State of California – Office of Traffic Safety
GRANT AGREEMENT - Page 1
OTS-38 (Rev. 4/16)

GRANT NUMBER
PT17118

1. GRANT TITLE
SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP)

2. NAME OF AGENCY
CITY OF SANTA BARBARA

3. AGENCY UNIT TO ADMINISTER GRANT
SANTA BARBARA POLICE DEPARTMENT

4. GRANT PERIOD
From: 10/1/16
To: 9/30/17

5. GRANT DESCRIPTION
Best practice strategies will be conducted to reduce the number of persons killed and injured in traffic collisions involving impairment and other primary collision factors. The funded strategies may include enforcement operations focusing on impaired driving, distracted driving, nighttime seat belt use, motorcycle safety, and pedestrian and bicycle safety. Operations are conducted in areas with disproportionate numbers of traffic collisions. Other funded strategies may include public awareness, educational programs and training for law enforcement.

6. FEDERAL FUNDS ALLOCATED UNDER THIS AGREEMENT SHALL NOT EXCEED: **$ 250,000.00**

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.

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: **Mike Brown** PHONE: **(805) 897-3720**
TITLE: **Traffic Sergeant** FAX: **(805) 897-2420**
ADDRESS: **215 East Figueroa Street, Santa Barbara, CA 93101**
E-MAIL: **mbrown@sbpd.com**
(Signature) 8-8-16 (Date)

B. AUTHORIZING OFFICIAL OF AGENCY
NAME: **Lori Luhnow** PHONE: **(805) 897-2395**
TITLE: **Chief** FAX:
ADDRESS: **215 East Figueroa Street, Santa Barbara, CA 93101**
E-MAIL: **lluhnow@sbpd.com**
(Signature) (Date)

C. FISCAL OR ACCOUNTING OFFICIAL
NAME: **Robert Samario** PHONE: **(805) 564-5336**
TITLE: **Finance Director** FAX: **(805) 897-1978**
ADDRESS: **736 Anacapa Street, Santa Barbara, CA 93101**
E-MAIL: **bsamario@santabarbara.gov**
(Signature) (Date)

D. OFFICE AUTHORIZED TO RECEIVE PAYMENTS
NAME: **Finance Department**
ADDRESS: **P.O. Box 1990, Santa Barbara, CA 93102**

9. DUNS NUMBER
DUNS #: **013114553**
REGISTERED ADDRESS & ZIP: **215 East Figueroa Street, Santa Barbara, CA 93101-2120**

EFFECTIVE DATE OF AGREEMENT: 10/1/2016	GRANTEE CITY OF SANTA BARBARA	GRANT NO. PT17118

10. Fin Action No. 1	Date: 8/1/2016	12. TYPE OF AGREEMENT	Initial X	Revision	Cont.
		PAID MEDIA	PROGRAM INCOME	TASK NO.	F.F.Y.
Revision No.	Date:			2	2017

11. Action Taken

Initial approval of 2017 HSP funds obligated.

13. FUNDING DISPOSITION & STATUS

Fiscal Year	Amount
2016-17	250,000.00
2015-16	
2014-15	
2013-14	
Total	250,000.00

Obligated This Action	250,000.00
Previously Obligated	0.00
Total Amount Obligated	250,000.00
TOTAL FUNDS PROGRAMMED	250,000.00

14. FUNDING DETAIL - FISCAL YEAR GRANT PERIOD ENDING: 9/30/2017

FUND	CFDA	ITEM/APPROPRIATION	F.Y.	CHAPTER	STATUTE	PROJECTED EXPENDITURES
164AL	20.608	0521-0890-101 (10/15)	2015	10/15	2015	$ 90,000.00
402PT	20.600	0521-0890-101 (10/15)	2015	10/15	2015	$ 60,000.00
164AL	20.608	0521-0890-101 (23/16)	2016	23/16	2016	$ 60,000.00
402PT	20.600	0521-0890-101 (23/16)	2016	23/16	2016	$ 40,000.00
-	-	-	-	-	-	$ -
-	-	-	-	-	-	$ -
-	-	-	-	-	-	$ -
-	-	-	-	-	-	$ -
				TOTAL FEDERAL FUNDS:		**$ 250,000.00**

