are active during all parts of the day. Over the past few years the City of Stockton has seen a significant increase in both injury and fatality collisions occurring, due to both the pedestrian and bicyclists failing to comply with right of way laws.

The City of Stockton is the home to the University of Pacific where approximately 7,000 students enroll each year. With the additional 7,000 students occupying the City streets, there is an increase in pedestrian and bicycle traffic, as well as vehicle traffic. The students are generally in their late teenage years or early twenties, and participate in college parties and events at the local bars where alcohol is involved. The students often leave these events intoxicated, either by vehicle or on foot, which causes a danger to themselves and the public.

Stockton has several event venues such as the Stockton Arena, Weber Point, Banner Island Baseball Park, and The Bob Hope Theater which all bring in large crowds of event attendees. The events range from concerts, festivals, shows, and sport games. These events bring a significant amount of vehicle traffic and pedestrian traffic which are responsible for a large amount of traffic violations and hazards. A majority of these events have alcohol sales at them, resulting in event attendees driving under the influence of alcohol after the events.

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**A. Traffic Data Summary:**

Collision Type	2012				2013				2014			
	Collisions		Victims		Collisions		Victims		Collisions		Victims	
Fatal	11		11		23		24		19		20	
Injury	1136		1699		1175		1783		679		1022	
	Fatal	Injury	Killed	Injured	Fatal	Injury	Killed	Injured	Fatal	Injury	Killed	Injured
Alcohol - Involved	5	93	5	127	8	101	8	151	4	28	4	47
Hit & Run	2	182	2	233	4	181	4	179	5	95	5	126
Nighttime (2100-0259 hours)	3	88	3	116	7	98	8	118	5	52	5	65
<b>Top 3 Primary Collision Factors</b>									Fatal	Injury	Killed	Injured
#1 -	Unsafe Speed								3	191	3	290
#2 -	Auto right of way violations								0	142	0	240
#3 -	Traffic signals and signs								1	100	1	160

**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 persons killed in alcohol/drug combo-involved collisions.
- 8) To reduce the number of persons injured in alcohol/drug combo-involved collisions.
- 9) To reduce the number of motorcyclists killed in traffic collisions.
- 10) To reduce the number of motorcyclists injured in traffic collisions.
- 11) To reduce the number of motorcyclists killed in alcohol-involved collisions.

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

**B. Objectives:**

- 1) To develop (by December 31) 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. Updated HOT sheets should be distributed to patrol and traffic officers monthly.
- 2) To send 10 law enforcement personnel to the NHTSA Standardized Field Sobriety Testing (SFST) (minimum 16 hour) POST-certified training.
- 3) To send 5 law enforcement personnel to the NHTSA Advanced Roadside Impaired Driving Enforcement (ARIDE) 16 hour POST-certified training.
- 4) To send 2 law enforcement personnel to the IACP Drug Recognition Expert (DRE) training.
- 5) To conduct 10 DUI/DL Checkpoints. *Note: A minimum of 1 checkpoint should be conducted during the NHTSA Winter Mobilization and 1 during the NHTSA Summer Mobilization.*
- 6) To conduct 20 DUI Saturation Patrol operation(s).
- 7) To conduct 2 Court Sting operation(s) to cite individuals driving from court after having their driver's license suspended or revoked.
- 8) To conduct 7 Warrant Service operation(s) targeting multiple DUI offenders who fail to appear in court.

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- 9) To conduct 2 Stakeout operation(s) that employ police officers to observe the “worst of the worst” repeat DUI offender probationers with suspended or revoked driver licenses.
- 10) To conduct 3 highly publicized Motorcycle Safety DUI Saturation Patrol operation(s) in areas or during events with motorcycle incidents or collisions resulting from DUI drivers/motorcyclists.
- 11) To conduct 30 Traffic Enforcement operation(s), including but not limited to, primary collision factor violations.
- 12) To conduct 10 Distracted Driving enforcement operation(s) targeting drivers using hand held cell phones and texting.
- 13) To conduct 3 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.
- 14) To conduct 4 Night-time (2100 - 0259 hours) Click It or Ticket enforcement operation(s).
- 15) To conduct 5 Traffic Safety educational presentations with an effort to reach 500 community members. *Note: Presentations may include topics such as distracted driving, DUI, speed, bicycle & pedestrian safety, seatbelts and child passenger safety.*
- 16) To conduct 15 highly publicized enforcement operation(s) in areas of or during events with a high number of bicycle and/or pedestrian collisions resulting from violations made by bicyclists, pedestrians, and drivers.
- 17) To deploy the Changeable Message Sign(s) at least 2 times per week to display traffic safety messages and used in conjunction with all DUI/DL Checkpoints.
- 18) To participate in and collect and report DUI enforcement data for the NHTSA Winter and Summer Mobilizations.
- 19) To participate in and collect and report data for the National Distracted Driving Awareness Month in April.
- 20) To participate in and collect and report data for the NHTSA Click It or Ticket mobilization period in May.
- 21) To participate in the National Bicycle Safety Month in May.

