Module 3: Program Directives

Estimated time for module: 8 hours 30 minutes

Module Objectives

- Describe the purpose and development of regulations governing the use of Federal highway safety grant funds
- List in order of precedence the directives governing the use of grant funds
- State the purpose and provisions of significant highway safety regulations
- Describe some of the key requirements regarding the use of Federal highway safety funds

Contents

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Module Objectives 2
2 CFR Part 200: UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS 4
Cost Principles 59
Single Audits 81
Section 402 84
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Section 405 98
BIL Grant Programs with Provisions to Use Funds for Section 402-Eligible Projects and Activities 128
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Triennial Highway Safety Plan (3HSP) 138
Annual Grant Application (AGA) 143
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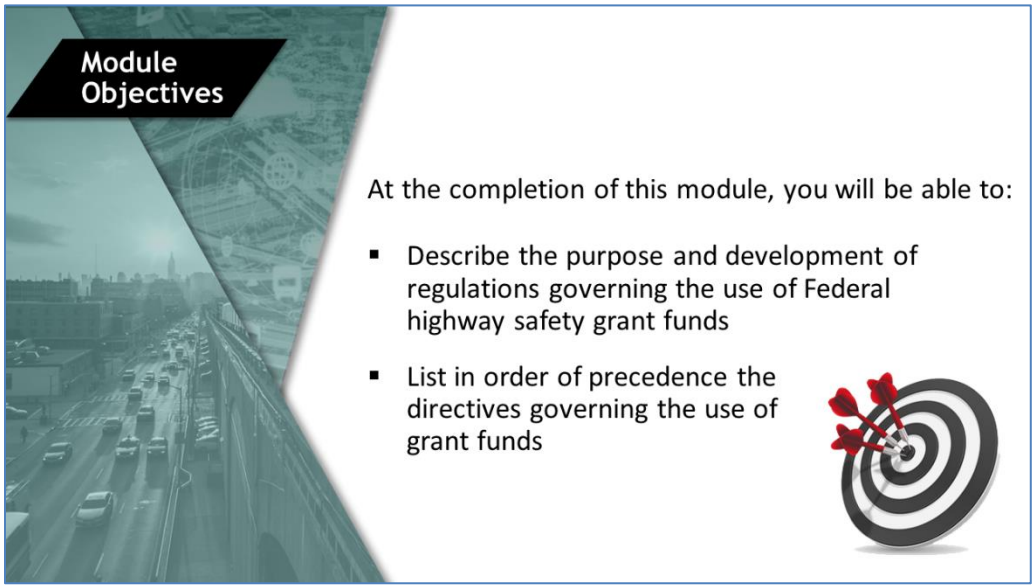
Introduction

Slide 1.

Module 3: Program Directives

Module Objectives



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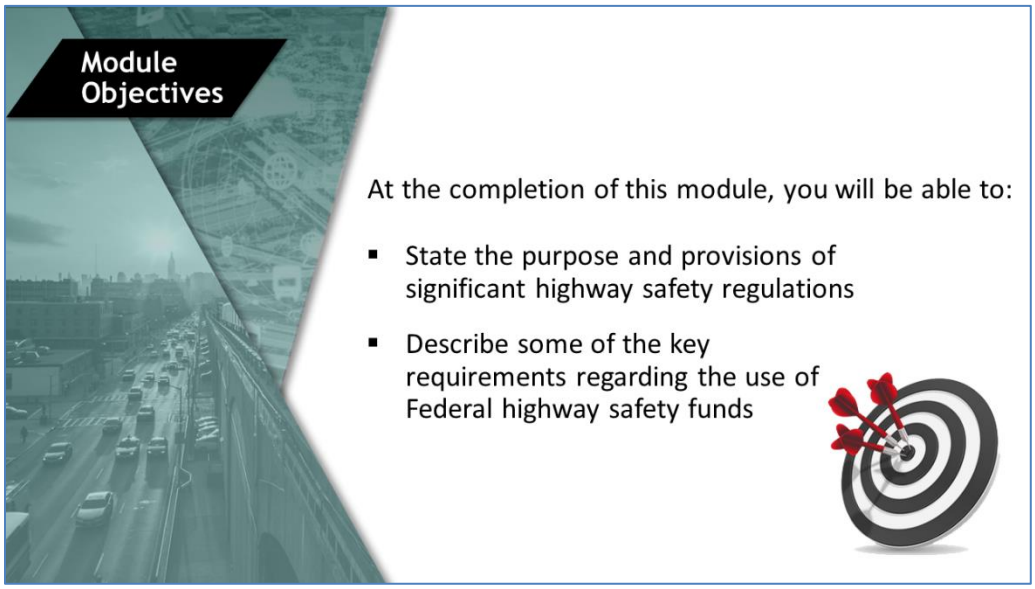

Slide 3.

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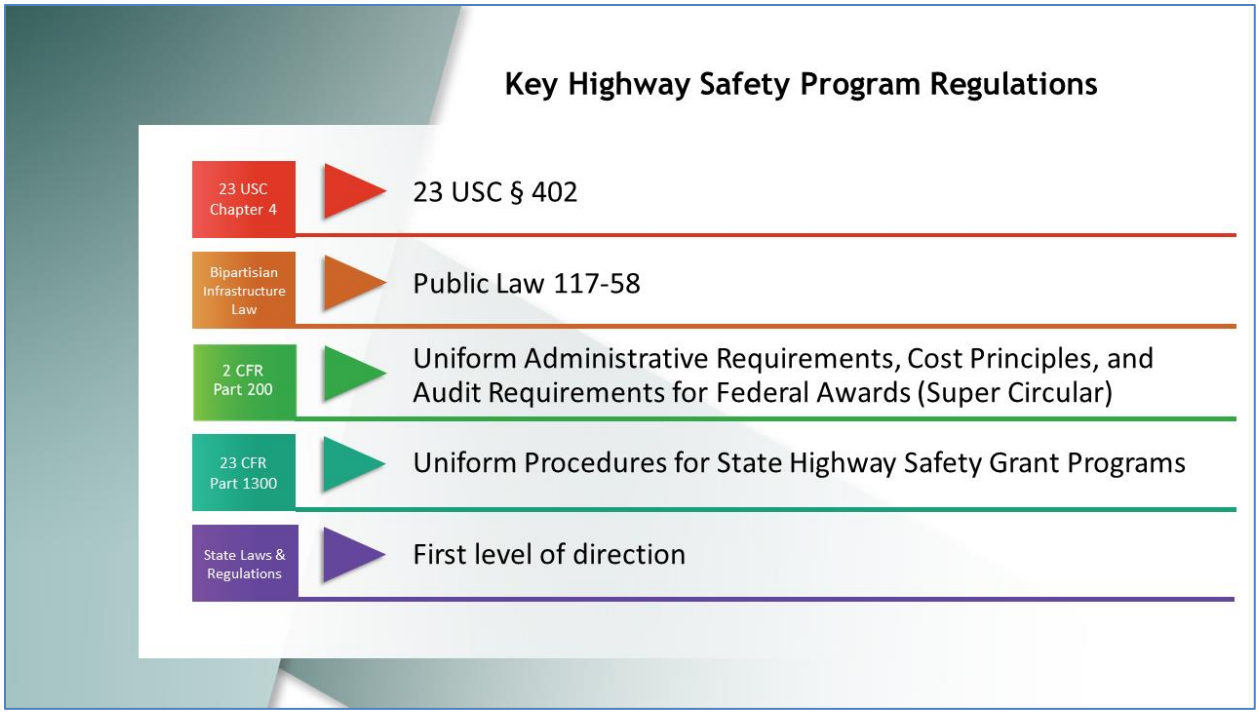
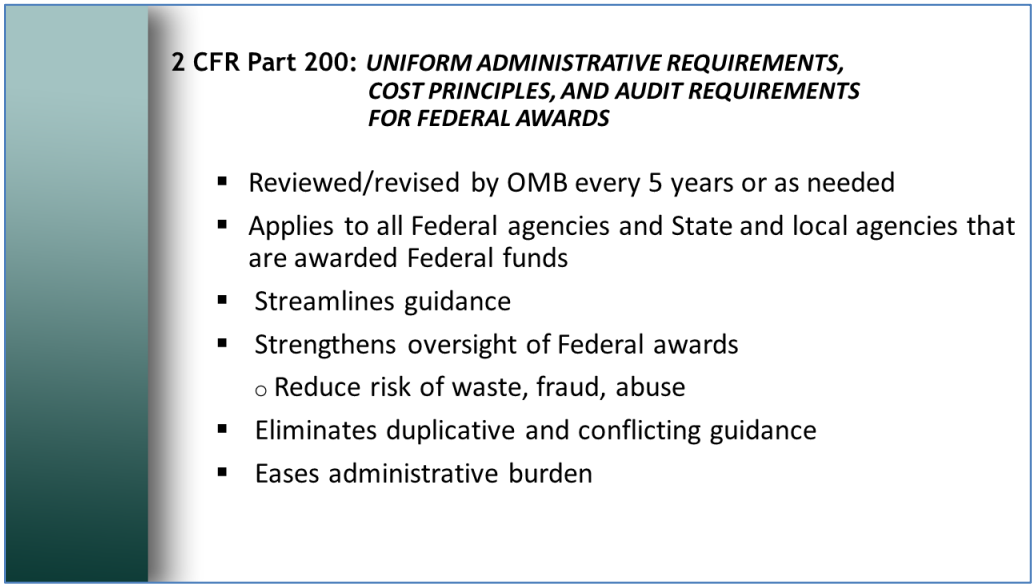

Key Highway Safety Program Regulations
23 USC Chapter 4
23 USC § 402
Bipartisian Infrastructure Law
Public Law 117-58
2 CFR Part 200
Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Super Circular)
23 CFR Part 1300
Uniform Procedures for State Highway Safety Grant Programs
State Laws & Regulations
First level of direction

Slide 4.

2 CFR Part 200: UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS



Slide 5.

2 CFR Part 200: ***UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS***

- Applies to all Federal agencies and State and local agencies that are awarded Federal funds
- Streamlines guidance
- Strengthens oversight of Federal awards to reduce the risk of waste, fraud, and abuse
- Eliminates duplicative and conflicting guidance
- Eases administrative burdens

2 CFR Part 200 applies to all Federal programs, providing requirements for Federal awards to non-Federal entities.

The revised Section 200 puts emphasis on using a risk-based, data-driven approach that balances compliance with successful results – encourages agencies to measure recipients' performance - that will help Federal awarding agencies and non -Federal entities improve program goals/objectives, share lessons learned and promising practices. Focus on performance is evident throughout the updated Section 200.

Structure of 2 CFR Part 200

- Subparts
  A. Acronyms and Definitions
  B. General Provisions
  C. Pre-Federal Award Requirements and Contents of Federal Awards
  D. Post-Federal Award Requirements
  E. Cost Principles
  F. Audit Requirements
- Appendices I – XII

Slide 6.

Structure of 2 CFR Part 200

- Subpart A – Acronyms and Definitions
- Subpart B – General Provisions
- Subpart C – Pre-Federal Award Requirements and Contents of Federal Awards
- Subpart D – Post-Federal Award Requirements
- Subpart E – Cost Principles
- Subpart F – Audit Requirements
- Appendices: I-XII

Subpart A
Acronyms and Definitions

Acronyms - Section 200.0:

- Federal Award Identification Number (FAIN)

Definitions - Section 200.1:

- Assistance Listing (formerly CFDA) Number
- Contract
- Contractor
- Federal Award
- Grant Agreement (also referred to as "Project Agreement" in 23 CFR § 1300.3)

Slide 7.

Subpart A
Acronyms and Definitions

Definitions - Section 200.1:

- Non-Federal Entity
- Pass-through Entity
- Recipient
- State
- Subaward
- Subrecipient

Slide 8.

Subpart A – Acronyms 2 CFR § 200.0

- Federal Award Identification Number (FAIN)

Subpart A – Definitions 2 CFR § 200.1

- Assistance Listing (formerly CFDA) Number
- Contract

- Contractor
- Federal Award
- Grant Agreement (Also referred to as "Project Agreement" in 23 CFR § 1300.3)
- Non-Federal Entity (NFE)
- Pass-through Entity (PTE)
- Recipient
- State
- Subaward
- Subrecipient

Assistance Listing (formerly CFDA) Numbers: are a system for identifying and sorting Federal programs. The five-digit number allows users to find general information, identify program objectives and eligibility requirements. The assignment of the first two digits of the Assistance Listing reflects the major Federal agency. The U.S. Department of Transportation numbers begin with 20. (i.e. Section 402 20.600).

NOTE: Outside of SAM, CFDA is still frequently used.

Website Resource

RESOURCE: 2 CFR § 200 Subpart A – Acronyms and Definitions

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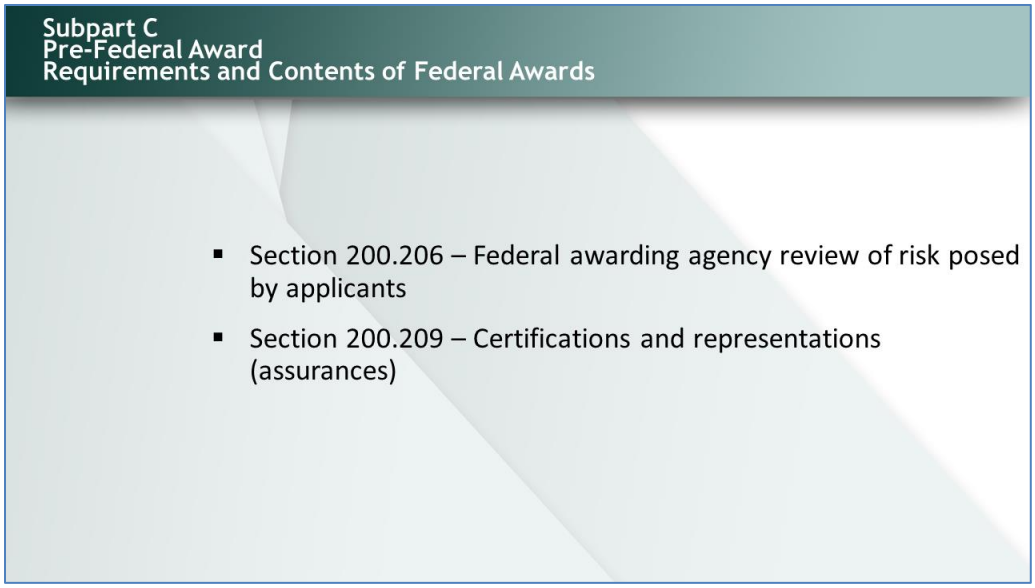
Subpart B – General Provisions

- Authorities – Section 200.103
- Supersession – Section 200.104 + (Title 18 and 19)
- Review date – Section 200.109
- Effective/applicability date (Indirect Cost Rates) – Section 200.110*
- Mandatory disclosures – Section 200.113

*Section 200.110(b) - Existing negotiated indirect cost rates (as of the publication date of the revisions to the guidance) will remain in place until they expire. The effective date of changes to indirect cost rates must be based upon the date that a newly re-negotiated rate goes into effect for a specific non-Federal entity's fiscal year. Therefore, for indirect cost rates and cost allocation plans, the revised Uniform Guidance (as of the publication date for revisions to the guidance) become effective in generating proposals and negotiating a new rate (when the rate is re-negotiated).

Website Resource

RESOURCE: 2 CFR § 200 Subpart B – General Provisions



Slide 9.

Subpart C – Pre-Federal Award Requirements and Contents of Federal Awards

- Section 200.206 – Federal awarding agency review of risk posed by applicants

  On an annual basis, the NHTSA Regional Offices conduct a risk evaluation of each State. Results of the assessment are taken into consideration when the NHTSA Regional Office prepares each State's annual monitoring plan.

- Section 200.209 – Certifications and representations (assurances)

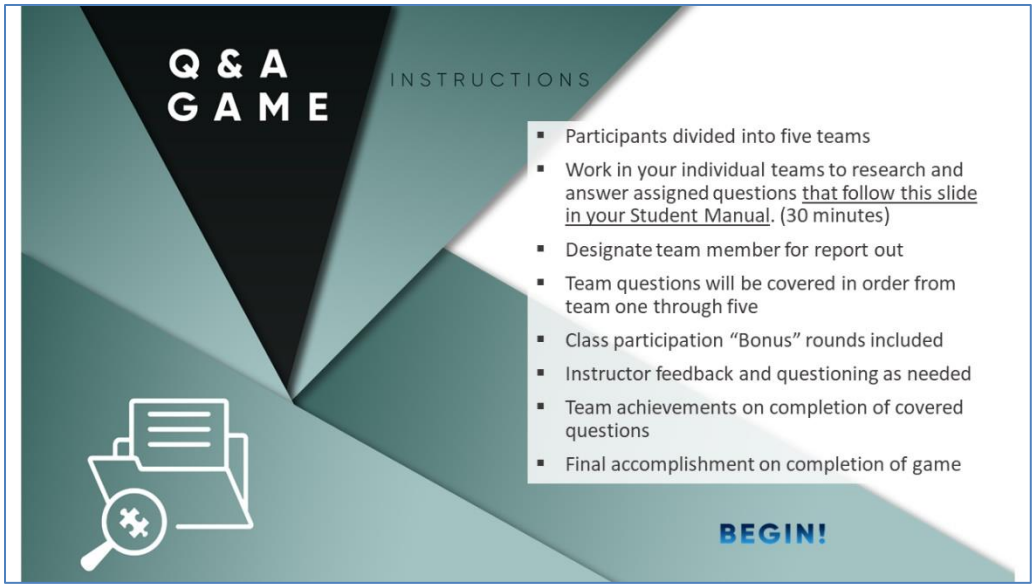
(Continued on next page)

On August 13, 2020 a few recent revisions to 2 CFR 200 went into effect. One is a new Section 200.216, Prohibition on certain telecommunication and video surveillance services or equipment, which prohibit Federal award recipients from using government funds to enter into contracts (or extend or renew contracts) with entities that use covered telecommunications and video surveillance equipment or services. For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment or services includes: equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities). This typically does not affect highway safety programs.

SUPPLEMENT - Prohibition on Covered Telecommunications and Video Surveillance Services or Equipment Q & A

RESOURCE: 2 CFR § 200 Subpart C – Pre Federal Award Requirements and Contents of Federal Awards.

Slide 10.


Q & A
GAME
INSTRUCTIONS
Participants divided into five teams
Work in your individual teams to research and answer assigned questions that follow this slide in your Student Manual. (30 minutes)
Designate team member for report out
Team questions will be covered in order from team one through five
Class participation "Bonus" rounds included
Instructor feedback and questioning as needed
Team achievements on completion of covered questions
Final accomplishment on completion of game
BEGIN!

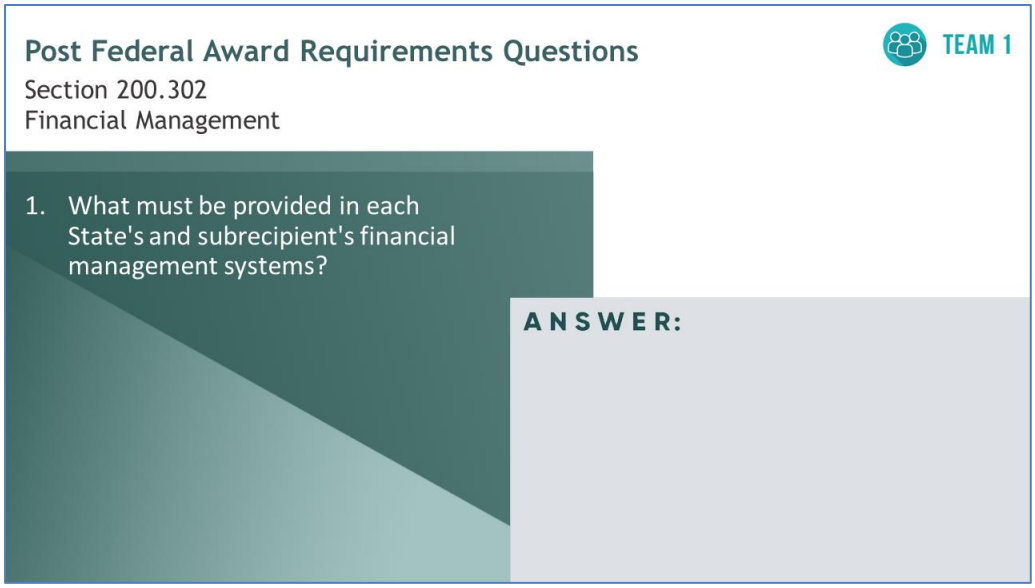
Slide 11.

Slide 12.

Subpart D – Post Federal Award Requirements

- Section 200.302 Financial Management
  - (a), (b)

State will follow State procedures and laws in the accounting and expending of Federal funds.



Slide 13.

Activity Item

Question 1: What must be provided in each State's and subrecipient's financial management systems?

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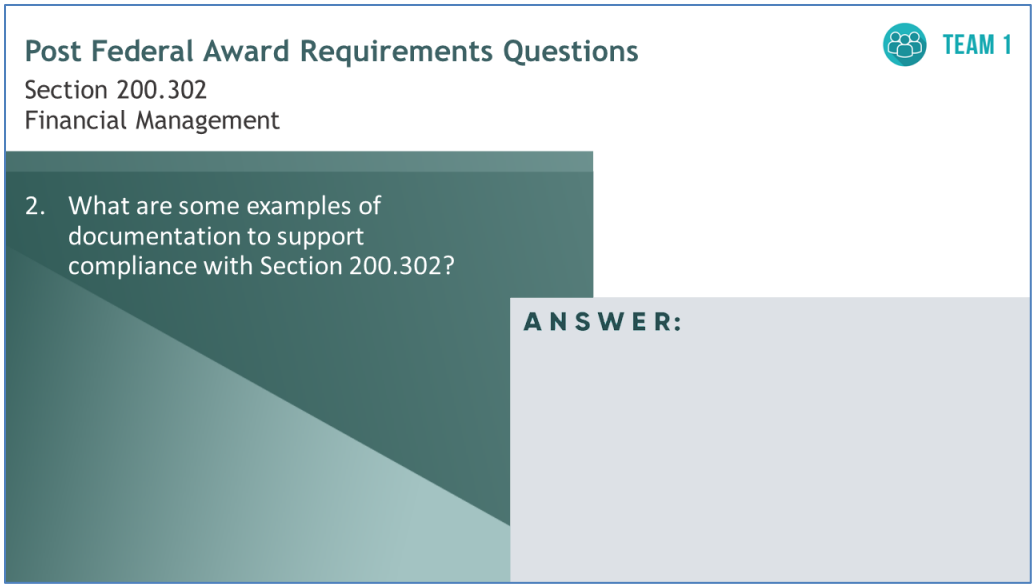

Slide 14.

Activity Item

Question 2: What are some examples of documentation to support compliance with Section 200.302?

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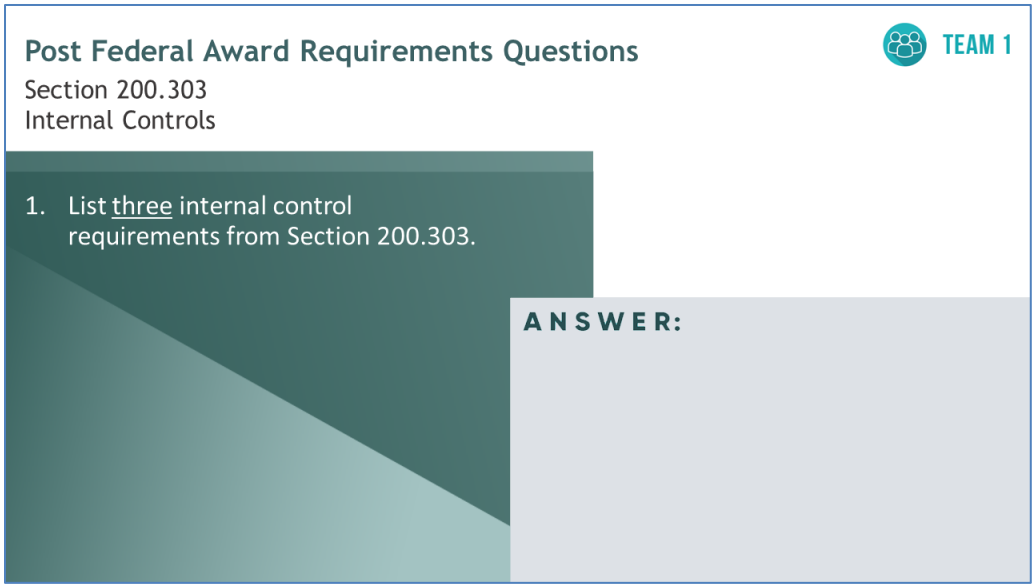

Slide 15.