15. GRANT APPROVAL & AUTHORIZATION TO EXPEND OBLIGATED FUNDS

A. APPROVAL RECOMMENDED BY

NAME: WHITNEY BRAZIEL
TITLE: Program Coordinator
PHONE: (916) 509-3016
E-MAIL: whitney.braziel@ots.ca.gov
Office of Traffic Safety
2208 Kausen Drive, Suite 300
Elk Grove, CA 95758

Signature _____

B. AGREEMENT & FUNDING AUTHORIZED BY

NAME: RHONDA L. CRAFT
TITLE: Director

Office of Traffic Safety
2208 Kausen Drive, Suite 300
Elk Grove, CA 95758

Signature _____

1. PROBLEM STATEMENT

The City of Santa Barbara is located on the Pacific coast in the southern portion of Santa Barbara County. It comprises an area of approximately 23 square miles with an attractive year round moderate climate and beautiful scenery. The city is primarily urban, densely populated, and is culturally and demographically diverse. Its economic base consists of tourism with a world wide draw and light industry. The population is just under 100,000 residents, but often double's in size during peak tourist seasons. Our city is also located near three major colleges, UCSB, Santa Barbara City College and Westmont college.

Because of the tourism industry and the three major colleges in our area, the City of Santa Barbara has a large number of restaurants and alcohol drinking establishments. In the downtown area there is a high density of bars and night clubs which is continuing to grow in numbers and is rapidly expanding towards the beach area. This has created an attractive and active night life atmosphere which has made our city the hub of the night life entertainment within the tri-counties area of Santa Barbara,Ventura, and San Luis Obispo Counties.

The City of Santa Barbara is currently emphasizing its goal of a Multi-Modal Transportation system to encourage and increase pedestrian and bicycle traffic. Although this has been approached with a sound traffic engineering stance, it has increased the need for enforcement and education with pedestrians, bicyclists and vehicle drivers. Currently we have been impacted with an influx of pedestrian and bicycle related collisions. The most recent OTS statistics have ranked our city #3 in pedestrian collisions and #2 in bicycle collisions when compared to 103 similarly sized cities.

The large amount of drinking establishments has significantly impacted our city with the problem of motorists driving under the influence of alcohol during evening hours. Statistics show that the City of Santa Barbara has experienced a high number of serious alcohol related traffic collisions. We are most recently ranked #1 out of 103 similarly sized cities for alcohol related collisions. We are also rated #11 for night time collisions (2013 Office of Traffic Safety rankings).

The Santa Barbara Police Department's current DUI trailer was purchased in 1999, and due to it's age, is becoming unsafe to operate. The area of the roof where the large lighting system backets are mounted is corroded and is starting to crack. The trailer roof material is thin and therefore, cannot be welded. The corrosion and resulting cracks are making the trailer unsafe to operate. If the mounting system and/or roof were to fail, the large roof mounted lighting system could potentially separate from the roof and fall off of the trailer causing injury to any officers and civilians who are near the trailer. The DUI trailer is an integral part of our checkpoint operations. Not only do we transport all the materials needed to safely set-up the checkpoint (cones, signs, ect.) but the trailer is also utilized by officers as an in-field operations center to complete all necessary court and arrest paperwork.

Funds received from this grant will allow our agency to target and address DUI drivers as well as other vehicle code violations that are a common causes of collisions involving vehicles, motorcycles, bicycles, and pedestrians.

A. Traffic Data Summary:

Collision Type	2013				2014				2015			
	Collisions		Victims		Collisions		Victims		Collisions		Victims	
Fatal	5		5		0		0		4		4	
Injury	539		608		573		667		568		679	
	Fatal	Injury	Killed	Injured	Fatal	Injury	Killed	Injured	Fatal	Injury	Killed	Injured
Alcohol - Involved	4	26	4	37	0	41	0	50	2	33	2	46
Hit & Run	2	51	2	62	0	52	0	53	0	50	0	56
Nighttime (2100-0259 hours)	3	44	3	45	0	62	0	71	1	95	1	118

Top 3 Primary Collision Factors		Fatal	Injury	Killed	Injured
#1 -	Signal for Movement on the Roadway	0	55	0	61
#2 -	Unsafe Speed	0	90	0	126
#3 -	Driving Under the Influence	0	33	0	46

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 persons killed in alcohol-involved collisions.