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22) To collaborate with the county's Avoid Lead Agency 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.

***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.*

### **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.

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**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 shall 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.
  - 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 service operations 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.

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- 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**

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 support of the City of Stockton. Every effort will be made to continue the activities after the grant conclusion.

SCHEDULE B  
DETAILED BUDGET ESTIMATE  
GRANT NO. PT16139

FUND NUMBER	CATALOG NUMBER (CFDA)	FUND DESCRIPTION	TOTAL AMOUNT
164AL	20.608	MINIMUM PENALTIES FOR REPEAT OFFENDERS FOR DRIVING WHILE INTOXICATED	\$ 203,690.00
402PT	20.600	STATE AND COMMUNITY HIGHWAY SAFETY	\$ 191,730.00

COST CATEGORY	FISCAL YEAR ESTIMATES 10/1/15 thru 9/30/16			TOTAL COST TO GRANT
A. PERSONNEL COSTS	CFDA	FY-1		
Positions and Salaries				
<b><u>Overtime</u></b>				
Traffic Enforcement Operations	20.600	\$ 78,240.00		\$ 78,240.00
Distracted Driving Operations	20.600	\$ 26,080.00		\$ 26,080.00
Motorcycle Enforcement Operations	20.600	\$ 7,824.00		\$ 7,824.00
Bicycle/Pedestrian Enforcement Operations	20.600	\$ 39,113.00		\$ 39,113.00
Night Click It Or Ticket Operations	20.600	\$ 7,824.00		\$ 7,824.00
Benefit Rate @ 14.74%	20.600	\$ 23,449.00		\$ 23,449.00
DUI Checkpoint Operations	20.608	\$ 73,000.00		\$ 73,000.00
DUI Saturation Patrols	20.608	\$ 52,155.00		\$ 52,155.00
DUI Motorcycle Enforcement Operations	20.608	\$ 7,824.00		\$ 7,824.00
Court Sting Operations	20.608	\$ 12,000.00		\$ 12,000.00
Stakeout Operations	20.608	\$ 7,232.00		\$ 7,232.00
Warrant Service Operations	20.608	\$ 25,312.00		\$ 25,312.00
Benefit Rate @ 14.74%	20.608	\$ 26,167.00		\$ 26,167.00
Category Sub-Total		\$ 386,220.00		\$ 386,220.00
<b>B. TRAVEL EXPENSE</b>				
In-State	20.600	\$ 4,300.00		\$ 4,300.00
Category Sub-Total		\$ 4,300.00		\$ 4,300.00
<b>C. CONTRACTUAL SERVICES</b>				
None				
Category Sub-Total		\$ -		\$ -
<b>D. EQUIPMENT</b>				
None				
Category Sub-Total		\$ -		\$ -
<b>E. OTHER DIRECT COSTS</b>				
Changeable Message Sign Trailer	20.600	\$ 4,900.00		\$ 4,900.00
Category Sub-Total		\$ 4,900.00		\$ 4,900.00
<b>F. INDIRECT COSTS</b>				
None				
Category Sub-Total		\$ -		\$ -
<b>GRANT TOTAL</b>				
		\$ 395,420.00		\$ 395,420.00

**SCHEDULE B-1**  
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**BUDGET NARRATIVE**

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**PERSONNEL COSTS**

**Overtime**

Overtime for grant funded law enforcement operations may be conducted by personnel such as a Lieutenant, Sergeant, Corporal, Deputy, Officer, Reserve 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 \$37.00/hour to \$74.00/hour.