- Section 200.303 Internal Controls

  - (a), (b), (c), (d), (e)

Requirements:

a) Compliance with Federal Regulations
b) Compliance with terms and conditions of Federal award
c) Evaluate and monitor compliance
d) Prompt action for noncompliance
e) Safeguard protected personally identifiable information

Question 1: List three internal control requirements from Section 200.303.

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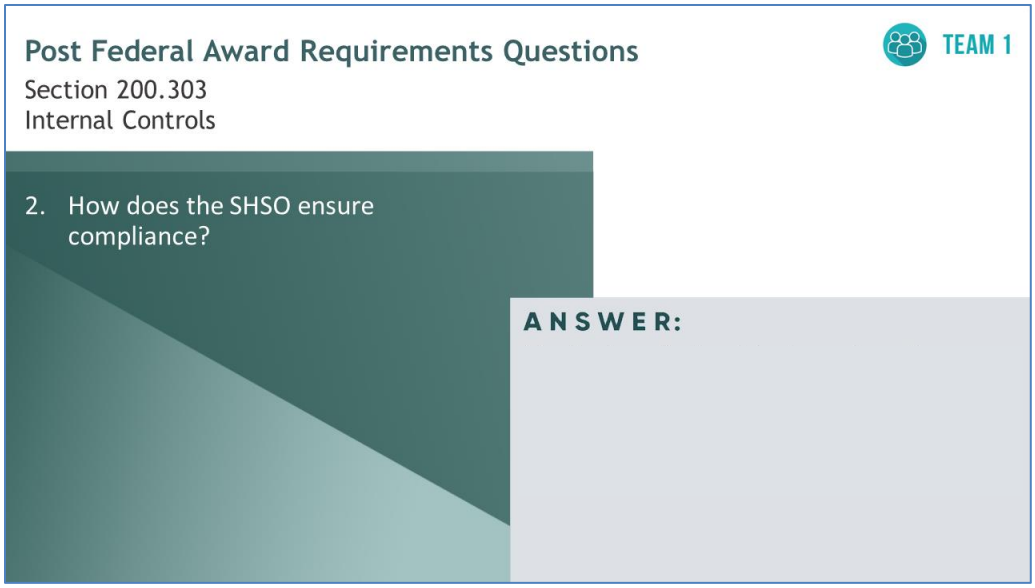

Slide 16.

Activity Item

Question 2: How does the SHSO ensure compliance?

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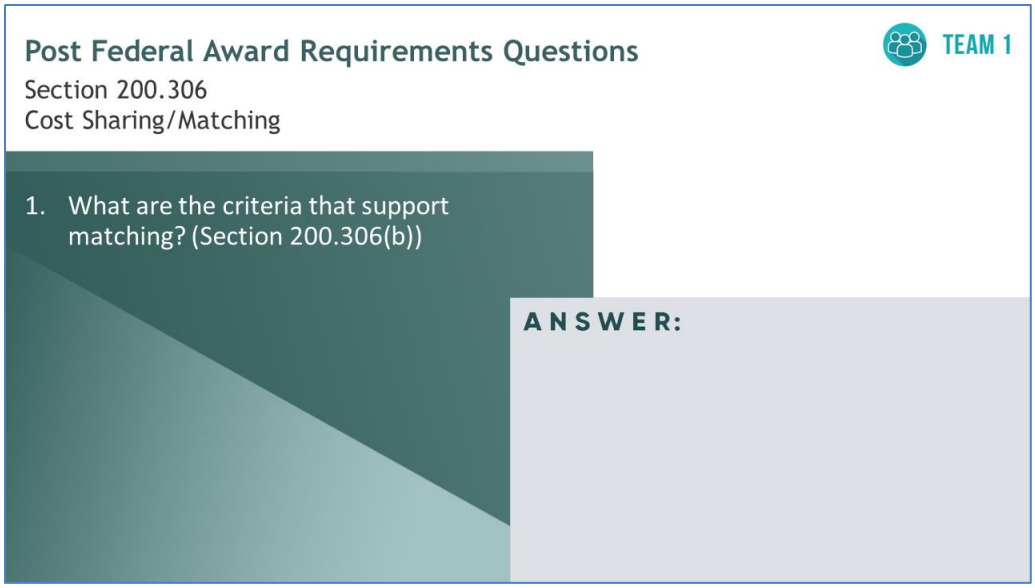

Slide 17.

Activity Item

Question 1: What are the criteria that support matching? (Section 200.306(b))

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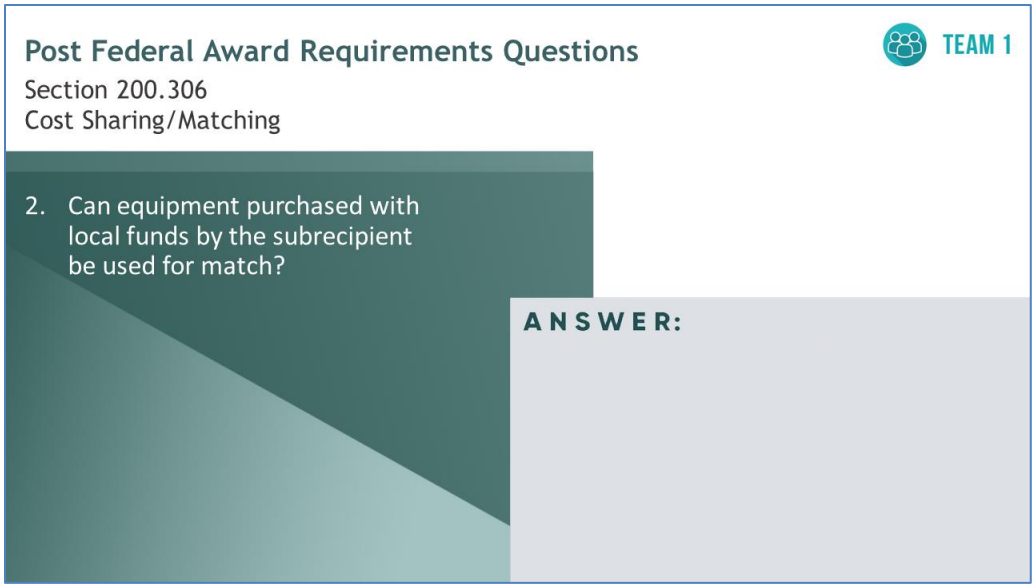

Slide 18.

Activity Item

Question 2: Can equipment purchased with local funds by the subrecipient be used for match?

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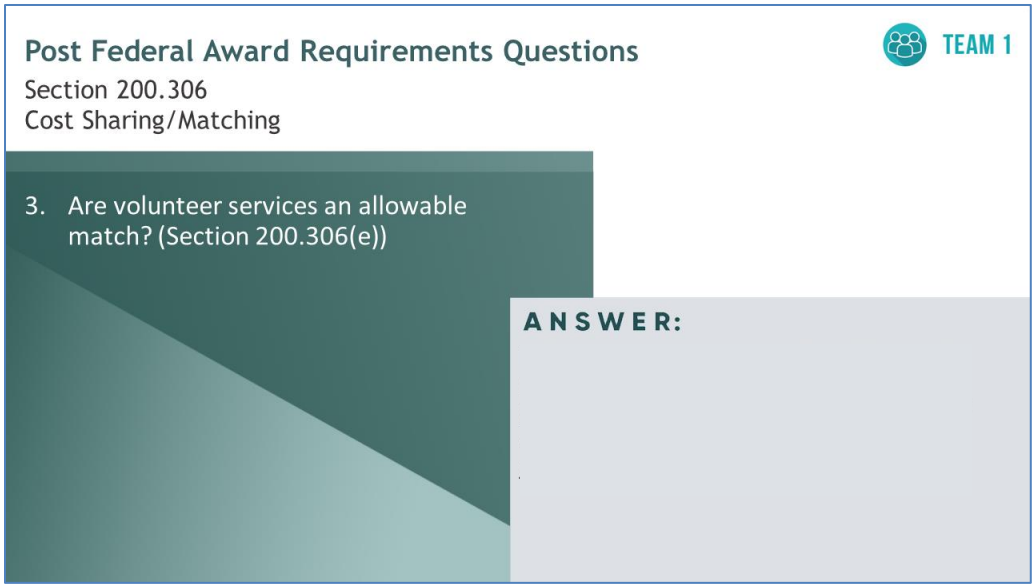

Slide 19.

Activity Item

Question 3: Are volunteer services an allowable match? (Section 200.306(e))

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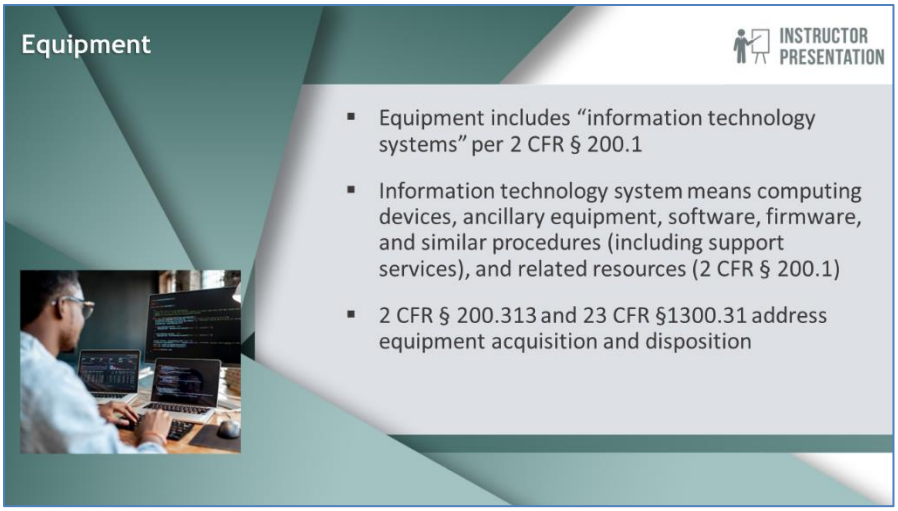


Slide 20.

Post-Federal Award Requirements

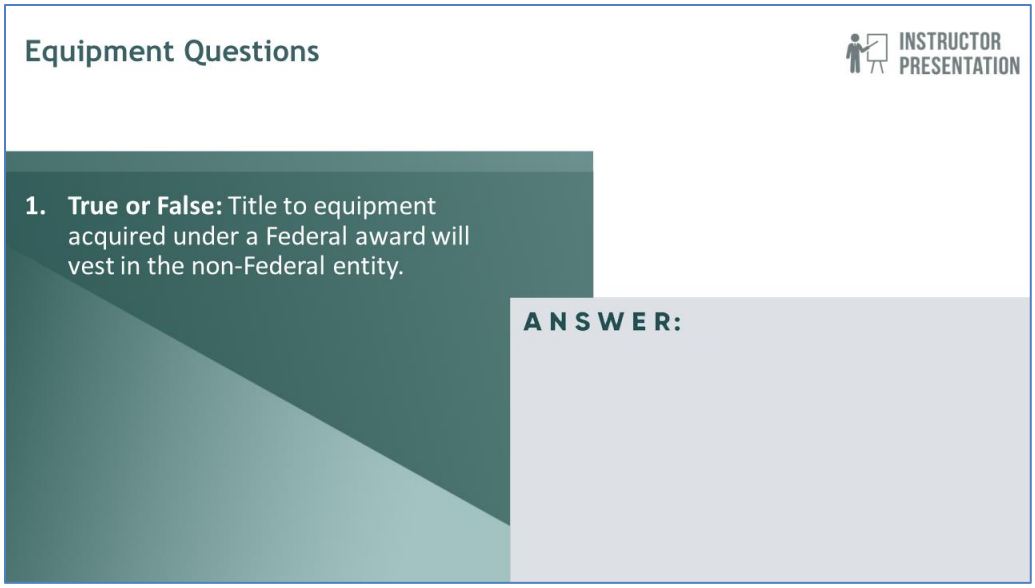
2 CFR § 200.313 Equipment | 23 CFR § 1300.31

2 CFR § 200.1 Equipment: means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost that equals or exceeds the lesser of the capitalization level established by the recipient or subrecipient for financial statement purposes, or $10,000.

2 CFR § 200.1 Supplies: means all tangible personal property other than those described in the *equipment* definition. A computing device is a supply if the acquisition cost is below the lesser of the capitalization level established by the recipient or subrecipient for financial statement purposes or $10,000, regardless of the length of its useful life.

Website Resource

RESOURCE: Update to 2 CFR Part 200



Slide 21.

Activity Item

Question 1: (True or False): Title to equipment acquired under a Federal award will vest in the non-Federal entity.

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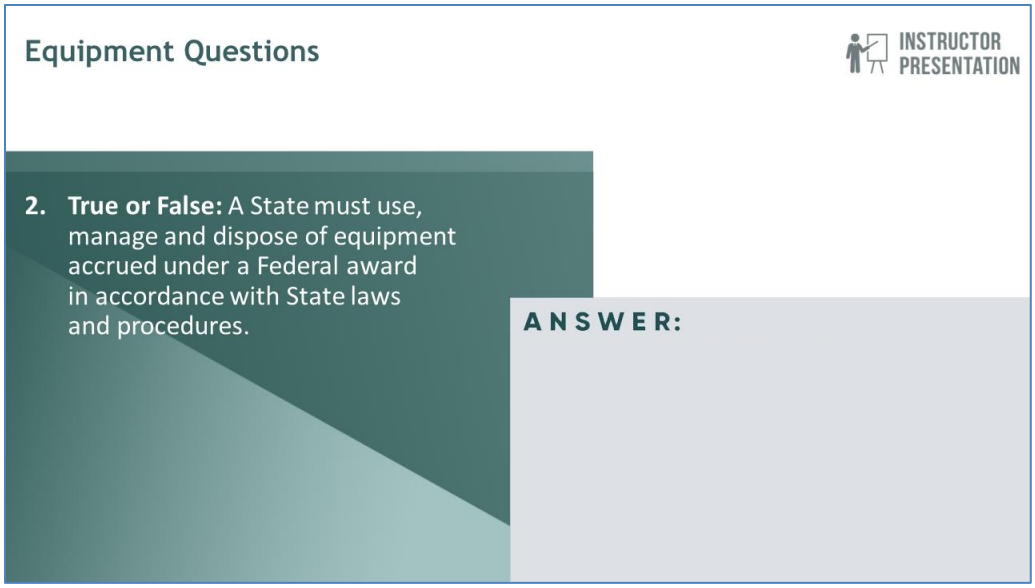

Slide 22.

Activity Item

Question 2: (True or False): A State must use, manage and dispose of equipment accrued under a Federal award in accordance with State laws and procedures.

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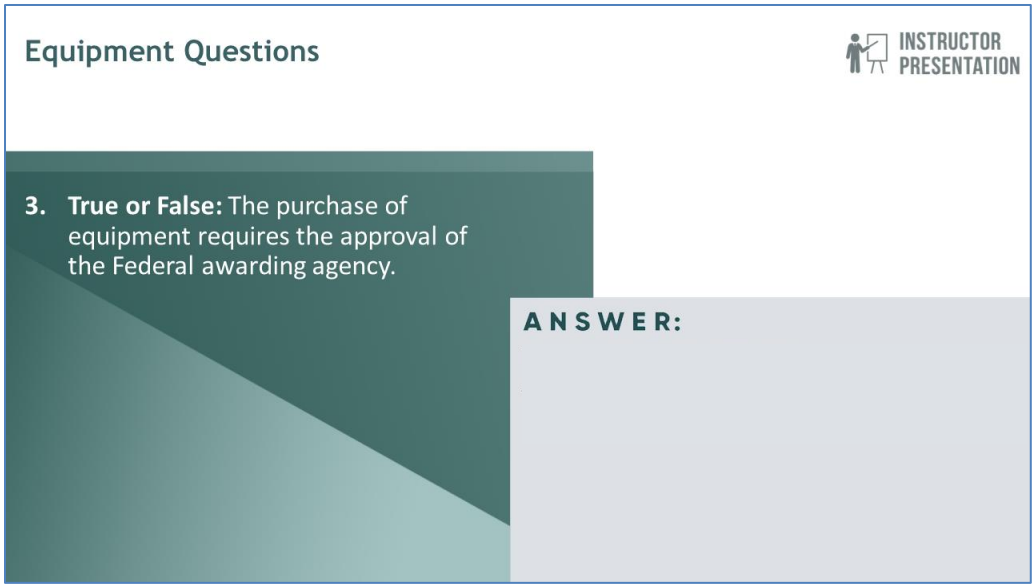

Slide 23.

Activity Item

Question 3: (True or False): The purchase of equipment requires the approval of the Federal awarding agency.

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Slide 24.

Activity Item

Question 4: (True or False): Disposition of equipment $10,000 or above, requires the approval of the awarding Federal agency.

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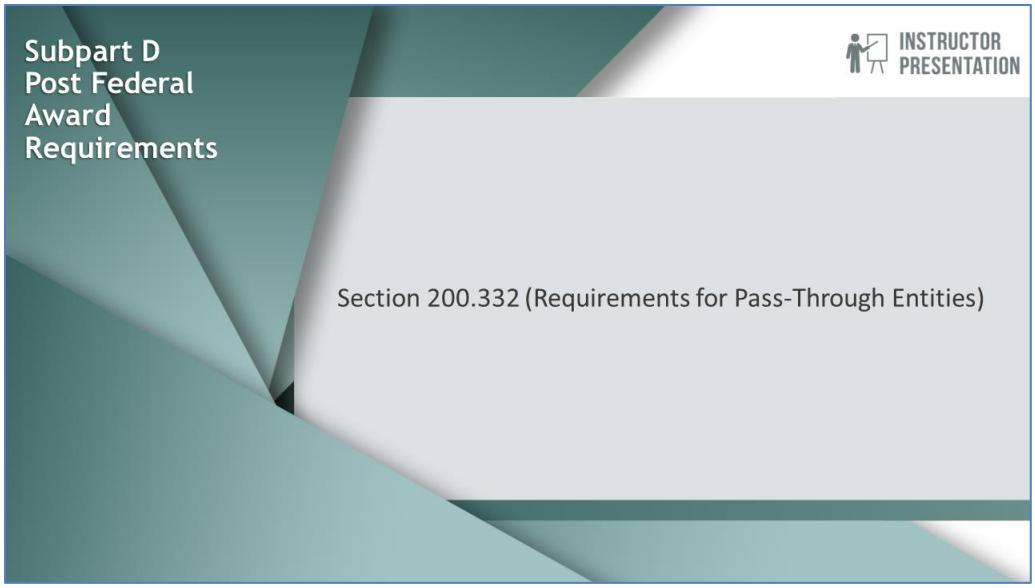

Slide 25.

Activity Item

Section 200.332

NOTE: All elements within Section 200.332 are required in all subawards.

Post Federal Award Requirements Questions

INSTRUCTOR PRESENTATION

Section 200.332
Requirements for Pass-Through Entities

1. **True or False:** Subawards must include the following at the time of the subaward: Subrecipient's unique entity identifier, Federal Award Identification Number (FAIN), total amount of Federal funds obligated, Assistance Listing (CFDA) number, and indirect cost rates.

ANSWER:

Slide 26.

Activity Item

Question 1: (True or False): Subawards must include the following at the time of the subaward: Subrecipient's Unique entity identifier, Federal Award Identification Number (FAIN), total amount of Federal funds obligated, Assistance Listing (CFDA) number, and indirect cost rates.

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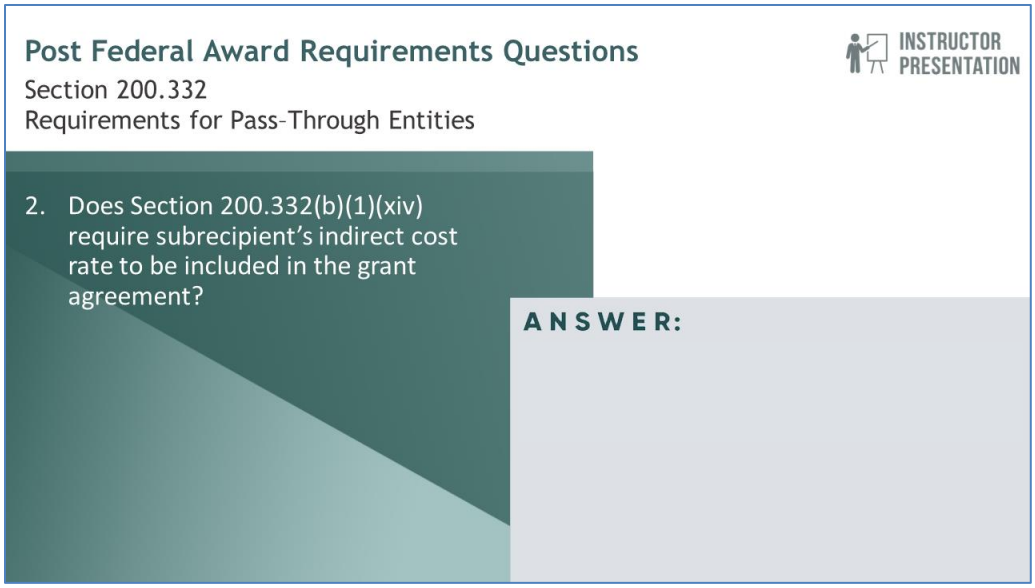

Slide 27.

Question 2: Does Section 200.332(b)(1)(xiv) require subrecipient's indirect cost rate to be included in the grant agreement?

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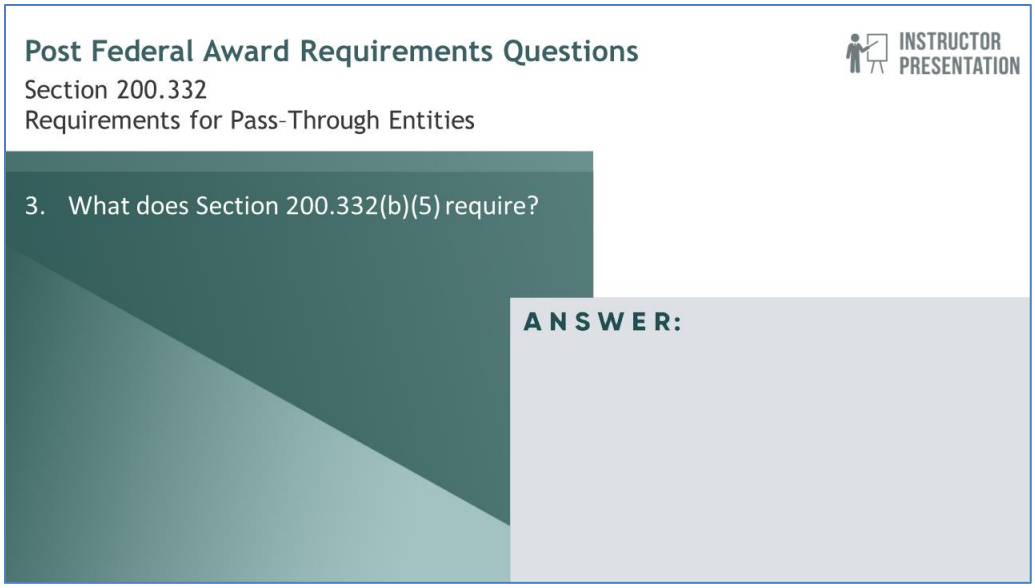

Slide 28.