4) Reduce the number of persons injured in alcohol-involved collisions.

5) Reduce the number of persons killed in drug-involved collisions.

6) Reduce the number of persons injured in drug-involved collisions.

7) Reduce the number of persons killed in alcohol/drug combo-involved collisions.

8) Reduce the number of persons injured in alcohol/drug combo-involved collisions.

9) Reduce the number of motorcyclists killed in traffic collisions.

10) Reduce the number of motorcyclists injured in traffic collisions.

11) Reduce hit & run fatal collisions.

12) Reduce hit & run injury collisions.

13) Reduce nighttime (2100 - 0259 hours) fatal collisions.

14) Reduce nighttime (2100 - 0259 hours) injury collisions.

15) Reduce the number of bicyclists killed in traffic collisions.

16) Reduce the number of bicyclists injured in traffic collisions.

17) Reduce the number of pedestrians killed in traffic collisions.

18) Reduce the number of pedestrians injured in traffic collisions.

B. Objectives:

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.

2) Participate in the following campaigns:
- National Walk to School Day – October 5, 2016
- National Teen Driver Safety Week – October 16-22, 2016
- NHTSA Winter Mobilization – December 16, 2016 to January 1, 2017
- National Distracted Driving Awareness Month – April 2017
- National Bicycle Safety Month – May 2017
- National Motorcycle Safety Month – May 2017
- National Click It or Ticket Mobilization – May 17-20, 2017
- NHTSA Summer Mobilization – August 19, 2017 to September 6, 2017
- National Child Passenger Safety Week – September 17-23, 2017
- California's Pedestrian Safety Month – September 2017

3) 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.

4) Send **6** law enforcement personnel to the NHTSA Standardized Field Sobriety Testing (SFST) (minimum 16 hour) POST-certified training.

5) Send **4** law enforcement personnel to the NHTSA Advanced Roadside Impaired Driving Enforcement (ARIDE) 16 hour POST-certified training.

6) Send **1** law enforcement personnel to the Drug Recognition Expert (DRE) training.

7) Send **1** law enforcement personnel to the DRE Recertification training.

8) Send **1** law enforcement personnel to SFST Instructor training.

9) Conduct **16** DUI/DL Checkpoints. ***Note:*** *A minimum of 1 checkpoint should be conducted during the NHTSA Winter Mobilization and 1 during the NHTSA Summer Mobilization. To enhance the overall deterrent effect and promote high visibility, it is recommended the grantee issue an advance press release and conduct social media activity 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.*

10) Conduct **48** DUI Saturation Patrol operation(s).

11) Conduct **2** Warrant Service operation(s) targeting multiple DUI offenders who fail to appear in court.

12) Conduct **6** Know Your Limit campaigns with an effort to reach **200** members of the community.

13) Conduct **36** Traffic enforcement operation(s), including but not limited to, primary collision factor violations.

14) Conduct **12** Distracted Driving enforcement operation(s) targeting drivers using hand held cell phones and texting.

15) 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. ***Note:*** *It is recommended the grantee issue an advance press release and conduct social media activity prior to each operation to publicize and raise awareness about motorcycle safety issues.*

16) Conduct **4** Night-time (1800 - 0559 hours) Click It or Ticket enforcement operation(s).

17) Conduct **15** highly publicized Pedestrian and Bicycle enforcement operation(s) in areas of or during events with a high number of pedestrian and/or bicycle collisions resulting from violations made by pedestrians, bicyclists, and drivers. ***Note:*** *It is recommended the grantee issue an advance press release and conduct social media activity prior to each operation to publicize and raise awareness about pedestrian and bicycle safety issues.*

18) Conduct **5** Traffic Safety educational presentations with an effort to reach **125** community members. ***Note:*** *Presentations may include topics such as distracted driving, DUI, speed, pedestrian and bicycle safety, seatbelts and child passenger safety.*

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

3. METHOD OF PROCEDURE

A. Phase 1 - Program Preparation, Training and Implementation (1st Quarter of Grant Year)

- The department should develop operational plans to implement the "best practice" strategies outlined in the objectives section.
- All training should be conducted this quarter.
- All grant-related purchases 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.