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

**Overtime Benefit Rates**

Unemployment Insurance	0.19%
Workers Compensation	13.10%
Medicare	1.45%
<b>TOTAL BENEFIT RATE</b>	<b>14.74%</b>

**TRAVEL EXPENSE**

**In State**

Costs are included for appropriate staff to attend conferences and training events supporting the grant goals and objectives and/or traffic safety. Local mileage for grant activities and meetings is included. Anticipated travel may include Lifesavers. *All conferences, seminars or training not specifically identified in the Schedule B-1 (Budget Narrative) must be approved by OTS. All travel claimed must be at the agency approved rate. Per Diem may not be claimed for meals provided at conferences when registration fees are paid with OTS grant funds.*

**CONTRACTUAL SERVICES**

None

**EQUIPMENT**

None

**SCHEDULE B-1**  
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**BUDGET NARRATIVE**

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**OTHER DIRECT COSTS**

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

**INDIRECT COSTS**

None

**PROGRAM INCOME**

There will be no program income generated from this grant.

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 1200—Uniform Procedures for State Highway Safety Grant Programs

#### **NONDISCRIMINATION**

The Grantee Agency will comply with all Federal statutes and implementing regulations relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (Pub. 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 (Pub. L. 101-336), as amended (42 U.S.C. 12101, *et seq.*), which prohibits discrimination on the basis of disabilities (and 49 CFR Part 27); (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101-6107), which prohibits discrimination on the basis of age; (e) the Civil Rights Restoration Act of 1987 (Pub. L. 100-259), which requires Federal-aid recipients and all sub-recipients to prevent discrimination and ensure nondiscrimination in all of their programs and activities; (f) the Drug Abuse Office and Treatment Act of 1972 (Pub. L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (g) the comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (Pub. L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (h) Sections 523 and 527 of the Public Health Service Act of 1912, as amended (42 U.S.C. 290dd-3 and 290ee-3), relating to confidentiality of alcohol and drug abuse patient records; (i) Title VIII of the Civil Rights Act of 1968, as amended (42 U.S.C. 3601, *et seq.*), relating to nondiscrimination in the sale, rental or financing of housing; (j) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (k) the requirements of any other nondiscrimination statute(s) which may apply to the application.

**BUY AMERICA ACT**

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

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

**POLITICAL ACTIVITY (HATCH ACT)**

The Grantee Agency will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508) which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

**CERTIFICATION REGARDING FEDERAL LOBBYING**

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, 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.

**CERTIFICATION REGARDING DEBARMENT AND SUSPENSION**

## Instructions for Primary Certification

1. By signing and submitting this grant agreement, the Grantee Agency Official is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the Grantee Agency Official to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the Grantee Agency Official knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.
4. The Grant 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*, *grant agreement*, and *voluntarily excluded*, as used in this clause, have the meaning set out in the Definitions and coverage sections of 49 CFR Part 29. You may contact the department or agency to which this grant agreement is being submitted for assistance in obtaining a copy of those regulations.
6. The Grantee Agency Official agrees by submitting this grant agreement that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The Grantee Agency Official further agrees by submitting this grant agreement that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the

eligibility of its principals. Each participant may, but is not required to, check the list of Parties Excluded from Federal Procurement and Non-procurement Programs.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

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

(1) The Grantee Agency Official certifies to the best of its knowledge and belief, that its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;
- (b) Have not within a three-year period preceding this grant agreement been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of record, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
- (d) Have not within a three-year period preceding this application/grant agreement had one or more public transactions (Federal, State, or local) terminated for cause or default.

(2) Where the Grantee Agency Official is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this grant agreement.

#### **Instructions for Lower Tier Certification**

1. By signing and submitting this grant agreement, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the

department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this grant agreement is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms *covered transaction*, *debarred*, *suspended*, *ineligible*, *lower tier covered transaction*, *participant*, *person*, *primary covered transaction*, *principal*, *grant agreement*, and *voluntarily excluded*, as used in this clause, have the meanings set out in the Definition and Coverage sections of 49 CFR Part 29. You may contact the person to whom this grant agreement is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this grant agreement that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this grant agreement that it will include the clause titled “Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction,” without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. (See below)
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

**Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions:**

1. The prospective lower tier participant certifies, by submission of this grant agreement, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this grant agreement.