Activity Item

Question 3: What does Section 200.332(b)(5) require?

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Post Federal Award Requirements Questions

INSTRUCTOR PRESENTATION

Section 200.332
Requirements for Pass-Through Entities

4. Section 200.332(c) requires the evaluation of each subrecipient's risk of non-compliance. What risk factors does 200.332(c) include?

ANSWER:

Slide 29.

Activity Item

Question 4: Section 200.332(c) requires the evaluation of each subrecipient's risk of non-compliance. What risk factors does 200.332(b) include?

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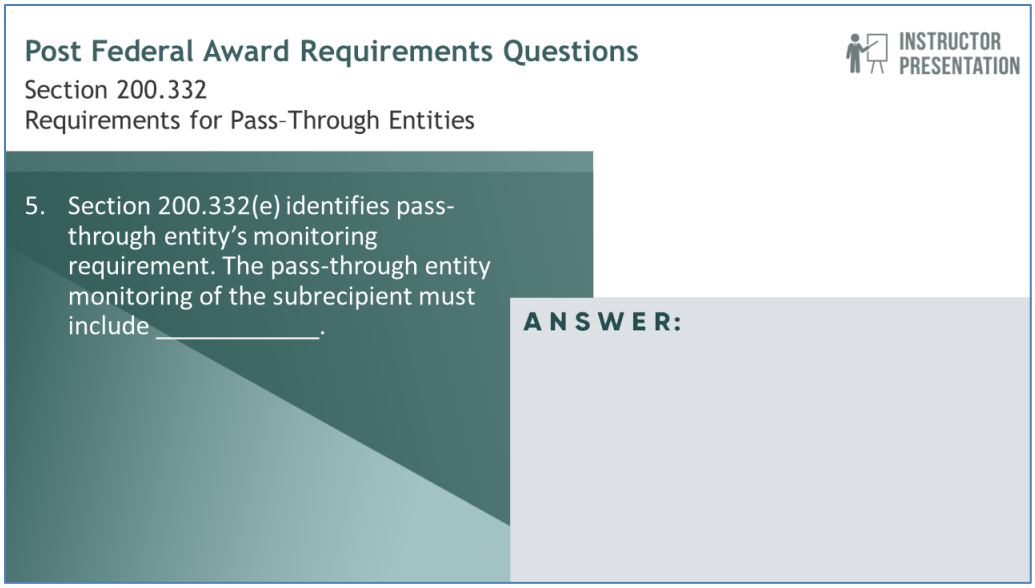

Slide 30.

Activity Item

Question 5: Section 200.332(e) identifies pass-through entity's monitoring requirement. The pass-through entity monitoring of the subrecipient must include _____.

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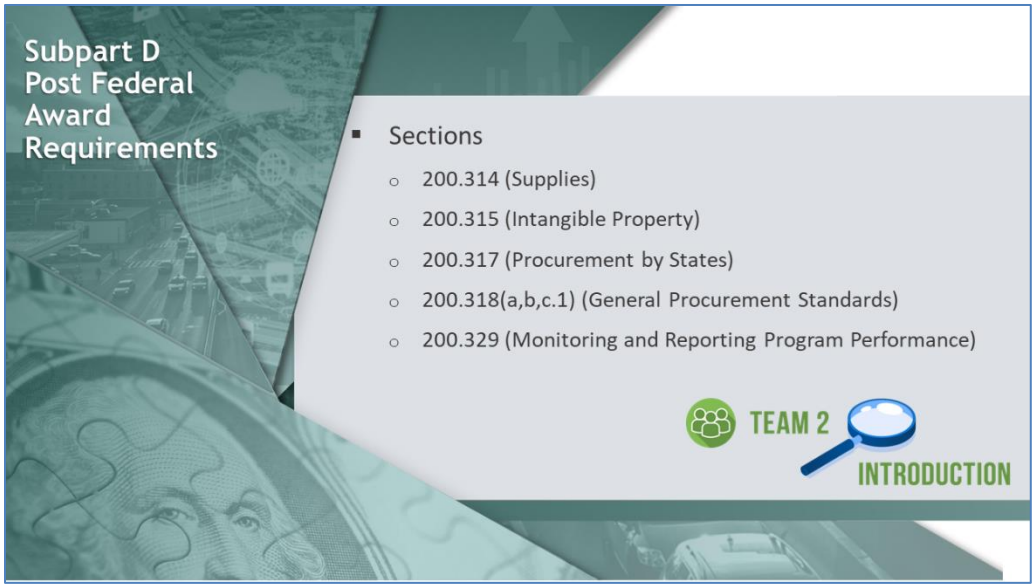
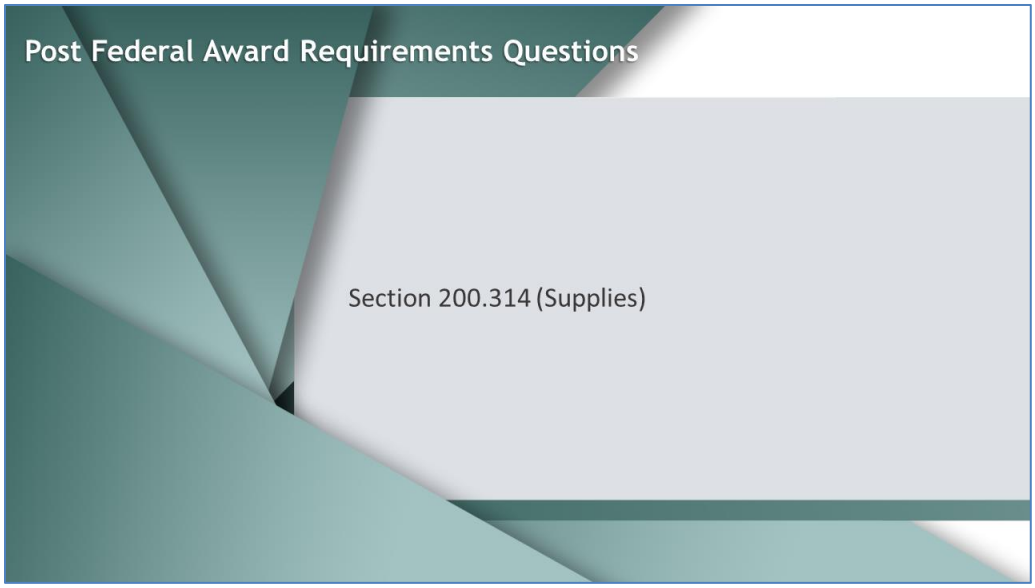


Slide 31.

Section 200.314 (Supplies), Section 200.315 (Intangible property), Section 200.317 (Procurements by States), Section 200.318 (General procurement standards), Section 200.329 (Monitoring and reporting program performance)



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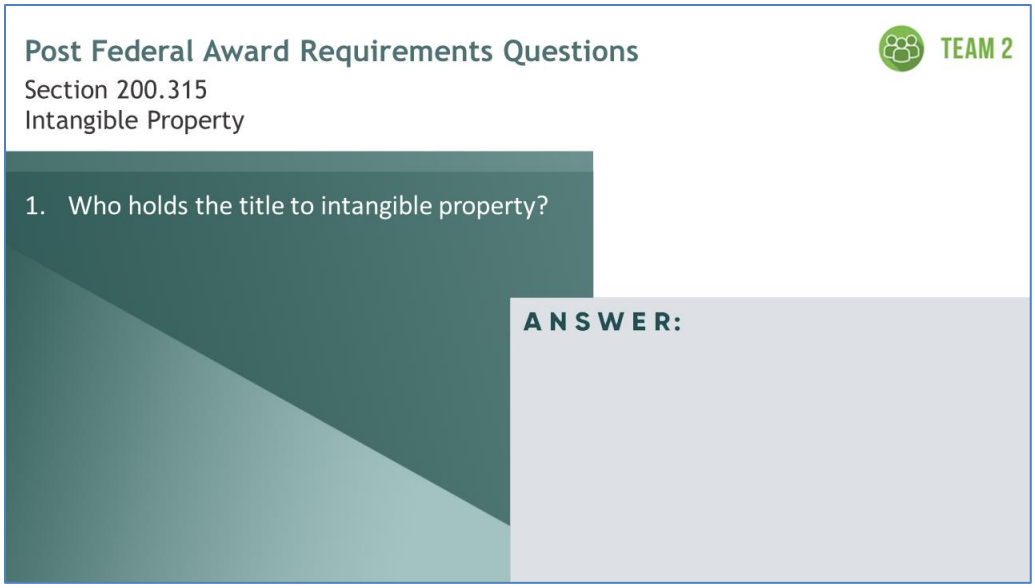
Section 200.314 Supplies



Slide 33.

Section 200.315 Intangible Property

(a), (b), (d)

Activity Item

Question 1: Who holds the title to intangible property?

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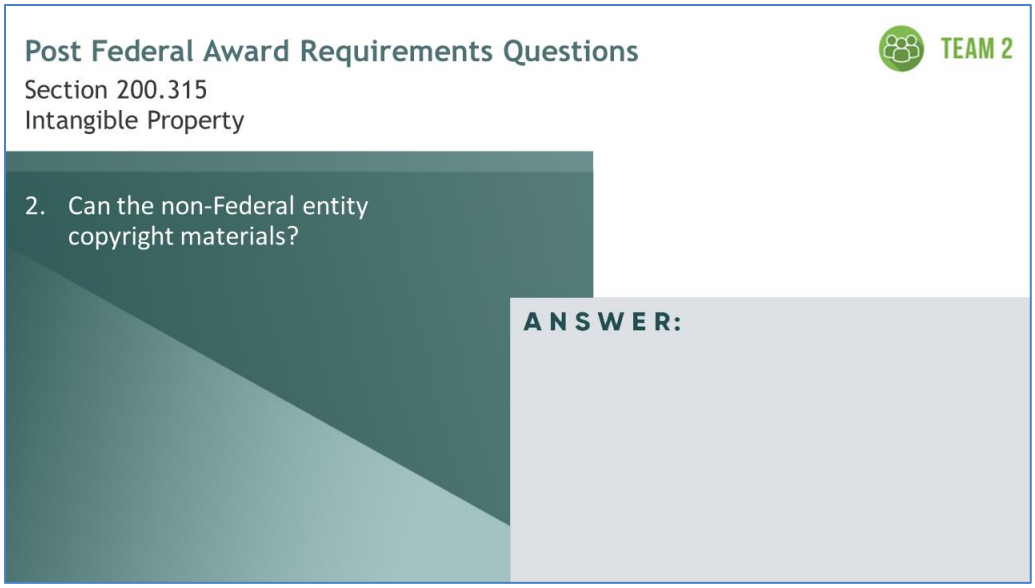

Slide 34.

Activity Item

Question 2: Can the non-Federal entity copyright materials?

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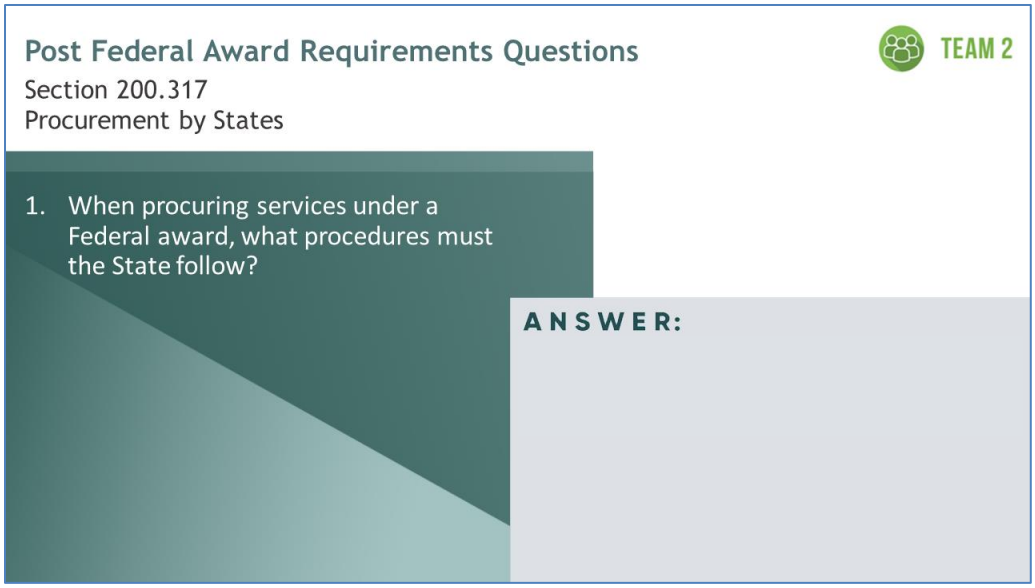

Slide 35.

Section 200.317 (Procurement by States)

Section 200.317

Question 1: When procuring services under a Federal award, what procedures must the State follow?

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Slide 36.

Section 200.318

Question 1: Are State subrecipients required to follow State procurement requirements?

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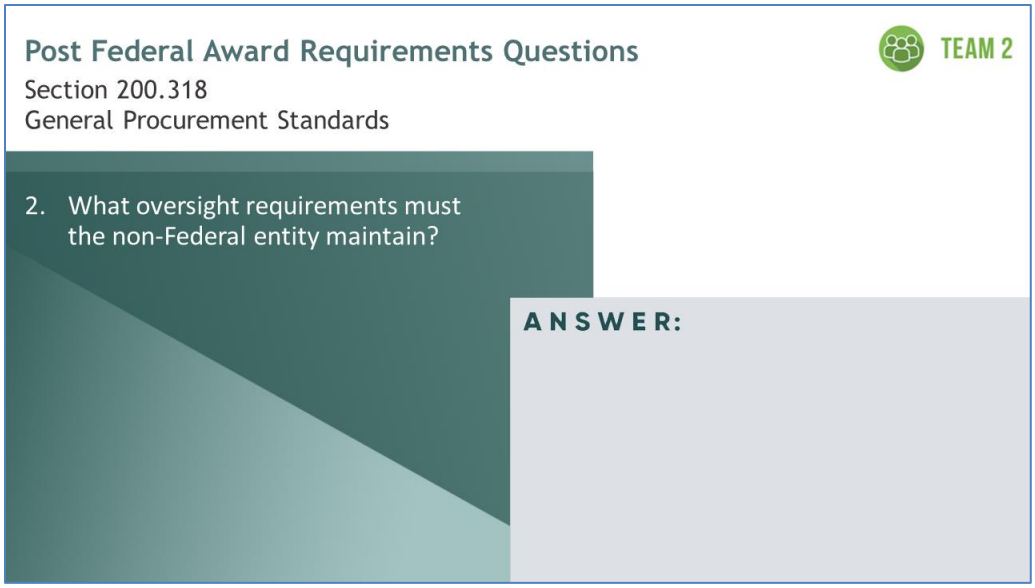

Slide 37.

Question 2: What oversight requirements must the non-Federal entity maintain?

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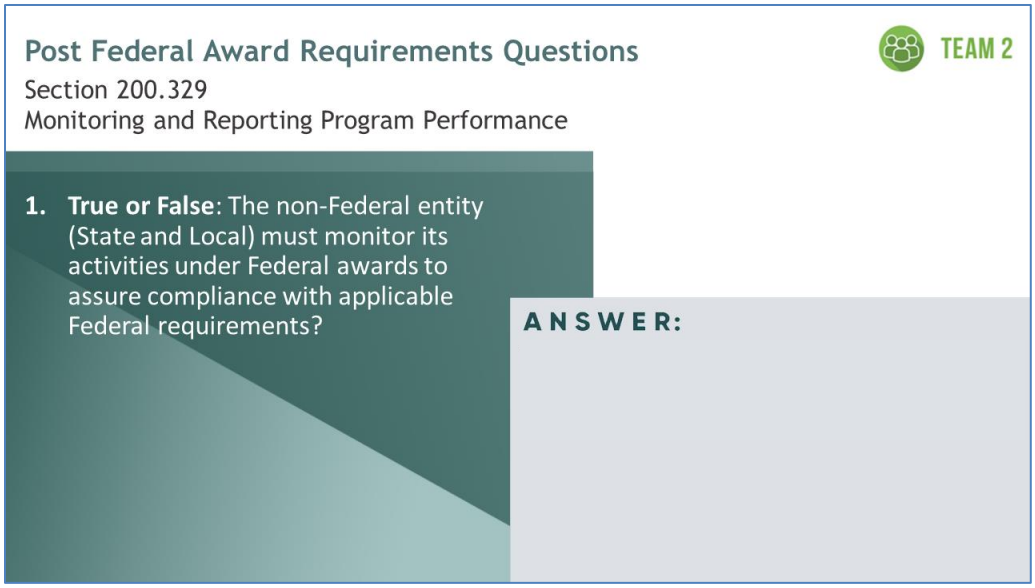

Slide 38.

Section 200.329

Question 1: (True or False): The non-Federal entity (State and Local) must monitor its activities under Federal awards to assure compliance with applicable Federal requirements?

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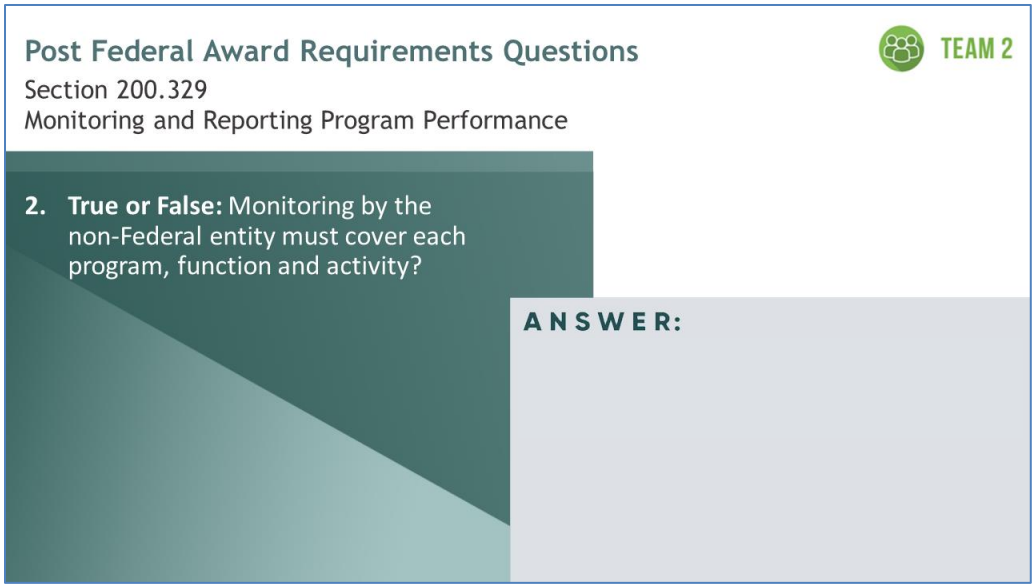

Slide 39.

Activity Item

Question 2: (True or False): Monitoring by the non-Federal entity must cover each program, function and activity?

Slide 40.

Program income - Gross income earned by the non-Federal entity that is directly generated by a supported activity or earned as a result of the Federal award during the period of performance. 2 CFR § 200.1

Post Federal Award Requirements Questions

BONUS

2 CFR § 200.307
Program Income

1. Are taxes, fines and levies considered program income?

ANSWER:

Slide 41.

Activity Item

Question 1: Are taxes, fines and levies considered program income?

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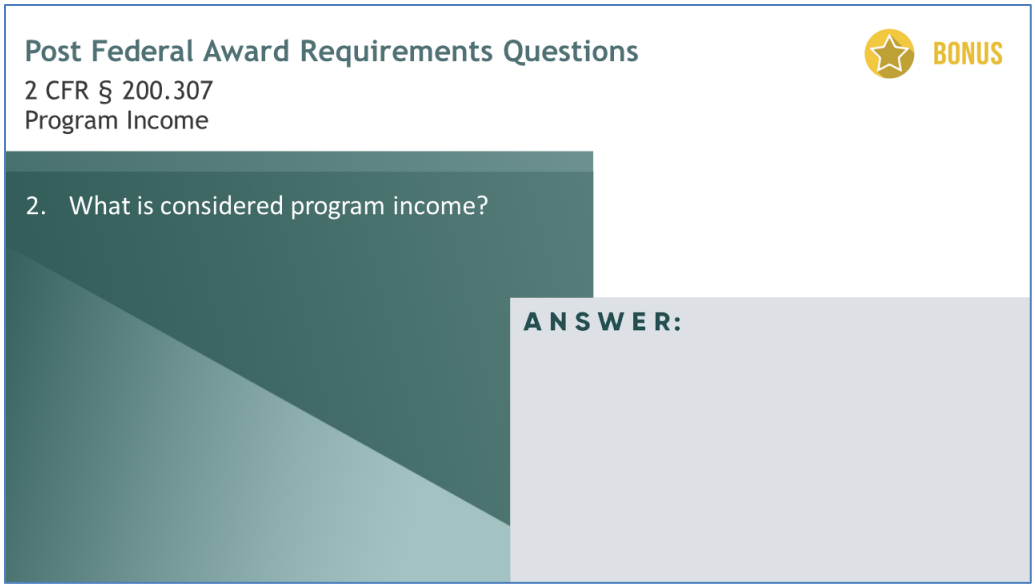

Slide 42.

Activity Item

Question 2: What is considered program income?

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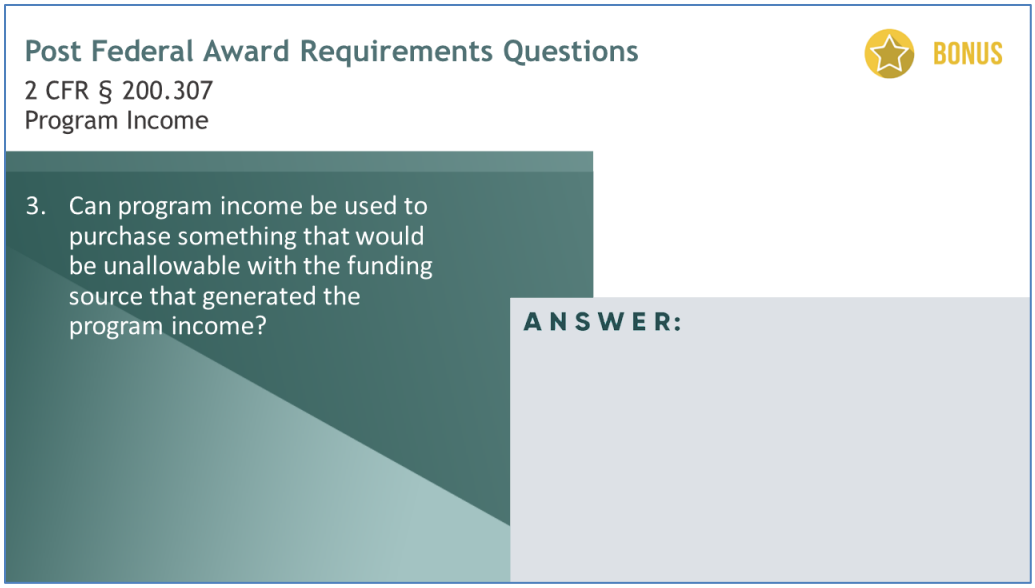

Slide 43.

Activity Item

Question 3: Can program income be used to purchase something that would be unallowable with the funding source that generated the program income?