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

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

Media Requirements

- Submit 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, 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 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 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

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 Santa Barbara. Every effort will be made to continue the activities after the grant conclusion.

SCHEDULE B
DETAILED BUDGET ESTIMATE
GRANT NO. PT17118

FUND NUMBER	CATALOG NUMBER (CFDA)	FUND DESCRIPTION	TOTAL AMOUNT
164AL	20.608	Minimum Penalties for Repeat Offenders For Driving While Intoxicated	$ 150,000.00
402PT	20.600	State and Community Highway Safety	$ 100,000.00

COST CATEGORY	FISCAL YEAR ESTIMATES 10/1/16 thru 9/30/17				TOTAL COST TO GRANT
A. PERSONNEL COSTS	CFDA	FY-1			
Positions and Salaries					
Overtime					
DUI/DL Checkpoints	20.608	$ 71,941.00			$ 71,941.00
DUI Saturation Patrols	20.608	$ 27,744.00			$ 27,744.00
Warrant Service	20.608	$ 9,822.00			$ 9,822.00
Know Your Limit Campaign	20.608	$ 13,110.00			$ 13,110.00
Benefits @ 6.021%	20.608	$ 7,383.00			$ 7,383.00
Traffic Enforcement	20.600	$ 26,603.00			$ 26,603.00
Distracted Driving	20.600	$ 8,662.00			$ 8,662.00
Motorcycle Safety Enforcement	20.600	$ 7,366.00			$ 7,366.00
Nigh-time Click It or Ticket	20.600	$ 2,888.00			$ 2,888.00
Pedestrian and Bicycle Enforcement	20.600	$ 45,500.00			$ 45,500.00
Benefits @ 6.021%	20.600	$ 5,481.00			$ 5,481.00
Category Sub-Total		$ 226,500.00			$ 226,500.00
B. TRAVEL EXPENSE					
In-State	20.600	$ 3,000.00			$ 3,000.00
Category Sub-Total		$ 3,000.00			$ 3,000.00
C. CONTRACTUAL SERVICES					
None					
Category Sub-Total					
D. EQUIPMENT					
DUI Trailer	20.608	$ 18,000.00			$ 18,000.00
Category Sub-Total		$ 18,000.00			$ 18,000.00
E. OTHER DIRECT COSTS					
DUI Checkpoint Supplies	20.608	$ 2,000.00			$ 2,000.00
Printing / Duplication	20.600	$ 500.00			$ 500.00
Category Sub-Total		$ 2,500.00			$ 2,500.00
F. INDIRECT COSTS					
None					
Category Sub-Total					
GRAND TOTAL		**$ 250,000.00**			**$ 250,000.00**

SCHEDULE B-1

GRANT NO. PT17118

BUDGET NARRATIVE

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 $38.00/hour to $96.00/hour.

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

Overtime Benefit Rates

Workers Compensation	4.571%
Medicare	1.450%
TOTAL BENEFIT RATE	**6.021%**

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. *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

1 DUI Trailer(s) - fully equipped trailer(s) to transport DUI checkpoint supplies and to serve as a communication and command post during OTS operations. Costs may include the trailer, sales tax, delivery, installation costs, and other modifications and accessories or other items necessary to make the trailer usable for grant purposes, such as a generator, lighting, paint and graphics. The trailer cannot include any furniture or fixtures not affixed to the trailer as noted in Chapter 2, Section 2.8 of the OTS Grant Program Manual.

SCHEDULE B-1

GRANT NO. PT17118

BUDGET NARRATIVE

OTHER DIRECT COSTS

DUI Checkpoint Supplies - on-scene supplies needed to conduct sobriety checkpoints. Costs may include 28" traffic cones, MUTCD compliant traffic signs, MUTCD compliant high visibility vests (maximum of 10), traffic counters (maximum of 2), generator, gas for generators, lighting, reflective banners, electronic flares, PAS device supplies, heater, propane for heaters, fan, anti-fatigue mats, and canopies. *Additional items may be purchased if approved by OTS. The cost of food and beverages will not be reimbursed.*

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.

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 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.

EXHIBIT A

CERTIFICATIONS AND ASSURANCES

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.

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 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.