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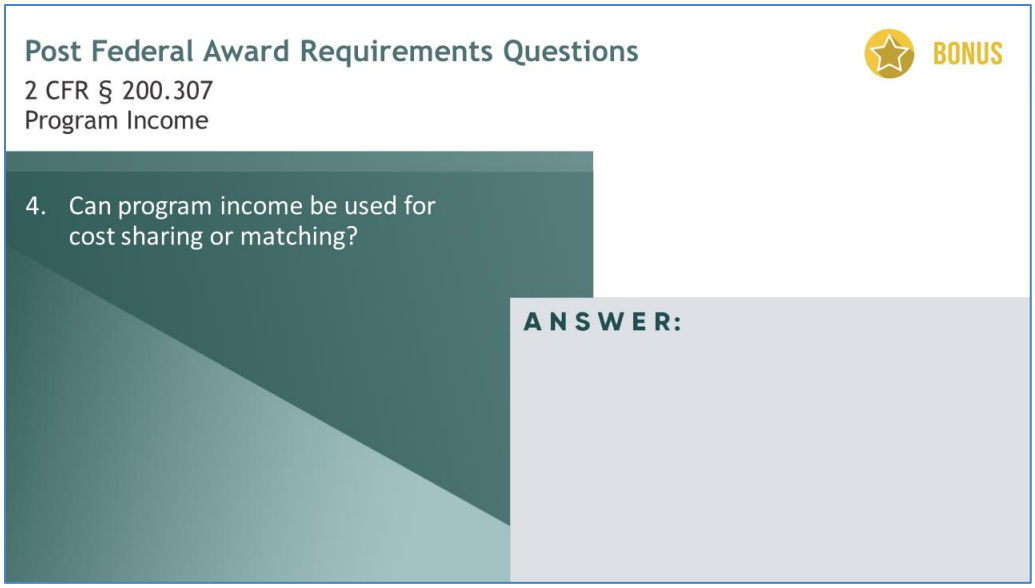

Slide 44.

Activity Item

Question 4: Can program income be used for cost sharing or matching?

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Post Federal Award Requirements Questions

BONUS

2 CFR § 200.307
Program Income

5. Are there requirements for income earned after the period of performance for the grant?

ANSWER:

Slide 45.

Activity Item

Question 5: Are there requirements for income earned after the period of performance for the grant?

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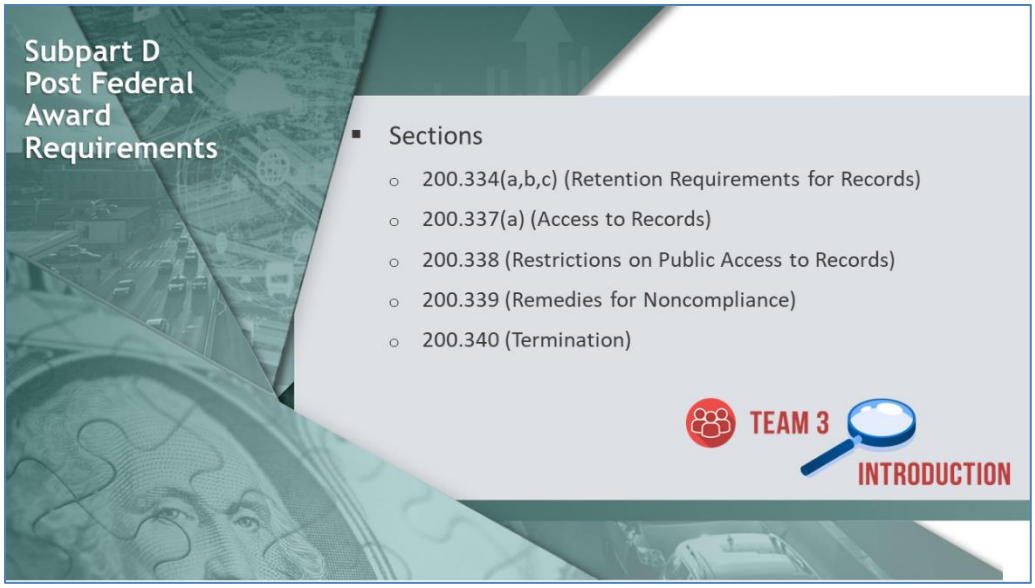

Slide 46.

Section 200.334(a,b,c) (Retention Requirements for Records), Section 200.337(a) (Access to Records), Section 200.338 (Restrictions on Public Access to Records), Section 200.339 (Remedies for noncompliance) and Section 200.340 (Termination)

Post Federal Award Requirements Questions

TEAM 3

Section 200.334
Retention Requirements for Records

1. For how many years must financial records be retained if there is litigation or an audit has been started before the expiration of the three-year period?

ANSWER:

Slide 47.

Activity Item

Question 1: For how many years must financial records be retained if there is litigation or an audit has been started before the expiration of the three-year period?

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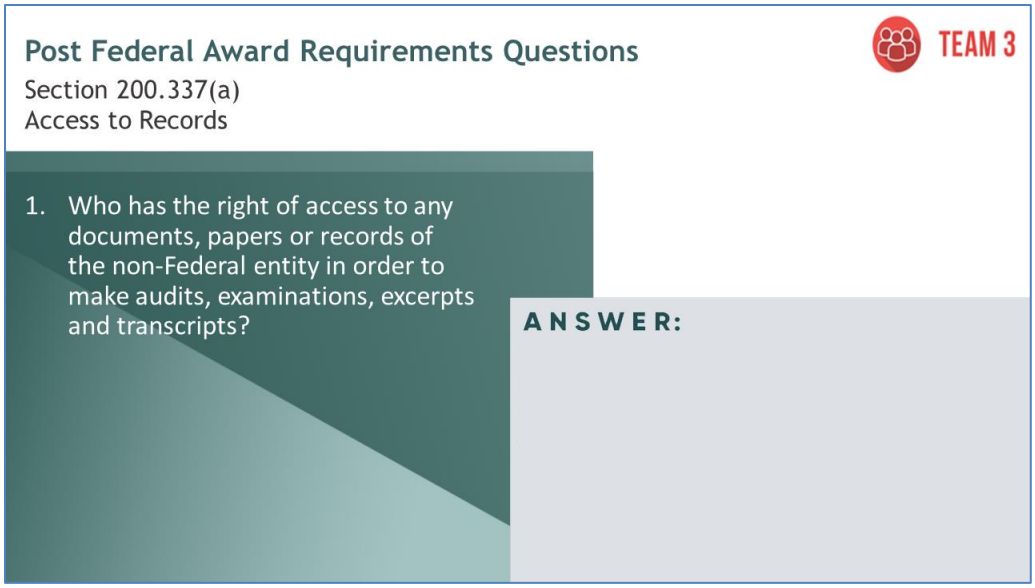

Slide 48.

Section 200.337(a)

Question 1: Who has the right of access to any documents, papers or records of the non-Federal entity in order to make audits, examinations, excerpts and transcripts?

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Post Federal Award Requirements Questions

TEAM 3

Section 200.337(a)
Access to Records

2. If your State regulations require record retention 5 years after the close of the State fiscal year, would you follow the State requirements or the Federal requirements?

ANSWER:

Slide 49.

Activity Item

Question 2: If your State regulations require record retention 5 years after the close of the State fiscal year, would you follow the State requirements or the Federal requirements?

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Slide 50.

Section 200.338

Question 1: Can a Federal awarding agency place restrictions on the non-Federal entity that limits public access to the records of the non-Federal entity?

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Slide 51.

Section 200.339

Question 1: What actions can the State take if their subrecipients fail to comply with the terms of the award?

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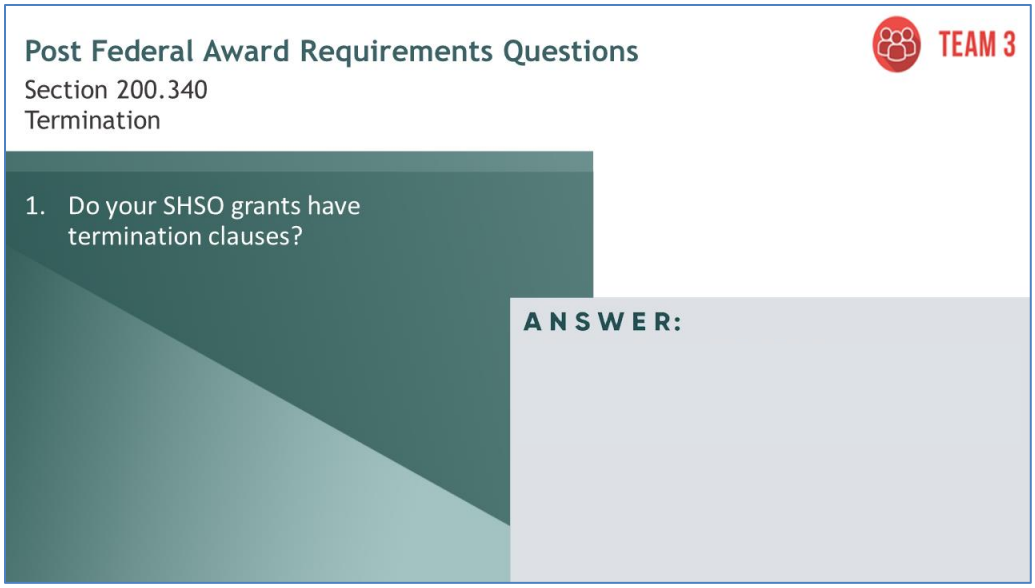

Slide 52.

Section 200.340

Question 1: Do your SHSO grants have termination clauses?

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Post Federal Award Requirements Questions

TEAM 3

Section 200.340
Termination

2. Can the Federal awarding agency or the pass-through entity terminate a non-Federal entity's Federal award or project?

ANSWER:

Slide 53.

Activity Item

Question 2: Can the Federal awarding agency or the pass-through entity terminate a non-Federal entity's Federal award or project?

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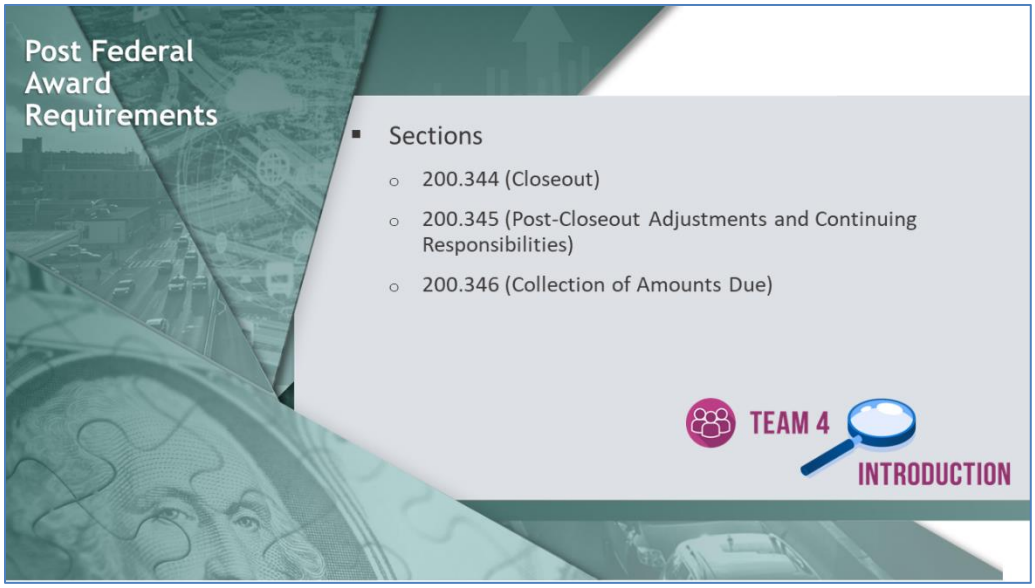
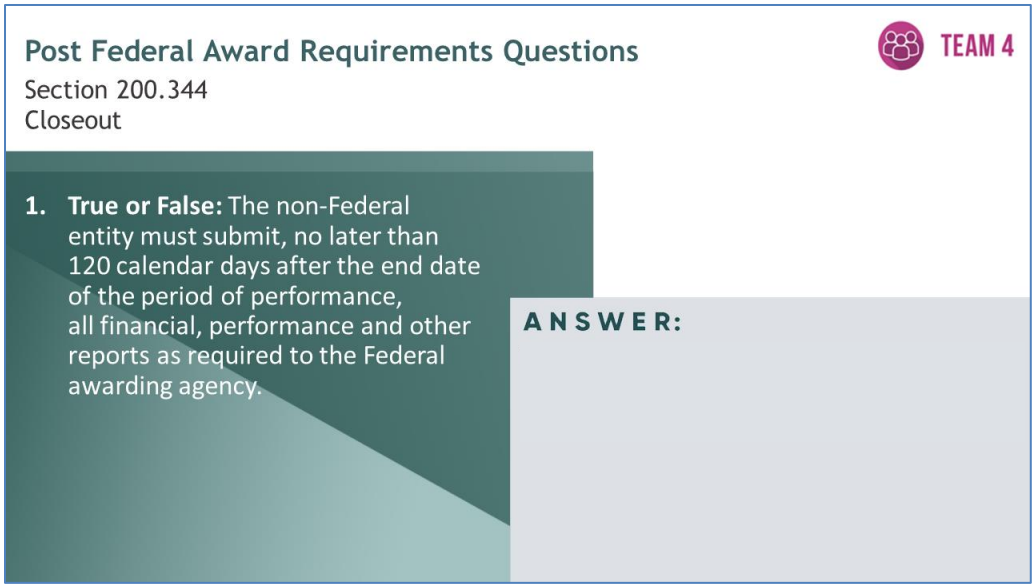


Slide 54.

Section 200.344 (Closeout), 200.345 (Post-Closeout Adjustment and Continuing Responsibilities), and Section 200.346 (Collection of Amounts Due)

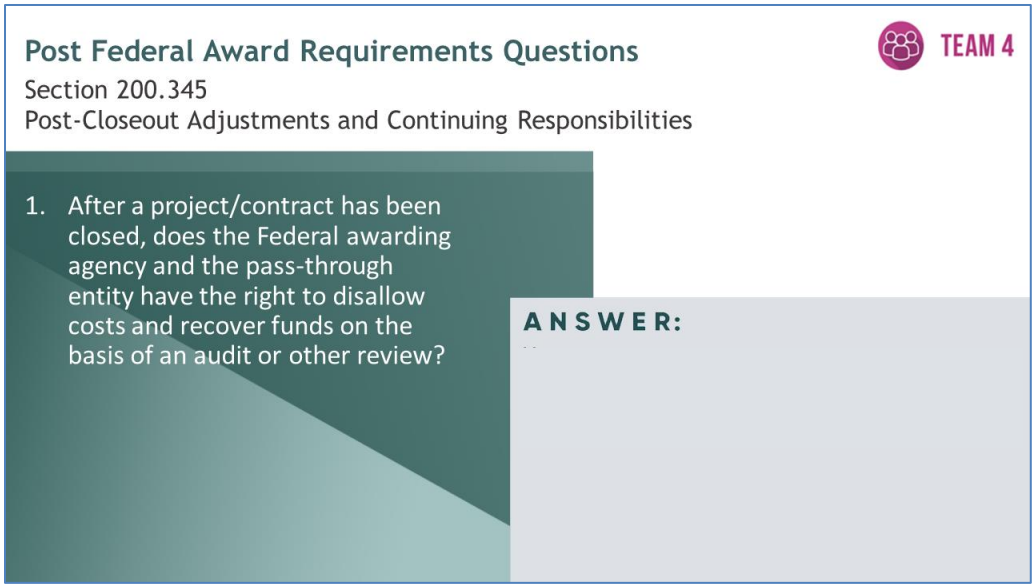


Slide 55.

Section 200.344 - Closeout

Activity Item

Question 1: (True or False): The non-Federal entity must submit, no later than 120 calendar days after the end date of the period of performance, all financial, performance and other reports as required to the Federal awarding agency.



Slide 56.

Activity Item

Section 200.345 - Post-Closeout Adjustment and Continuing Responsibilities

Question 1: After a project/contract has been closed, does the Federal awarding agency and the pass-through entity have the right to disallow costs and recover funds on the basis of an audit or other review?

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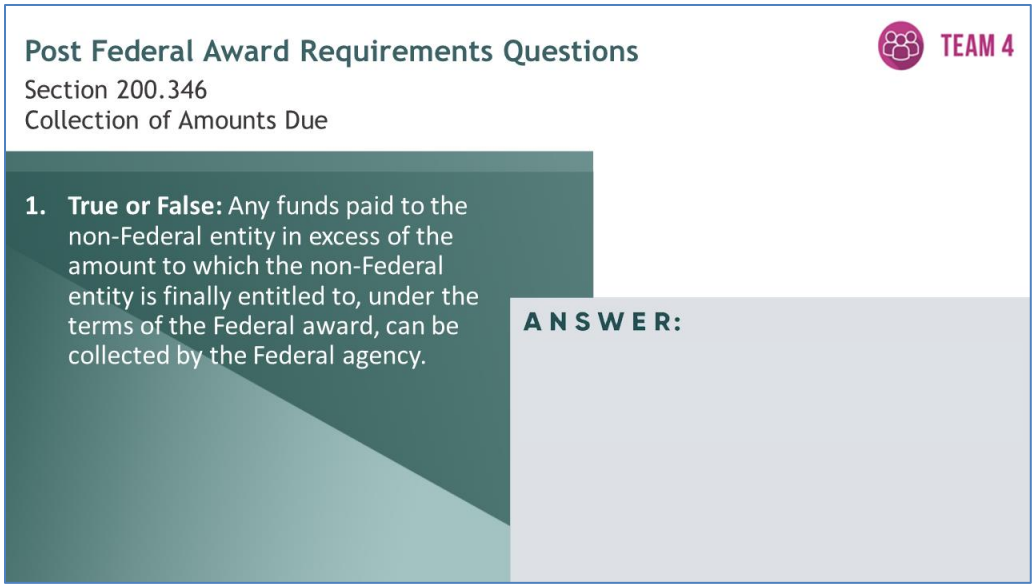
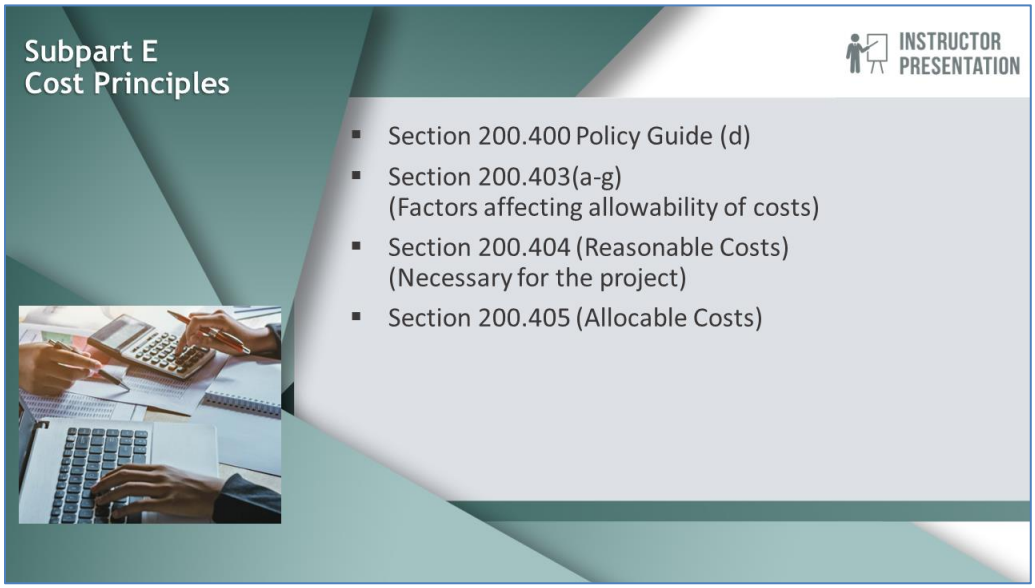


Slide 57.

Section 200.346 - Collection of Amounts Due

Question 1: (True or False): Any funds paid to the non-Federal entity in excess of the amount to which the non-Federal entity is finally entitled to, under the terms of the Federal award, can be collected by the Federal agency.

Cost Principles



Slide 58.

Cost Principles

Section 200.400: Policy Guide (d)

Activity Item

Question: What would be considered adequate documentation?

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Section 200.403(a-g): Factors Affecting Allowability of Costs

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Section 200.404: Reasonable Costs (Necessary for the project)

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Section 200.405: Allocable Costs

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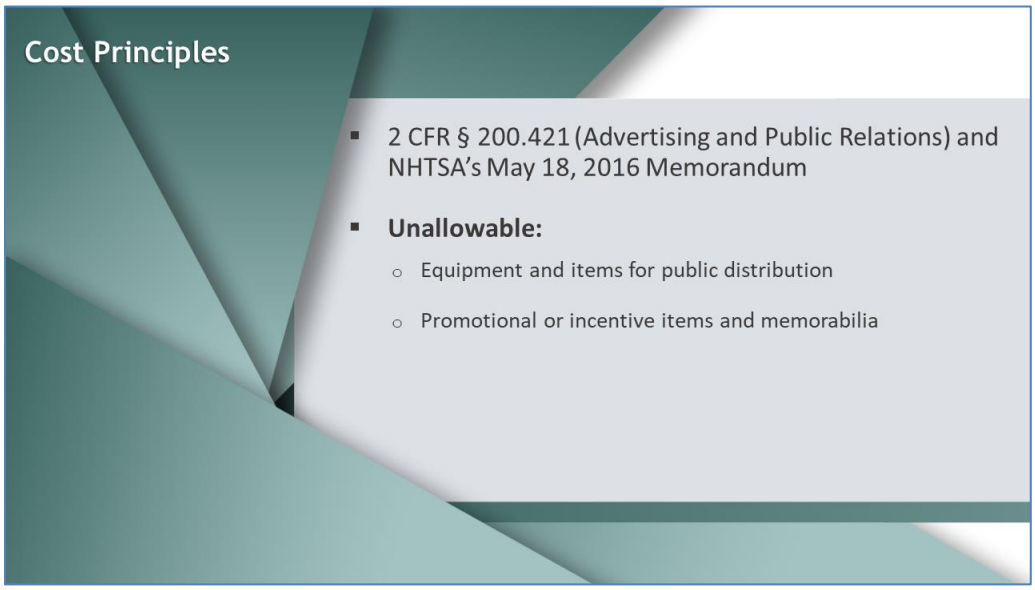
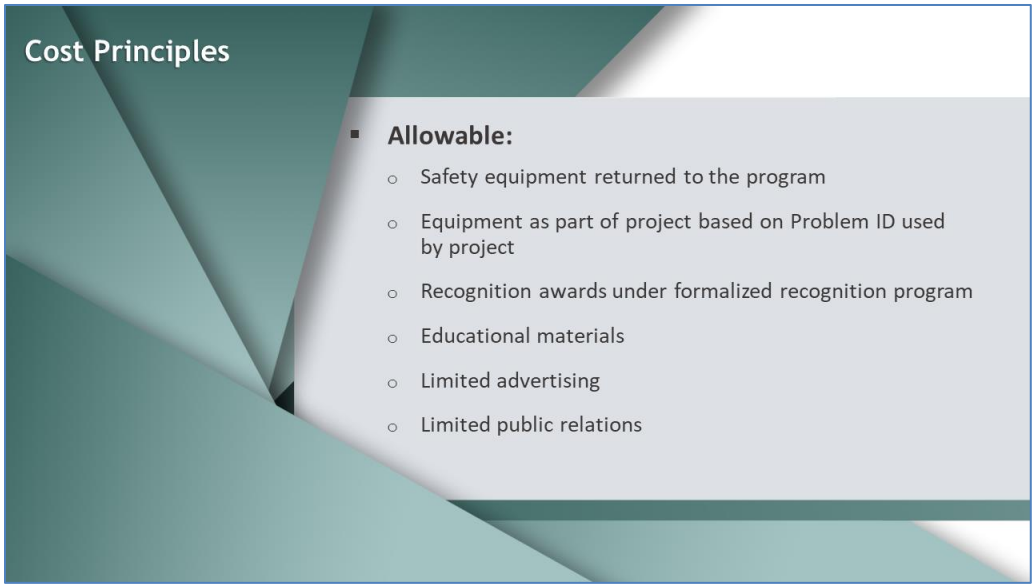
Slide 59.



Slide 60.

(Continued on next page)

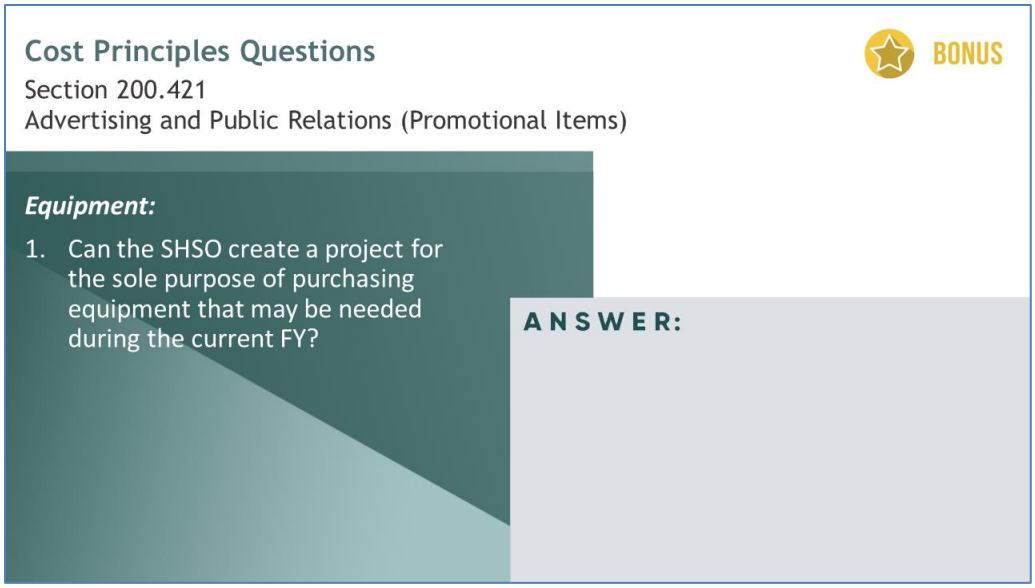


Slide 61.

Section 200.421: Advertising and Public Relations (promotional items)

Supplemental Materials

SUPPLEMENT, Use of NHTSA Highway Safety Grant Funds for Certain Purchases, May 18, 2016



Slide 62.

Equipment

Question 1: Can the SHSO create a project for the sole purpose of purchasing equipment that may be needed during the current FY?

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Cost Principles Questions

BONUS

Section 200.421
Advertising and Public Relations (Promotional Items)

Recognition Awards:

2. **True or False:** Examples of allowable recognition awards are: a plaque given by the SHSO to a police department at the annual highway safety conference for outstanding efforts; a medal given by the SHSO at a State Lifesavers conference to an individual for a career of exceptional service; and challenge coins given to the general public at State fairs.

ANSWER:

Slide 63.

Recognition Awards

Activity Item

Question 2: (True or False): Examples of allowable recognition awards are: a plaque given by the SHSO to a police department at the annual highway safety conference for outstanding efforts; a medal given by the SHSO at a State Lifesavers conference to an individual for a career of exceptional service; and challenge coins given to the general public at State fairs.

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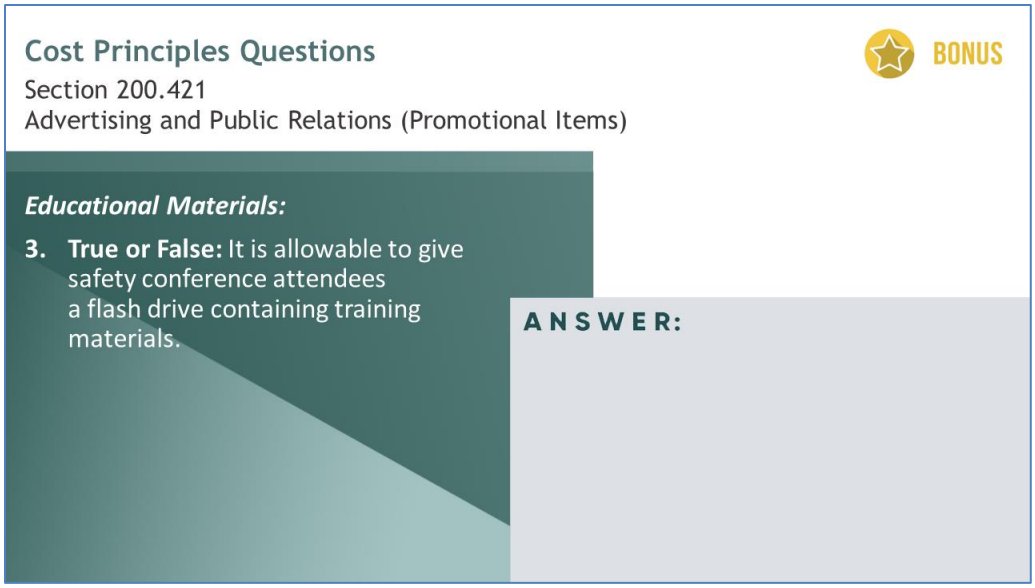

Slide 64.

Educational Materials

Question 3: (True or False): It is allowable to give safety conference attendees a flash drive containing training materials.

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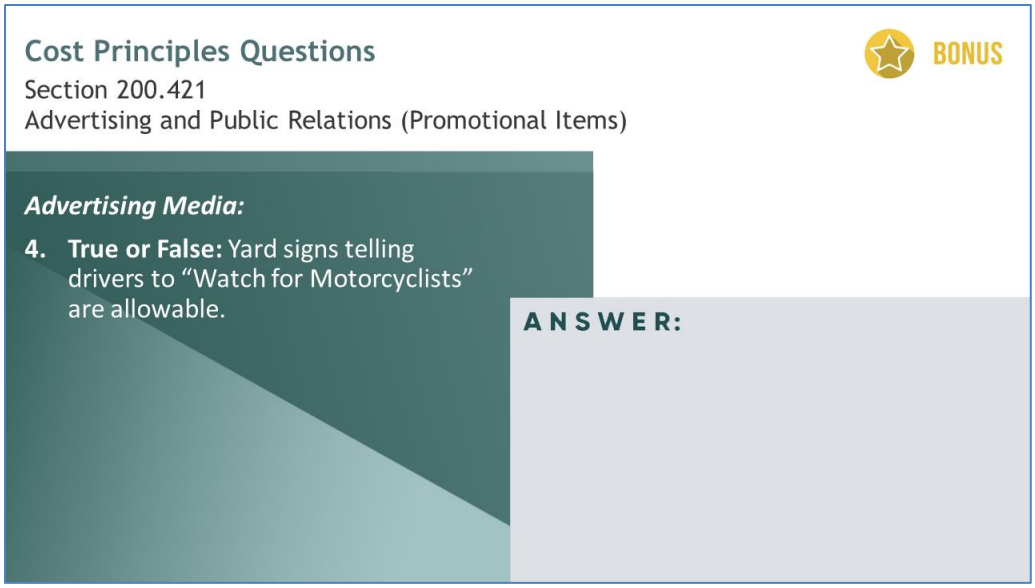

Slide 65.

Advertising Media

Question 4: (True or False): Yard signs telling drivers to "Watch for Motorcyclists" are allowable.

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Cost Principles Questions

BONUS

Section 200.421
Advertising and Public Relations (Promotional Items)

Safety Items for Public Distribution:

5. **Yes or No:** Can a project be developed and limited to the purchase and distribution of safety items for public distribution?

ANSWER:

Slide 66.

Activity Item

Safety Items for Public Distribution

Question 5: (Yes or No): Can a project be developed and limited to the purchase and distribution of safety items for public distribution?

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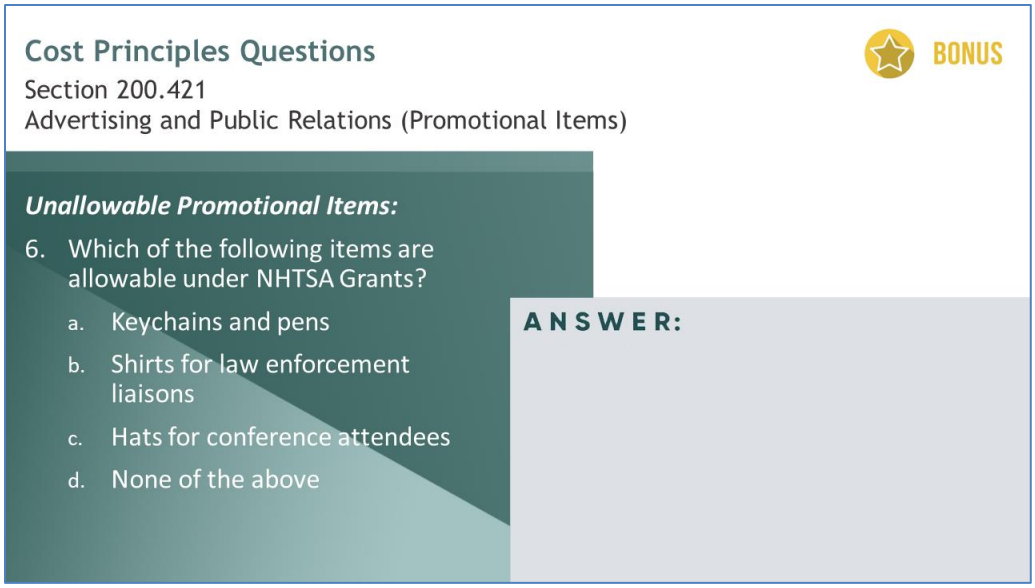


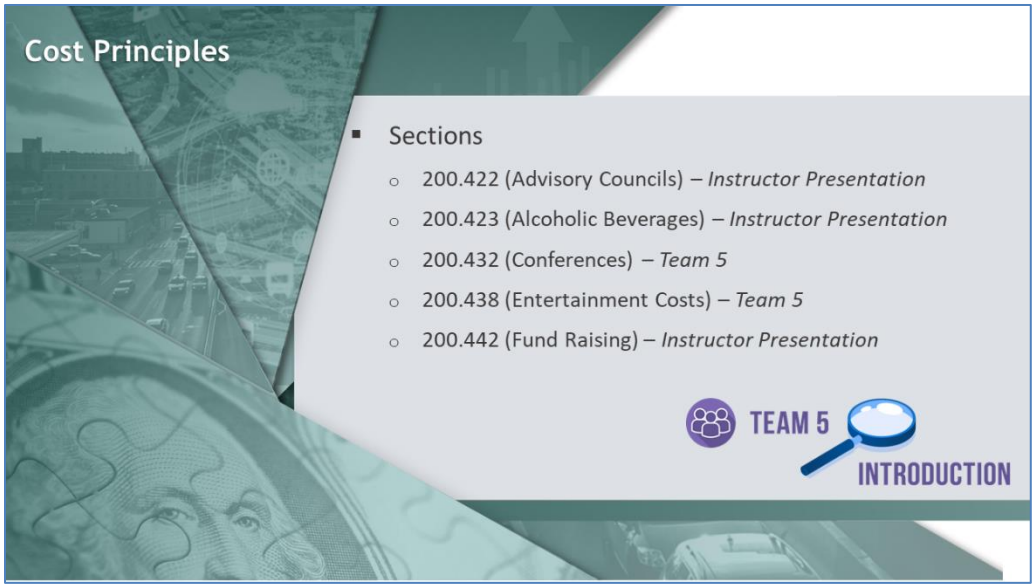
Slide 67.

Activity Item

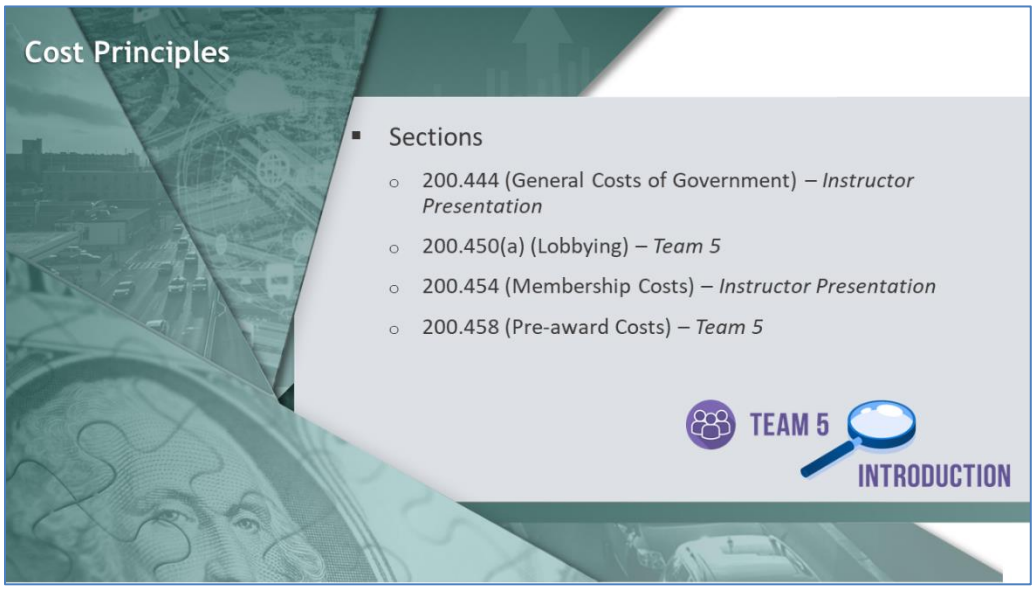
Unallowable Promotional Items

Question 6: Which of the following items are allowable under NHTSA grants?

a. Keychains and pens
b. Shirts for law enforcement liaisons
c. Hats for conference attendees
d. None of the above

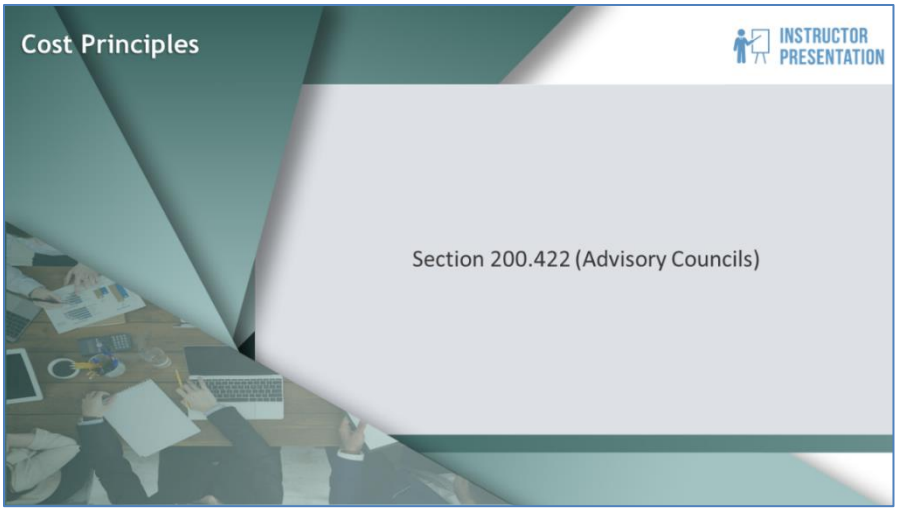


Slide 68.



Slide 69.

Section 200.422 (Advisory councils), Section 200.423 (Alcoholic beverages), Section 200.432 (Conferences), Section 200.438 (Entertainment costs), Section 200.442 (Fund raising and investment management costs), Section 200.444 (General Costs of Government), Section 200.450 (Lobbying), Section 200.454 (Memberships, subscriptions, and professional activity costs), and Section 200.458 (Pre-award costs)



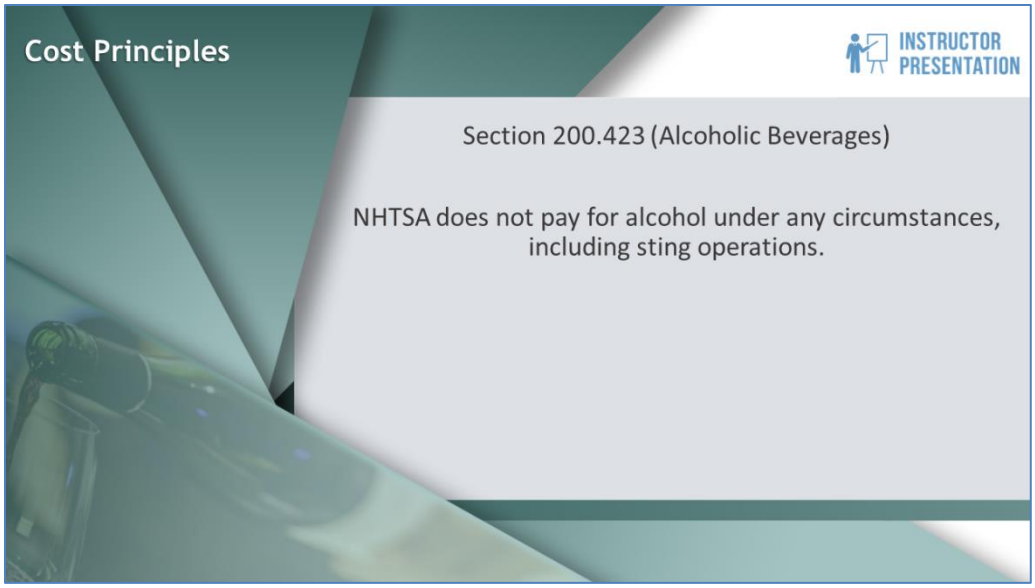
Slide 70.

Section 200.422: Advisory Councils

Even if an advisory council is authorized by the Regional Administrator, the following costs of the advisory council are not allowable:

- All costs, if the advisory council is required to qualify for the grant by which it is funded (e.g., the costs of a task force required to qualify for a Section 405 grant may not be reimbursed using Section 405 funds, but may be eligible for funding using other NHTSA grant funds as noted above)
- General costs of government (2 C.F.R § 200.444);
- Travel—and associated costs such as mileage, meals, lodging expenses—for members of an advisory committee who are not SHSO employees (2 C.F.R § 200.474 provides that certain travel costs are allowable, but only for employees of a recipient); Recipient refers to employees of the Agency who run the council
- Conference and training costs—including associated lodging, registration, travel, and meals—of advisory council members
- Unreasonable costs (e.g., costs in excess of normal market value or costs inconsistent with typical purchasing policies of the SHSO) (see 2 C.F.R. § 200.404) and
- Costs that are otherwise unallowable under the Super Circular's Cost Principles or under Federal or State statues, regulations or procedures

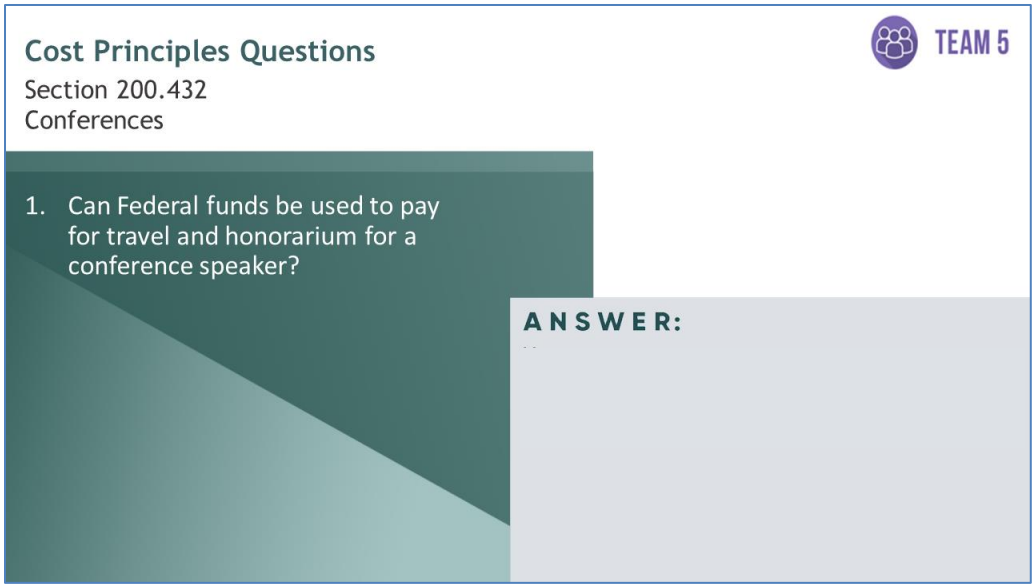
NOTE: There are many unique circumstances with advisory councils, and it is always a good idea to discuss it with the Regional Office.



Slide 71.

Section 200.423: Alcoholic Beverages

NOTE: <u>NHTSA does not pay for alcohol under any circumstances, including sting operations.</u>



Slide 72.

Activity Item

Question 1: Can Federal funds be used to pay for travel and honorarium for a conference speaker?

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Slide 73.

Activity Item

Question 1: Could a non-Federal entity purchase tickets to a college football game for the purpose of monitoring a sports marketing program?

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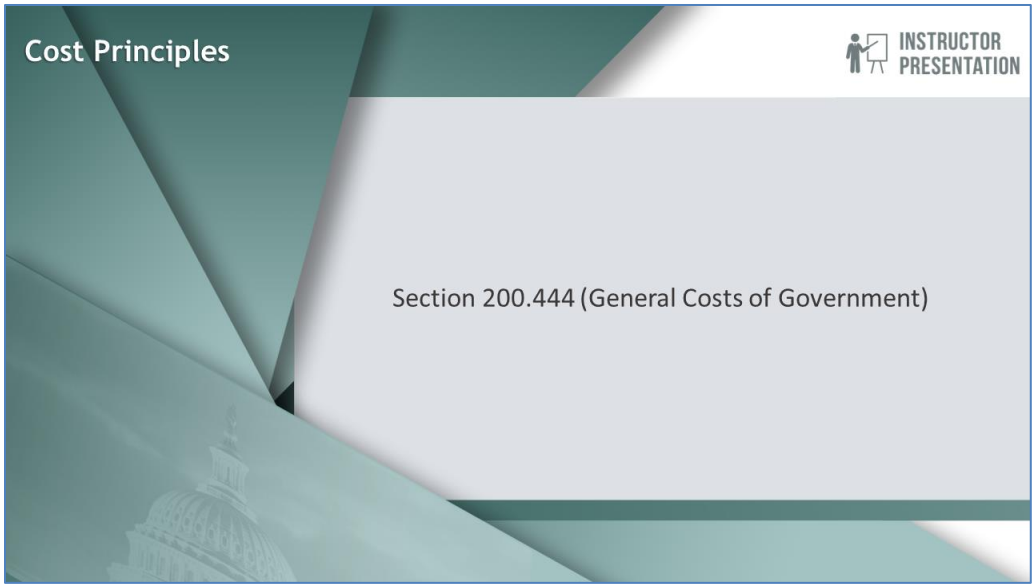
Slide 74.

Unallowable except when meeting program objectives with the prior written approval of NHTSA.



Slide 75.

Section 200.444: General Costs of government

Paying for Law Enforcement and Prosecutors' Activities Clarification

INSTRUCTOR PRESENTATION

- See NHTSA Clarification issued August 13, 2019
- For hours of eligible activities, not for hiring
- Compensation consistent with subrecipient's established written policies
- Document hours of work performed using time sheets and activity summaries which should include names and times

Slide 76.

Paying for Law Enforcement and Prosecutors' Activities Clarification

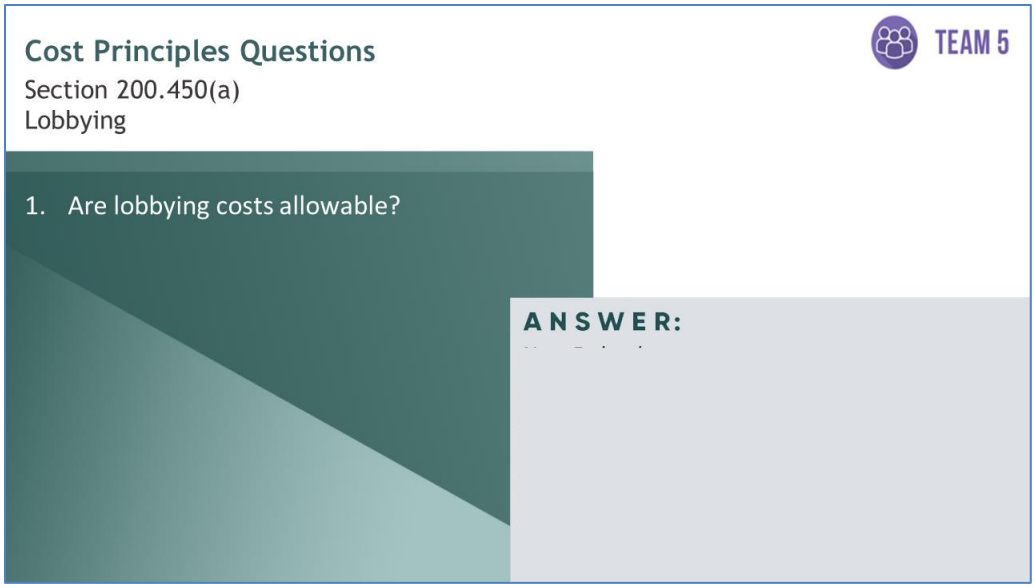
INSTRUCTOR PRESENTATION

- Project must be identified in terms of required activities, NOT identified individuals, or positions
- Any reimbursement of eligible fringe benefit would be proportional share
- If training is an eligible cost, so is the compensation during the eligible training

Slide 77.

RESOURCE: [Paying for Law Enforcement and Prosecutors' Activities Clarification]

SUPPLEMENT: Paying for Law Enforcement and Prosecutors' Activities Clarification



Slide 78.

Activity Item

Question 1: Are lobbying costs allowable?

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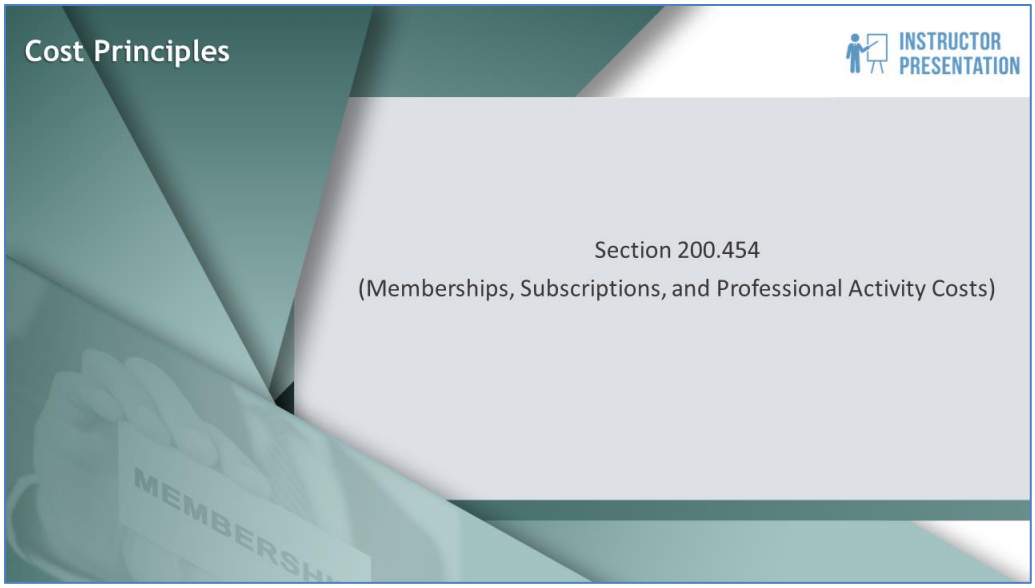


Slide 79.

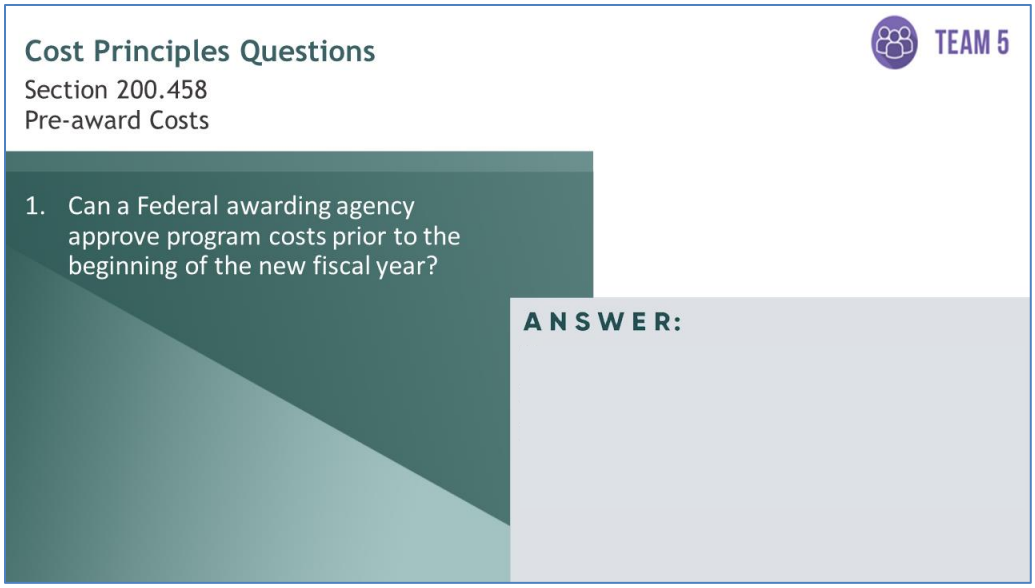
Section 200.454: Memberships, Subscriptions, and Professional Activity Costs

Website Resource

RESOURCE: 2 CFR § 200 Subpart E – Cost Principles

Supplemental Materials

SUPPLEMENT: 2 CFR Frequently Asked Questions - Published: May 03, 2021.



Slide 80.

Activity Item

Section 200.458 Pre-Award Costs

Question 1: Can a Federal awarding agency approve program costs prior to the beginning of the new fiscal year?

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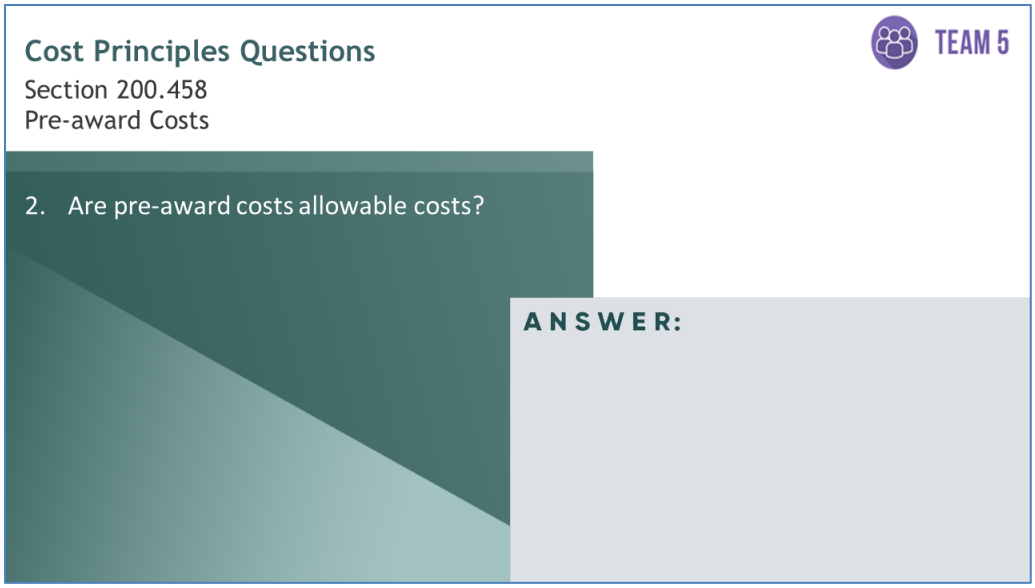


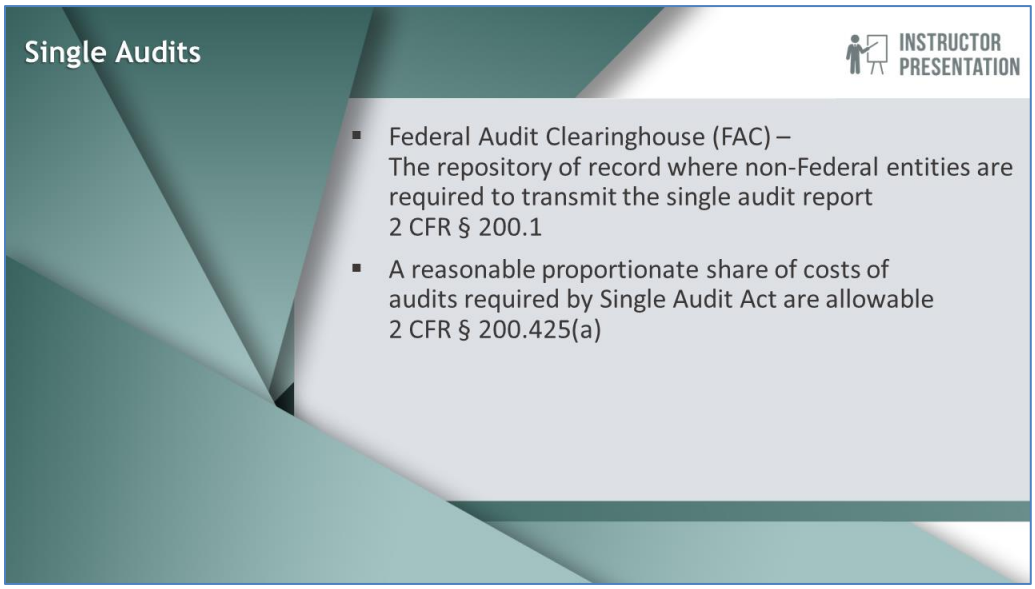
Slide 81.

Activity Item

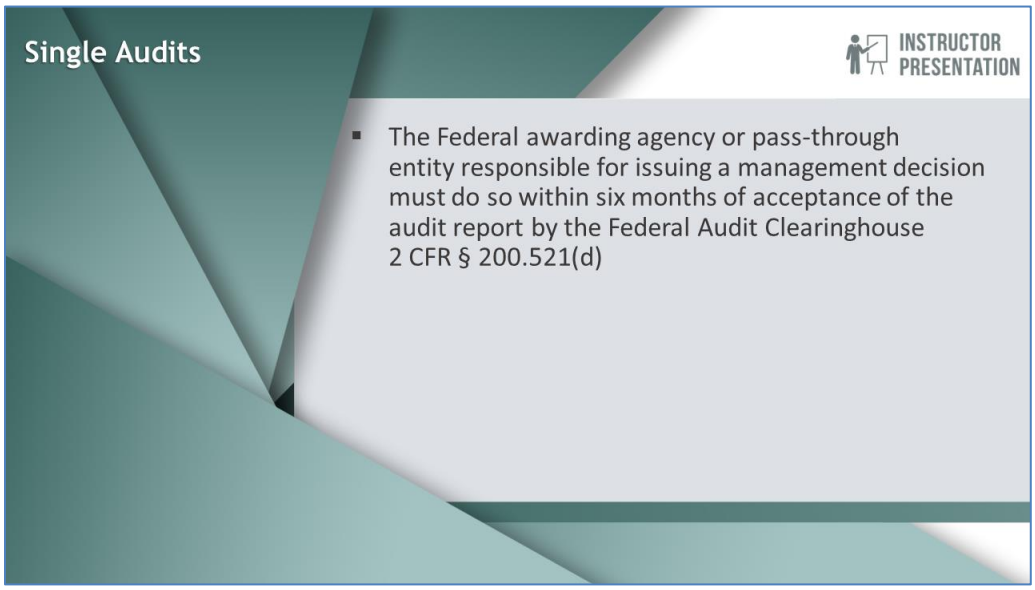
Section 200.458 Pre-Award Costs

Question 2: Are pre-award costs allowable costs?

Single Audits



Slide 82.



Slide 83.

(Continued on next page)

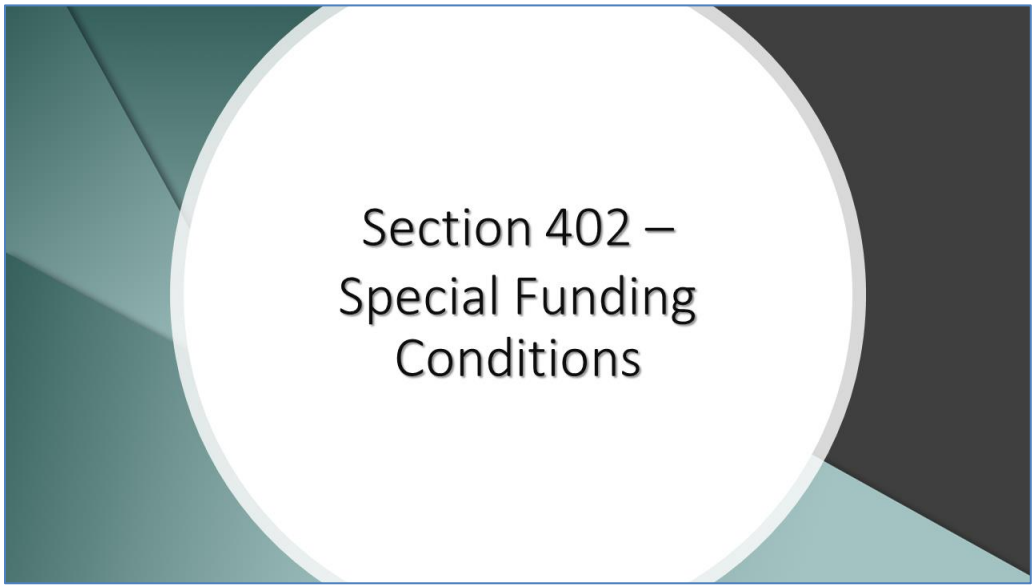
New or changed sections of 2 CFR Parts 183 & 200 resulting from 2020 Review & August Federal Register Notice. These items become effective in 2020.

2 CFR Part 183 - To meet statutory requirements, OMB is adding part 183 to 2 CFR to implement Never Contract with the Enemy, consistent with the fact that the law applies to only a small number of grants and cooperative agreements. The revisions require agencies to insert terms and conditions in grants and cooperative agreements regarding non-Federal entities' responsibilities to ensure no Federal award funds are provided directly or indirectly to the enemy, to terminate subawards in violation of Never Contract with the Enemy.

RESOURCE: PART 183 – NEVER CONTRACT WITH THE ENEMY

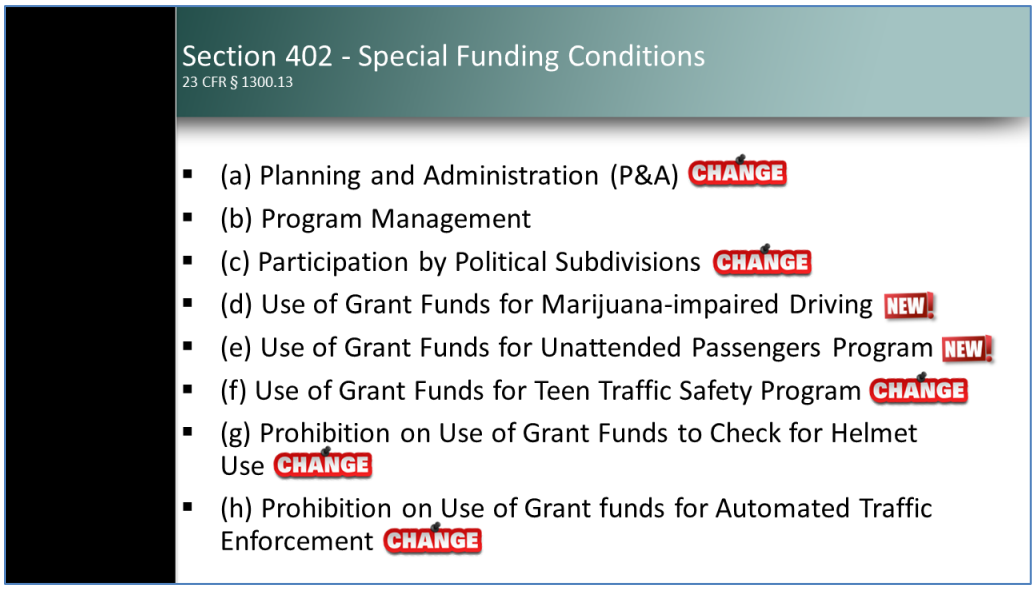
Slide 84.

Section 402



Slide 85.

Section 402



Slide 86.

Planning and Administration (P&A) Costs
(23 CFR § 1300.13(a)(1)(i))

- Direct and indirect costs that are attributable to the management of the Highway Safety Agency
- Includes salaries, related personnel benefits, travel expenses, and rental costs specific to the Highway Safety Agency
- Salary of an accountant on the State Highway Safety Agency staff is an example of a direct cost attributable to P & A
- Centralized support services such as personnel, procurement, and budgeting would be indirect costs
- NEW! P&A can include public participation and engagement activities, such as those required to plan and conduct public engagement for submission of triennial HSP

Slide 87.

NEW

§ 1300.11(b)(2) requires PP&E not just in the planning processes leading up to the triennial HSP but also throughout the life of the grant.

"In BIL, Congress added a requirement that State highway safety programs result from meaningful public participation and engagement from affected communities, particularly those most significantly impacted by traffic crashes resulting in injuries and fatalities."

"Public participation and engagement requirements implemented in this rulemaking form a critical part of State planning to help ensure that equity is centered in the grant program. Under BIL, States are expected to engage affected and potentially affected communities during their triennial HSP planning process and throughout the life of the grant, including through particular emphasis on underserved communities and communities over-represented in the data."

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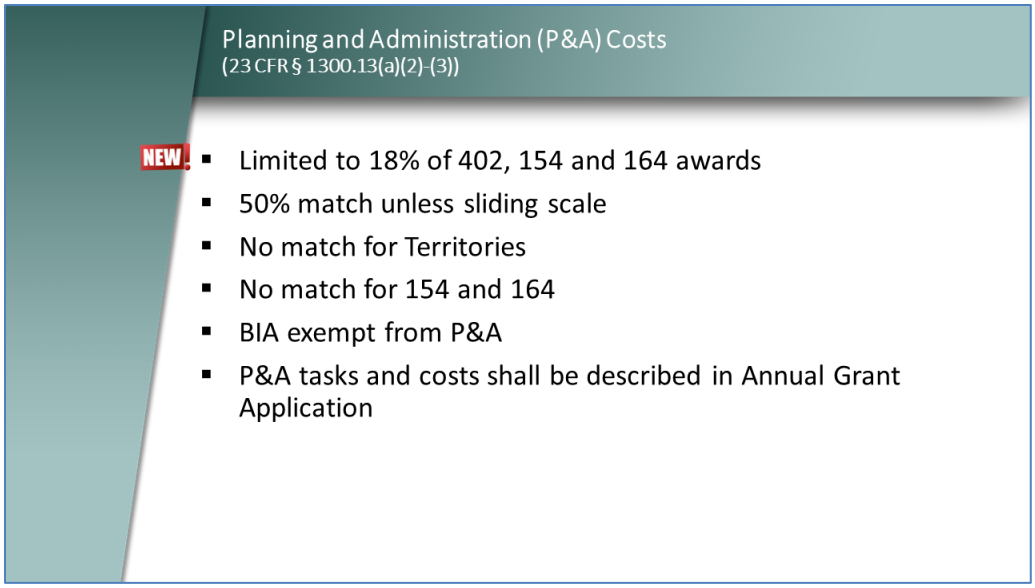


Slide 88.

Planning and Administration (P&A) Costs

NEW

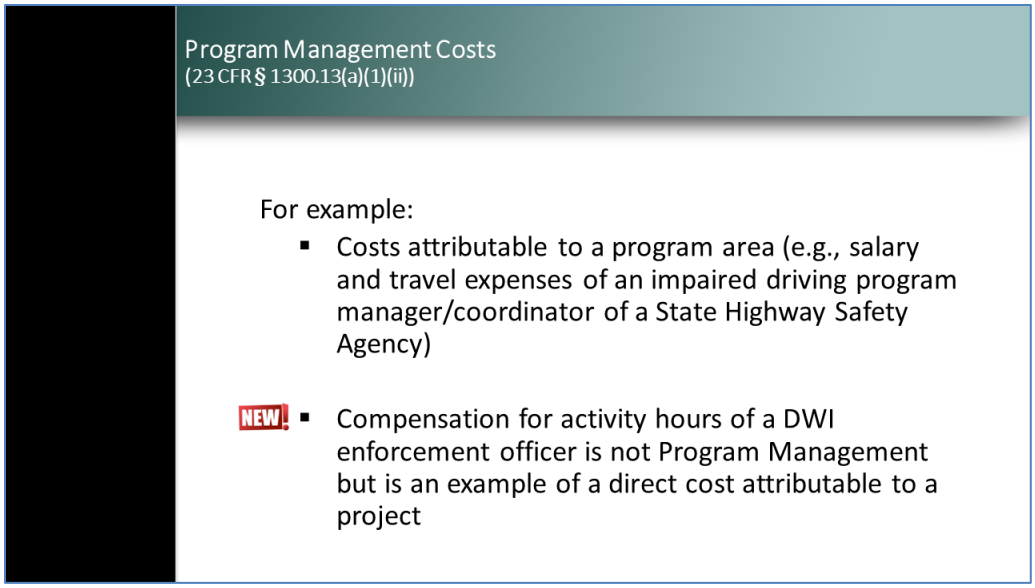
P&A Costs increase from 15% to 18%.

P&A = Direct and indirect costs attributable to the management of the Highway Safety Agency

- Includes salaries (GR if full-time in HSO, HSO Director, accountant and some administrative personnel) related personnel benefits, travel expenses, and rental costs specific to the Highway Safety Agency
- P&A not to exceed 18 percent of total funds State receives under Section 402. Previously, limit was 15 percent.

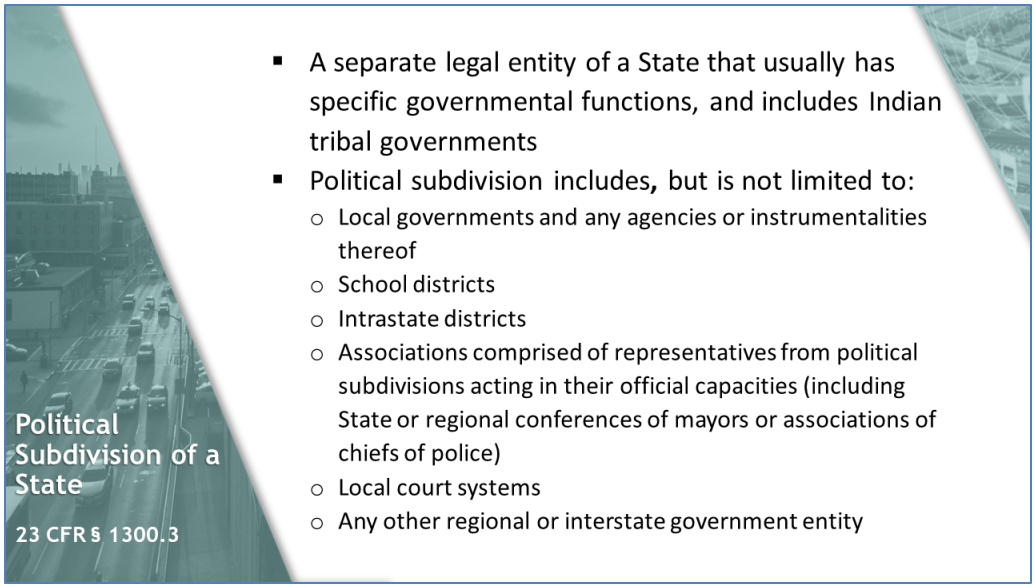
BIA is exempt because 95 percent of their Section 402 award must be expended by the Tribes.

NOTE: Match must be a "cash match"/direct expenditures.

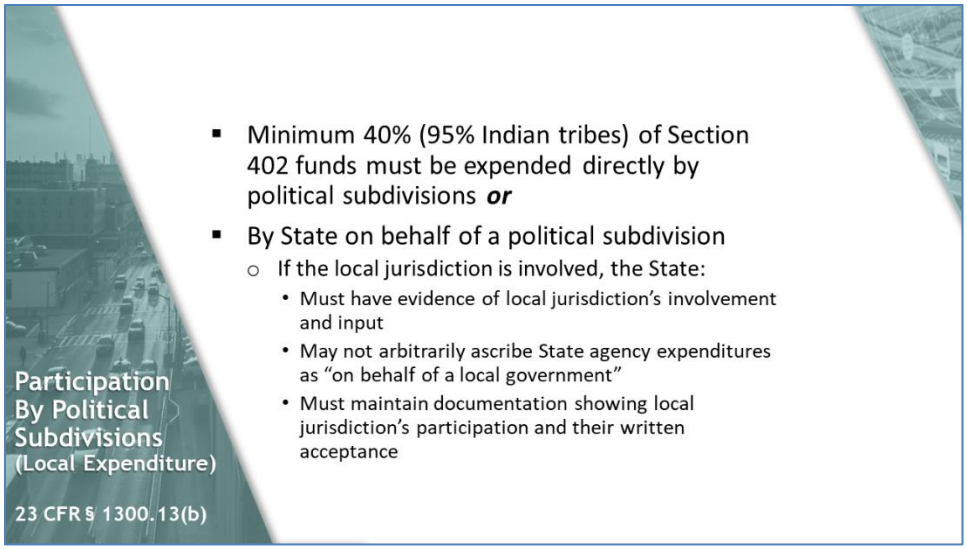


Slide 89.

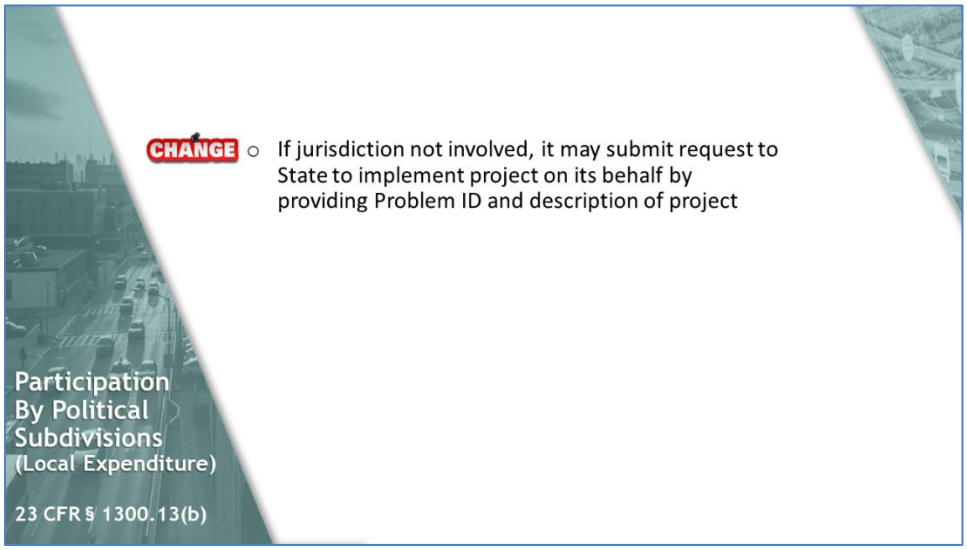
While there is no direct/specific match for Program Management as with P&A, the 402 funds used for Program Management are subject to the State 20% match in the aggregate.


Political Subdivision of a State
23 CFR § 1300.3
A separate legal entity of a State that usually has specific governmental functions, and includes Indian tribal governments
Political subdivision includes, but is not limited to:
Local governments and any agencies or instrumentalities thereof
School districts
Intrastate districts
Associations comprised of representatives from political subdivisions acting in their official capacities (including State or regional conferences of mayors or associations of chiefs of police)
Local court systems
Any other regional or interstate government entity

Slide 90.



Slide 91.



Slide 92.

When funds expended directly by political subdivision through a subaward to a qualified local entity, the requirement has been satisfied.

The Final Rule changed and added language referencing when the State expends funds on behalf of political subdivisions and requirements when the local jurisdiction is and is not involved.

Where funds are not actually spent by the local government, funds can be spent by the state or another entity like a non-profit on-behalf of a political subdivision. Expenditure "on behalf of" requires political subdivision involvement in identifying its traffic safety needs, and input into the implementation of the activity to address their needs.

Direct Expenditure Example

A county school district requests funding from the SHSO under normal grant application procedures. **The SHSO provides a subaward to the school district and oversees execution.**

On Behalf of: Example

In a SHSO-led workshop to discuss speeding in a particular area of the State, an authorized representative of a local Mayor's office provides data that demonstrates male drivers aged 25-40 are overrepresented in speed-related crashes in the locality. The SHSO uses this data and determines they are able to partner with the State police department to conduct targeted speed enforcement at various identified intersections within the locality. The SHSO provides the locality with the project details. **After reviewing the project, the Mayor's office submits a letter to the SHSO indicating that the project satisfies their need and requests the State's execution of this project on its behalf.**

On Behalf of: Example

The State association of chiefs of police is concerned about hosting the World Series and knows from data in other host cities that impaired driving is a big problem. **The association submits a letter to the State with this data and a request that the State conduct a media campaign targeted in the host city and the surrounding counties where visitors may be likely to stay.** The State adds this targeted request into a larger State-controlled media contract to create a variety of add campaigns focused on intoxicated driving involving sporting even attendees that will be played in the city and surrounding counties during the World Series.

On Behalf of: Example

The State identifies a pedestrian safety problem among students in a particular school district immediately before and after school hours. The State proactively reaches out to the school district and the administrations of the impacted counties to discuss implementation of a ped/safety project on their behalf. The district and surrounding counties agree on the problem and the need, and work with the State to develop a project. **Upon finalizing project details, the district superintendent could sign the project agreement or a letter to accept the State's implementation of the program on their behalf.**

NEW!

Use of 402 Funds for Marijuana-Impaired Driving

23 CFR § 1300.13(c)

- A State that has legalized medicinal or recreational marijuana shall consider implementing programs to—
  - (1) Educate drivers regarding the risks associated with marijuana-impaired driving; and
  - (2) Reduce injuries and deaths resulting from marijuana-impaired driving

Slide 93.

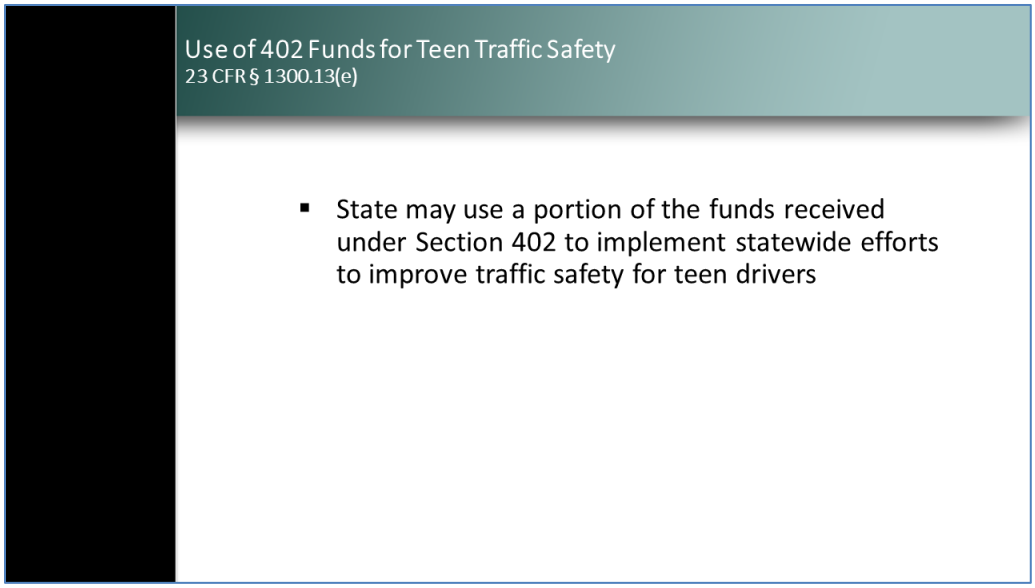
NEW!

Use of 402 Funds for Unattended Passengers Programs

23 CFR § 1300.13(d)

- State must use a portion of grant funds received under Section 402 to carry out a program to educate the public regarding the risks of leaving a child or unattended passenger in a vehicle after the vehicle motor is deactivated by the operator

Slide 94.



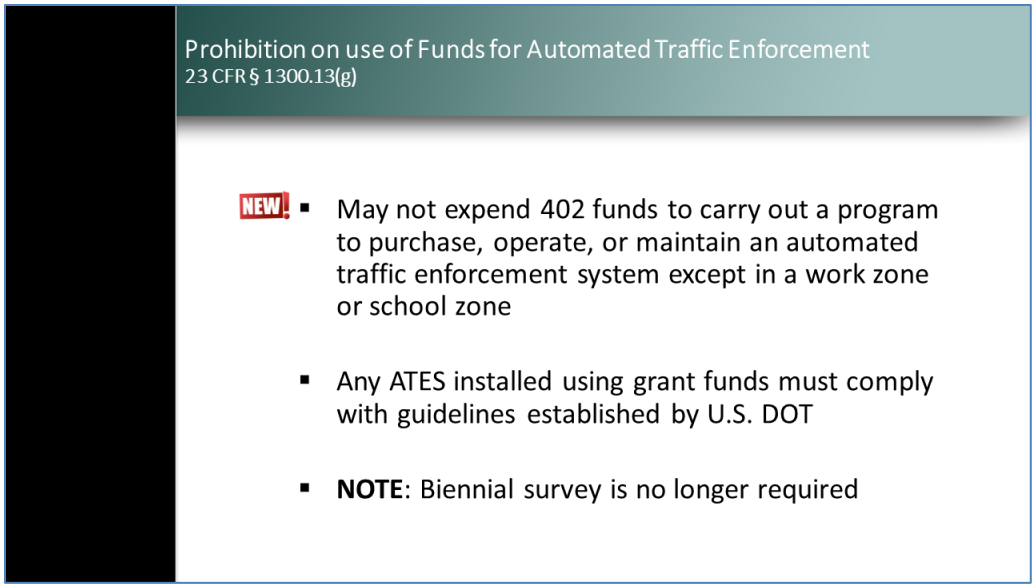
Slide 95.

In FAST Act, this was presented as a separate "unfunded" grant program that State could choose. BIL moves it and presents it as another allowable funding program. Based on data & problem ID, youth and teens can be a focus area in most of the program areas and 405 grant programs.

Prohibition On Use of Funds to Check For Helmet Usage
23 CFR § 1300.13(f)

- No grant funds may be used for programs to check helmet usage or to create checkpoints that specifically target motorcyclists

Slide 96.



Slide 97.

This continues from FAST Act with new exceptions in BIL. Red light running and speed enforcement cameras not allowed with 402 or 405 funds **EXCEPT** work or school zones, but allows hand-held radars.

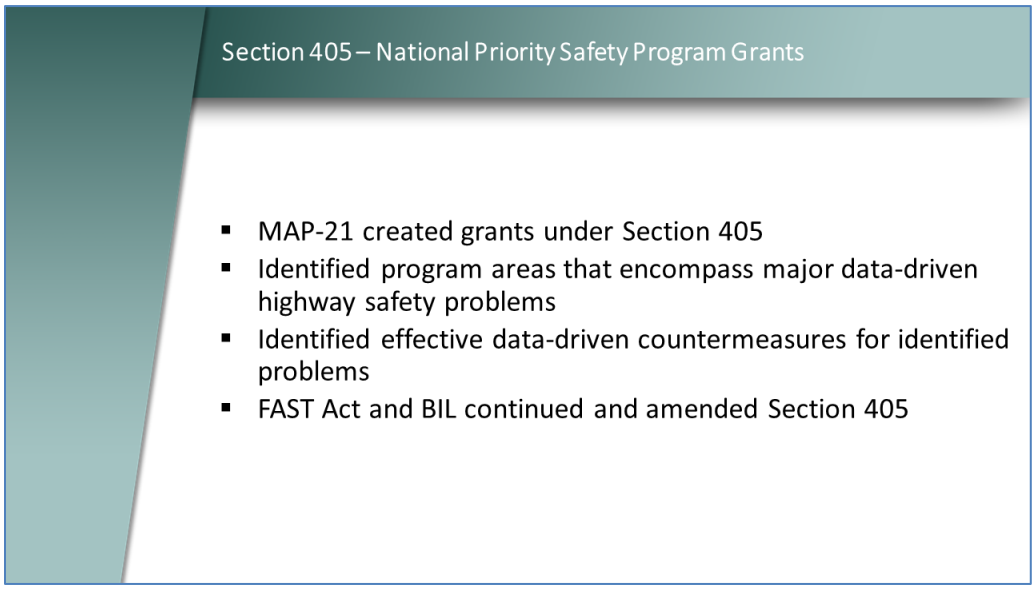
Survey requirement eliminated for States that use State and local funds for automated enforcement.

*ATES – Automated Traffic Enforcement System

Slide 98.

Allows States to use grant funds in cooperation with bordering States for highway safety purposes. This is beneficial to States that share a common media market, enforcement corridors and program needs. This provision was created in MAP-21 and carried over to FAST Act. 23 USC, Chapter 4 § 402(c)(2) and MAP-21 IFR, Supplementary Information II.A.

Section 405



Slide 99.

As part of MAP-21, 23 U.S.C. 405 created the National Priority Safety Program grants which identified program areas that encompass a major data-driven highway safety problem of national concern and for which effective data-driven countermeasures are identified. FAST Act and BIL continued and amended Section 405. 23 CFR § 1300

QUESTION: Why would you think these national priority safety program grants are important?

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Section 405(b): Occupant Protection Use of Funds
23 CFR § 1300.21(g)

- High-visibility enforcement mobilizations, including paid media
- Training on use of child restraints and occupant protection
- Educate public concerning proper use and installation of child restraints
- Provide community Child Passenger Safety (CPS) services

Slide 100.

Section 405(b): Occupant Protection Use of Funds
23 CFR § 1300.21(g)

- NEW! Recruit and train CPS technicians
- NEW! Educate parents and caregivers in low-income and underserved populations
- Purchase and distribute child restraints to low-income and underserved populations
- Information systems and occupant protection surveys

Slide 101.

Use of Funds (23 CFR § 1300.21(f))

- High Use Rate States may use funds for occupant protection activities or may use up to 90 percent for any project/activity eligible for Section 402 funds
- Lower Use Rate States must use funds specific to occupant protection activities listed in Final Rule

(Continued on next page)

Website Resource

RESOURCES: 23 CFR § 1300.21 - Occupant Protection Grants

23 CFR § 1300.21(g) – Use of Funds

NEW!

Section 405(b): Occupant Protection Use of Funds
23 CFR § 1300.21(g)

SPECIAL Special Rule

- High & Low seat belt use rate States must use not less than 10% of funds for:
  - CPS technician recruiting/training and
  - In low-income underserved populations, educate parents and caregivers and purchase and distribute child restraints
- CHANGE High seat belt use rate States may use up to 90% of funds for any eligible project or activity under Section 402

Slide 102.

Website Resource

RESOURCES: 23 CFR § 1300.21 - Occupant Protection Grants 405(b)

23 CFR § 1300.21(g) – Use of Funds

High seat belt use rates States may use up to 90% of 405(b) funds as Section 402 funds.

Lower seat belt use rate States must use funds specific to occupant protection activities listed in 23 CFR § 1300.21(b)

New special rule in 23 CFR 1300.21(g) requires high and low seat belt use rate States to use at least 10% of 405(b) funds for specific CPS activities as noted in the regulation.

Questions:

Activity Item

Question 1: Can 15 percent of Section 405(b) funds be used to purchase child restraints for low-income families?

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Activity Item

Question 2: Can a State use Section 405(b) funds to pay for consultant services to conduct a seat belt survey?

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Question 3: Can Section 405(b) funds be used to pay for an occupant protection assessment?

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Section 405(c)
State Traffic Safety Information Improvements
Use of Funds
23 CFR § 1300.22(d)

- To make quantifiable, measurable progress improvements in the accuracy, completeness, timeliness, uniformity, accessibility or integration of data in a core highway safety database
- Core highway safety databases are: crash, citation or adjudication, driver, EMS or injury surveillance system, roadway, and vehicle

Slide 103.

Section 405(c)
State Traffic Safety Information Improvements
Use of Funds
23 CFR § 1300.22(d)

- Software and applications
- Equipment
- Improve compatibility with national data systems
- Enhance ability to analyze local, State, national trends
- Training
- Hire traffic records professionals
- Adopt Model Minimum Uniform Crash Criteria
- Support reporting criteria on emerging topics
- Conduct research related to State traffic records systems

Slide 104.

Use of Funds (23 CFR § 1300.22(d))

Section 405(c) funds may be used to make quantifiable, measurable progress improvements in the accuracy, completeness, uniformity, accessibility or integration of data in a core highway safety database (crash, citation or adjudication, driver, emergency medical services or injury surveillance system, roadway and vehicle)

Website Resource

RESOURCES: 23 CFR § 1300.22 – State Traffic Safety Information System Improvements Grants

23 CFR § 1300.22(d) – Use of Funds

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Activity Item

Question 1. Can Section 405(c) funds be used to purchase a speed radar?

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Question 2. What are some ways States are using 405(c) funds?

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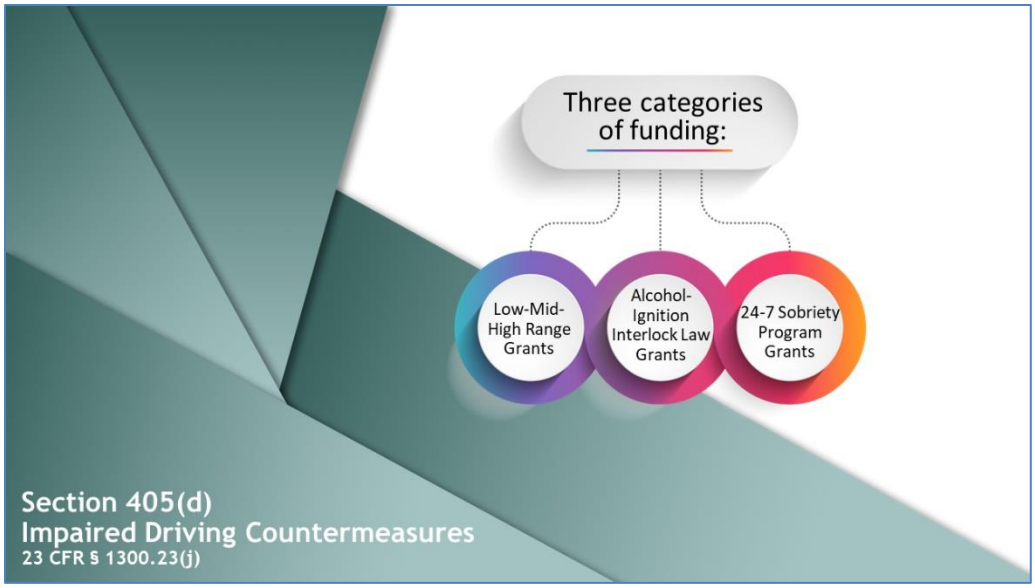

Slide 105.

Territories are not eligible to apply because they do not report in FARS.

Ranges are calculated by the number of fatalities in motor vehicle crashes involving a driver with a blood alcohol concentration (BAC) of at least 0.08 percent for every 100 million vehicle miles traveled, based on the most recently reported 3 calendar years FARS data.

Low-range State: has an average impaired driving fatality rate of 0.30 or lower.

Mid-range State: has an average impaired driving fatality rate that is higher than 0.30 and lower than 0.60.

High-range State: has an average impaired driving fatality rate of 0.60 or higher.

Section 405(d): Impaired Driving
Use of Funds
23 CFR § 1300.23(j)

Low-range States may use funds for:

- High-visibility enforcement
- Paid and earned media
- State impaired driving coordinator
- Court support – training, education and assistance, traffic safety resource prosecutors, judicial outreach liaisons, probation officers, DWI courts
- Alcohol-ignition interlock programs

Slide 106.

Use of Funds (23 CFR § 1300.23(j))

A. Low-range States may use grant funds for:

- High visibility enforcement efforts
- Hiring a full-time or part-time impaired driving coordinator of the State's activities to address the enforcement and adjudication of laws regarding driving while impaired by alcohol
- Court support of high visibility enforcement efforts, training and education of criminal justice professionals to assist such professionals in handling impaired driving cases, hiring traffic safety resource prosecutors, hiring judicial outreach liaisons and establishing driving while intoxicated courts
- Alcohol-ignition interlock programs *(This is separate from the Ignition Interlock grant)*
- Improving blood alcohol concentration testing and reporting
- Paid and earned media in support of high visibility enforcement efforts, and conducting standardized field sobriety training, advanced roadside impaired driving evaluation training and drug recognition expert training for law enforcement, and equipment and related expenditures used in connection with impaired driving enforcement in accordance with criteria established by NHTSA
- Training on the use of alcohol screening and brief intervention
- Developing impaired driving information systems
- Costs associated with a 24-7 sobriety program *(This is separate from the 24-7 Sobriety Program grant)*

Low-range States may use up to 50 percent of Section 405(d) funds for 402-eligible activities.

B. Mid-range States may use funds for any of the activities permitted for low-range States provided the State receives advance approval from NHTSA. (This approval is accomplished through NHTSA's approval of the State's Section 405(d) application and HSP.)
C. High-range States may use funds only for high-visibility enforcement efforts; and for any of the activities permitted for low-range States provided all proposed uses are described in a Statewide impaired driving plan submitted to and approved by NHTSA.

Section 405(d): Impaired Driving
Use of Funds
23 CFR § 1300.23(j)

- Improve blood alcohol concentration testing and reporting
- SFST, Advanced Roadside Impaired Driving Evaluation (ARIDE) training, Drug Recognition Expert (DRE) training
- Equipment
- Training on use of alcohol/drug screening/brief intervention
- Impaired driving information systems
- 24-7 sobriety program *(Separate from the 24-7 grant)*

Slide 107.

(Continued on next page)

Section 405(d): Impaired Driving
Use of Funds
23 CFR § 1300.23(j)

- Testing/implementing programs and purchase technologies to identify, monitor, or treat impaired drivers
- SPECIAL Increase timely and accurate reporting to Federal/State/Local databases
- SPECIAL Research or evaluate impaired driving countermeasures

Slide 108.

SPECIAL

Section 405(d): Impaired Driving Use of Funds

23 CFR § 1300.23(j)

Special Rules

- Low-range States may use up to 50% of funds for any Section 402-eligible project or activity
- Mid-range States may use funds for any of the activities permitted for low-range States provided the State receives advance approval from NHTSA. (Accomplished through NHTSA's approval of the State's Section 405(d) application)

Slide 109.

SPECIAL

Section 405(d): Impaired Driving Use of Funds
23 CFR § 1300.23(j)

Special Rules

- High-Range States may use funds only for high-visibility enforcement efforts and for any of the activities permitted for low-range States provided all proposed uses are described in a Statewide impaired driving plan submitted to and approved by NHTSA

Slide 110.

Activity Item

Question 1: Can a State use Section 405(d) funds for high visibility enforcement programs and paid media to support it?

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Question 2: - True or False: Low-range States can use up to 55 percent of their Section 405(d) funds for any eligible project or activity under Section 402?

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_____

Question 3: - True or False: States awarded Section 405(d) funds as a High-range State can use up to 25 percent of their funds for any eligible project or activity under Section 402?

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Ignition Interlock

What is an Ignition Interlock?

- An after-market technology device installed in a motor vehicle to prevent driver from operating the vehicle if driver has been drinking
- Before starting the vehicle, driver must breathe into device and if BAC is over pre-set limit, it will not allow vehicle to start
- Law must be State-wide and restriction for at least 180 days to qualify for funds

Slide 111.

The Final Rule of 23 CFR 1300 provides 3 ways to qualify for an alcohol-ignition interlock grant.

Section 405(d) - Alcohol-Ignition Interlock Law Grants

Use of Funds 23 CFR § 1300.23(j)(6)

SPECIAL
- 100% of grant funds may be used for 402-eligible projects and activities

Slide 112.

Use of Funds (23 CFR § 1300.23(j)(6))

- States may use 100 percent of alcohol-ignition interlock grant funds for 402-eligible activities

Activity Item

Question: Are Ignition Interlock States able to use these funds for eligible activities under Section 402?

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Section 405(d) - 24-7 Sobriety Program Grants

Use of Funds 23 CFR § 1300.23(j)(6)

- 24-7 Sobriety Program
  - State-wide law or program requiring DUI offenders to
    - Abstain totally from alcohol or drugs for a period of at least 30 days
    - Be subject to testing for alcohol or drugs at least twice per day at a testing location by methods stated in 23 CFR § 1300.23(b)(ii)
- States may use grant funds for any Section 402-eligible project or activity

Slide 113.

Definitions:

23 CFR § 1300(b) defines 24-7 sobriety program as requiring DUI offender to:

(1) Abstain totally from alcohol or drugs for a period of time

(2) Be subject to testing for alcohol or drugs at least twice per day at a testing location, by continuous transdermal alcohol monitoring via an electronic monitoring device, by drug patch, by urinalysis, by ignition interlock monitoring (provided the interlock is able to require tests twice a day without vehicle operation), by other types of electronic monitoring, or by an alternative method approved by NHTSA

Website Resource

RESOURCE: 23 CFR § 1300.23(b) – Definitions

Website Resource

RESOURCE: 23 CFR § 1300.23(j)(6) – Use of Funds

100 percent of 24-7 sobriety grant funds can be used for Section 402-eligible activities.

NOTE: For more information on forming a Task Force, see the:
Guide for Statewide Impaired Driving Task Forces

Website Resource

RESOURCES: 23 CFR § 1300.23 – Impaired Driving Countermeasures Grants

23 CFR § 1300.23(j) – Use of Funds

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Activity Item

Question 1: Can Section 405(d) funds be used to pay for costs associated with a 24-7 Sobriety Program?

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Question 2: Can Section 405(d) funds be used to pay for an Impaired Driving Assessment?

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Question 3: Can Section 405(d) funds be used to conduct drug recognition training?

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Question 4: Can Section 405(d) funds be used to conduct a seat belt survey?

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Question 5: True or False: 24-7 sobriety program grant funds cannot be used for any activities under Section 402?

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Section 405(e) - Distracted Driving Grants

Use of Funds 23 CFR § 1300.24(f)

- A State may qualify for a 405(e) Awareness grant and/or a Law grant
- At least 50% of funds must be used for distracted driving education through advertising, traffic signs or enforcement
- SPECIAL Up to 50% of funds can be used for Section 402-eligible projects and activities
- SPECIAL Model Minimum Uniform Crash Criteria (MMUCC) conforming States that include distracted driving data elements may use 75% of funds for Section 402-eligible projects and activities

Slide 114.

The Final Rule of 23 CFR 1300 provides two types of distracted driving grants that States can qualify for: Distracted Driving Awareness Grant and Distracted Driving Law Grant. A State can qualify for one or both grants.

Use of funds - A State may use 405(e) grant funds awarded only to educate the public through advertising that contains information about the dangers of texting or using a cell phone while driving, for traffic signs that notify drivers about the distracted driving law of the State, or for law enforcement costs related to the enforcement of the distracted driving law.

Activity Item

Question **-** True or False: If a State is awarded Section 405(e) funds, at least 50 percent of Section 405(e) funds must be used to educate the public about distracted driving for traffic signs or distracted driving law enforcement.

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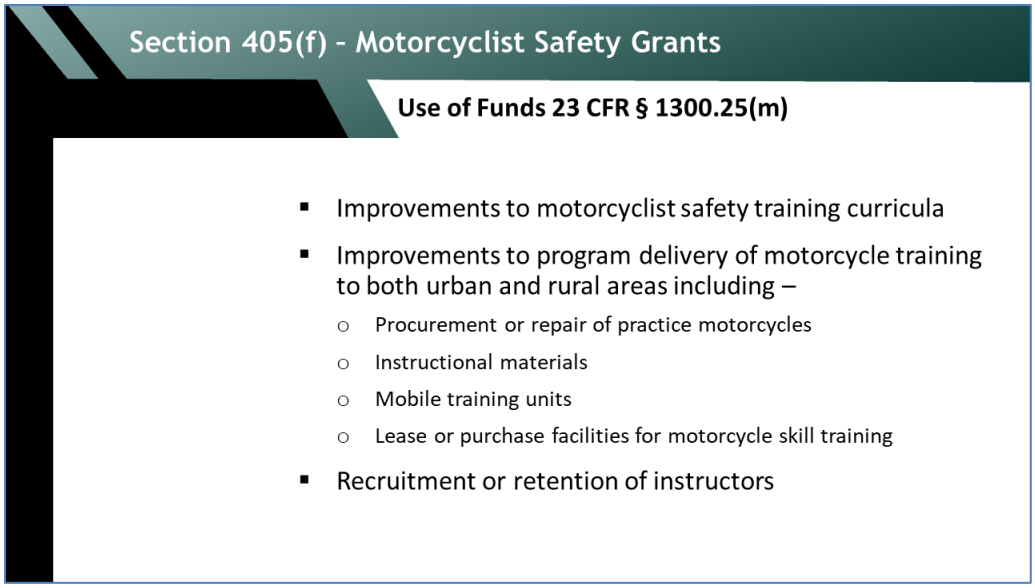
Website Resource

RESOURCES: 23 CFR § 1300.24 – Distracted Driving Grants

23 CFR § 1300.24(f) – Use of Funds



Slide 115.

Uses of Funds for Motorcyclist Safety Training (23 CFR § 1300.25(m)

- Improvements to motorcyclist safety training curricula
- Improvements to program delivery of motorcycle training to both urban and rural areas including –
  - Procurement or repair of practice motorcycles
  - Instructional materials
  - Mobile training units
  - Lease or purchase facilities for motorcycle skill training
- Recruitment or retention of instructors

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(Continued on next page)

Section 405(f) - Motorcyclist Safety Grants

Use of Funds 23 CFR § 1300.25(m)

- Public awareness, public service announcements, outreach programs to enhance driver awareness of motorcyclists, "share-the-road" safety messages
- Section 405(f) funds cannot be used for general motorcycle safety messaging directed at motorcyclists unless a low motorcycle fatality State

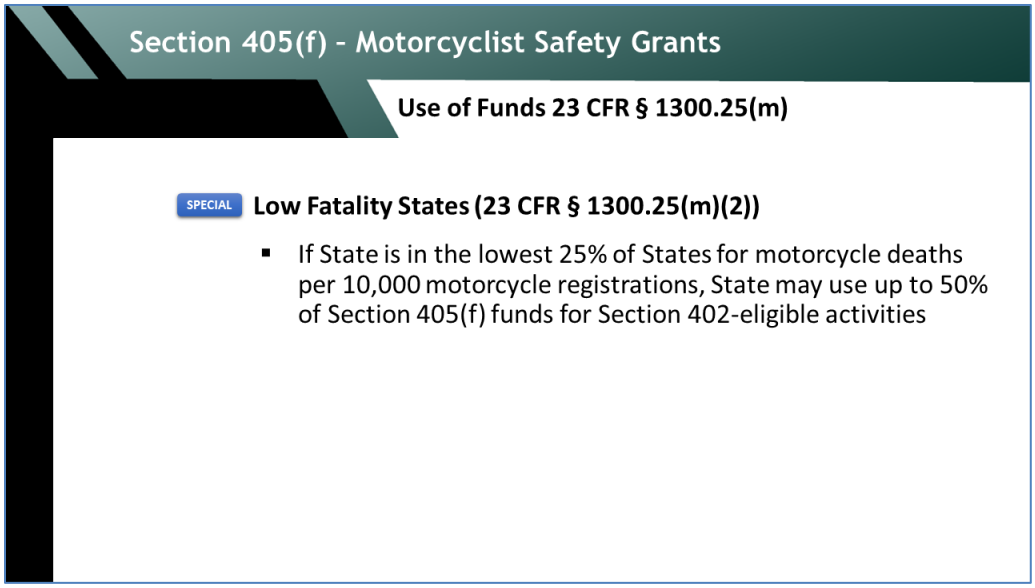
Slide 116.

Uses of Funds for Motorcyclist Awareness (23 CFR § 1300.25(m)(iv))

- Public awareness, public service announcements, and other outreach programs to enhance driver awareness of motorcyclists, including "share-the-road" safety messages developed using Share-the-Road model language available on NHTSA's website at: http://www.trafficsafetymarketing.gov

Website Resource

(Continued on next page)



Slide 117.

Special rule – low fatality States (23 CFR § 1300.25(m)(2))

- If the State is in the lowest 25 percent of all States for motorcycle deaths per 10,000 motorcycle registrations (using FHWA motorcycle registration data) based on the most recent calendar year for which final FARS data is available, the State may elect to use up to 50 percent of grant funds awarded under 23 U.S.C. Section 405(f) for any eligible project or activity under Section 402

Section 405(f) funds cannot be used for general motorcycle safety messaging that is directed at motorcyclists unless a low motorcycle fatality State, as part of funds that can be used for Section 402-eligible activities.

NOTE: State is notified by NHTSA if they qualify.

Website Resource

RESOURCES: 23 CFR § 1300.25 – Motorcyclist Safety Grants

23 CFR § 1300.25(m) – Use of Funds

(Continued on next page)

Activity Item

Question 1: Can Section 405(f) funds be used to design public service announcements and produce brochures on safe motorcycle riding tips and target intoxicated motorcyclists?

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Question 2: Can Section 405(f) funds be used to advertise to recruit motorcycle safety training instructors?

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Question 3: Can a State use motorcycle safety grant funds for mobile training units?

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Question 4: Can a State use up to 50% of their Section 405(f) funds for any eligible project or activity under Section 402?

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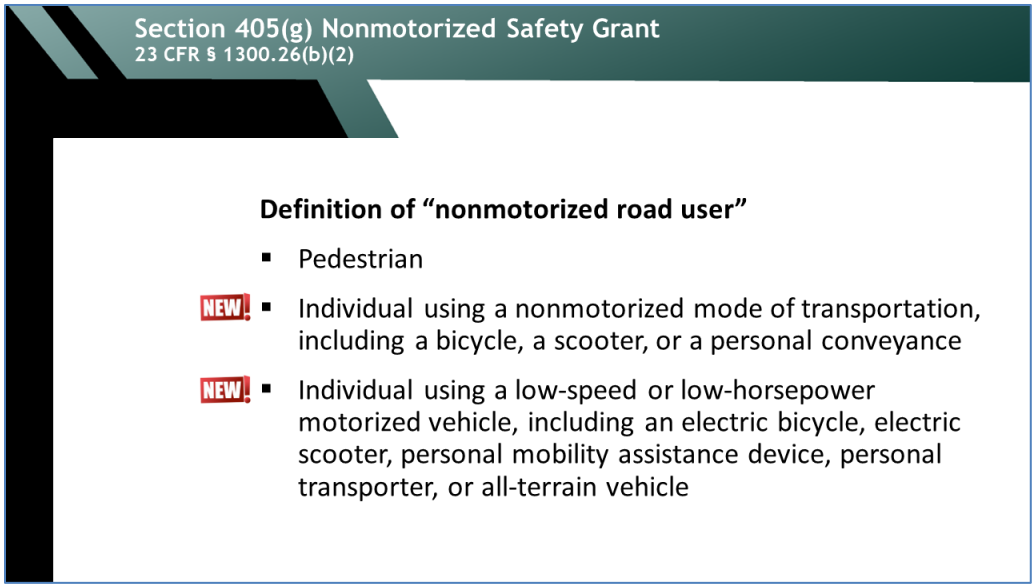


Slide 118.

Definition of "nonmotorized road user"

- Pedestrian
- Individual using a nonmotorized mode of transportation, including a bicycle, a scooter, or a personal conveyance
- Individual using a low-speed or low-horsepower motorized vehicle, including an electric bicycle, electric scooter, personal mobility assistance device, personal transporter, or all-terrain vehicle

Website Resource

RESOURCES: 23 CFR § 1300.26(b)(2) – Nonmotorized Safety Grants

23 CFR § 1300.26(e) – Use of Funds

Section 405(g) - Nonmotorized Safety Grant

Use of Funds 23 CFR § 1300.26(e)

- Training of law enforcement related to nonmotorized road user safety, state laws, and infrastructure designed to improve nonmotorized road user safety
- Nonmotorized road user safety enforcement mobilizations and campaigns
- Motorists and nonmotorized road user safety public education and awareness programs
- NEW! Collection of data and establishment and maintenance of data systems relating to nonmotorized road user fatalities

Slide 119.

Section 405(g) - Nonmotorized Safety Grant
23 CFR § 1300.26(e)

NEW! **Infrastructure to improve nonmotorized road user safety**

"State might consider improvements in infrastructure by providing more crosswalks and better lighting, reductions in speeds in areas with high pedestrian use, and enforcement and education in areas of high pedestrian injuries and fatalities. Even though highway safety grant funding is available for only some of these strategies, SHSOs should work with other entities on holistic solutions to problems identified in their triennial HSPs." *Supplementary Information (preamble) of 23 CFR Part 1300*

Slide 120.

NEW! Section 405(h) - Preventing Roadside Deaths

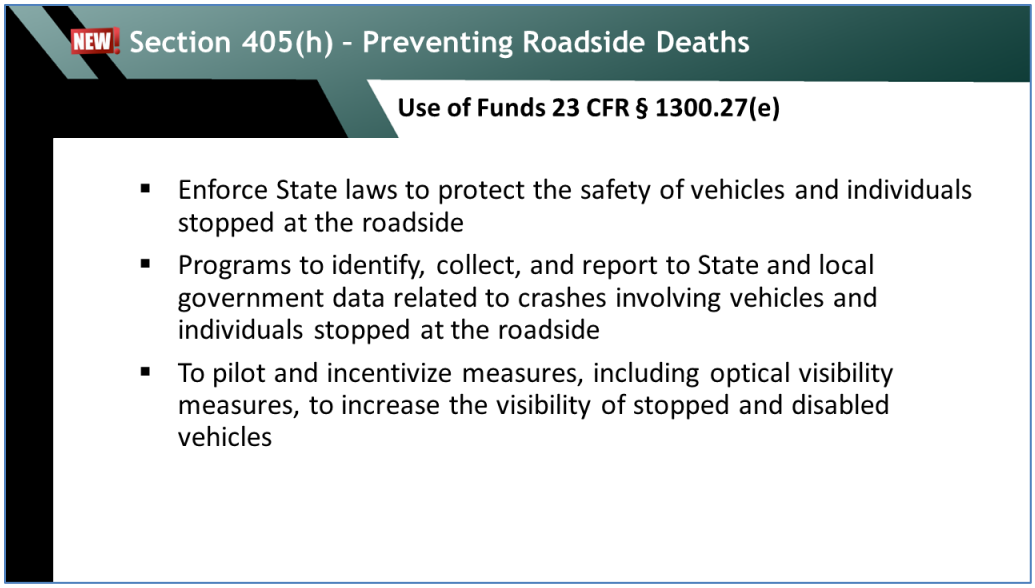
Use of Funds 23 CFR § 1300.27(e)

- **Purpose**: Implement programs to prevent crashes involving motor vehicles striking other vehicles and individuals stopped at the roadside
  - Purchase and deploy digital alert technology
    - Capable of receiving alerts regarding nearby first responders
    - Regarding motor vehicles used for emergency response, is capable of sending alerts to civilian drivers to protect first responders on the scene and enroute
- Educate the public regarding the safety of vehicles and individuals stopped at the roadside through public information campaigns

Slide 121.

The purpose of this new grant program is to award grants to States that adopt and implement effective programs to prevent death and injury from crashes involving motor vehicles striking other vehicles and individuals stopped at the roadside.

Digital Alert Technology – A system that provides electronic notification to drivers.



Slide 122.

Optical Visibility Measure – An action to ensure that items are seen using visible light.

NEW! Section 405(i) - Driver and Officer Safety Education

Use of Funds 23 CFR § 1300.28(h)

- **Purpose**: Incentivize States to enact and enforce laws or implement programs that include certain information on law enforcement practices during traffic stops in driver education and training courses or peace officer training programs
- Funds can be used to implement a law or program that provides:
  - Driver education and driver safety courses to individuals by educational and motor vehicle agencies of the State which include instruction and testing relating to law enforcement practices during traffic stops
  - Training to peace officers and reserve law enforcement officers regarding proper interaction with civilians during traffic stops

Slide 123.

Website Resource

RESOURCES: 23 CFR § 1300.28 – Nonmotorized Safety Grants

23 CFR § 1300.28(h) – Use of Funds

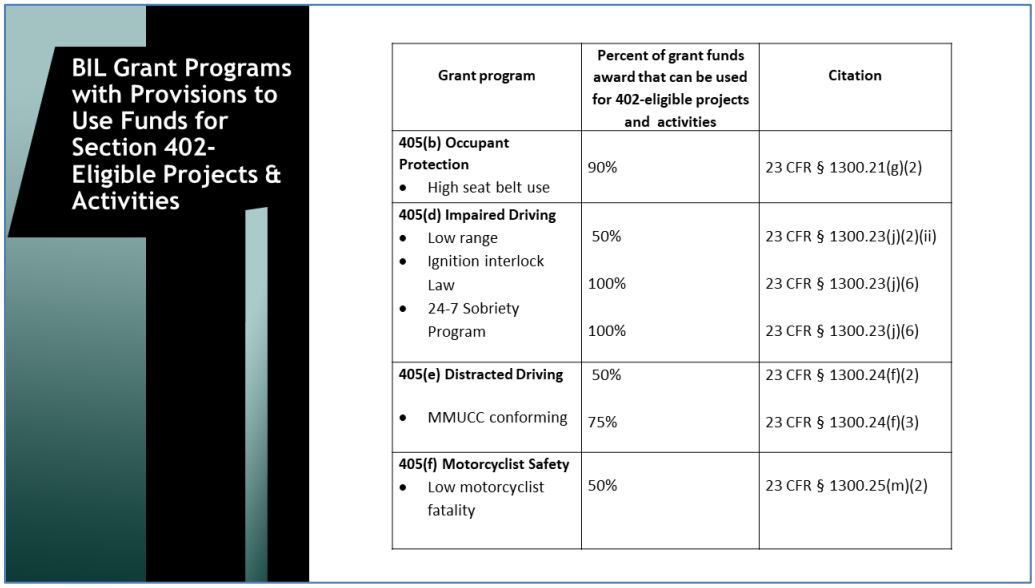
NEW! Section 405(i) - Driver and Officer Safety Education

Use of Funds 23 CFR § 1300.28(h)

- Funds can be used to produce educational materials and train staff for:
  - Driver education and driving safety courses relating to law enforcement practices during traffic stops
  - Peace officer training related to interaction with civilians during traffic stops

Slide 124.

BIL Grant Programs with Provisions to Use Funds for Section 402-Eligible Projects and Activities



Grant program	Percent of grant funds award that can be used for 402-eligible projects and activities	Citation
405(b) Occupant Protection • High seat belt use	90%	23 CFR § 1300.21(g)(2)
405(d) Impaired Driving • Low range • Ignition interlock Law • 24-7 Sobriety Program	50% 100% 100%	23 CFR § 1300.23(j)(2)(ii) 23 CFR § 1300.23(j)(6) 23 CFR § 1300.23(j)(6)
405(e) Distracted Driving • MMUCC conforming	50% 75%	23 CFR § 1300.24(f)(2) 23 CFR § 1300.24(f)(3)
405(f) Motorcyclist Safety • Low motorcyclist fatality	50%	23 CFR § 1300.25(m)(2)

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(Continued on next page)

Grant program	Percent of grant funds award that can be used for 402-eligible projects and activities	Citation
405(b) Occupant Protection		
• High seat belt use	90%	23 CFR § 1300.21(g)(2)
405(d) Impaired Driving		
• Low range	50%	23 CFR § 1300.23(j)(2)(ii)
• Ignition interlock Law	100%	23 CFR § 1300.23(j)(6)
• 24-7 Sobriety Program	100%	23 CFR § 1300.23(j)(6)
405(e) Distracted Driving	50%	23 CFR § 1300.24(f)(2)
• MMUCC conforming	75%	23 CFR § 1300.24(f)(3)
405(f) Motorcyclist Safety		
• Low motorcyclist fatality	50%	23 CFR § 1300.25(m)(2)

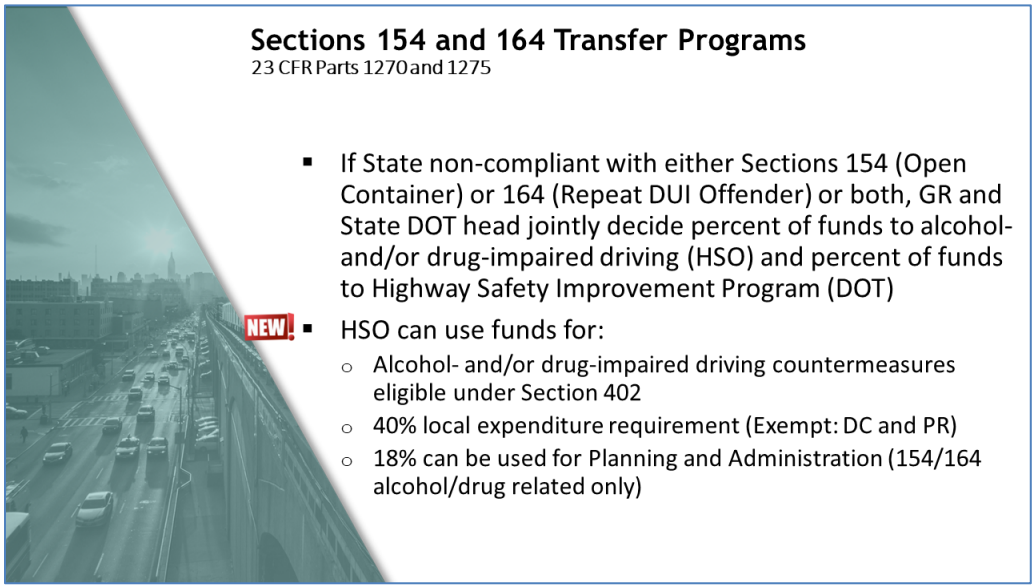
Section 1906

Section 1906 - Racial Profiling Data Collection Grants
Use of Funds: 23 CFR § 1300.29(d)

- Collect and maintain data on traffic stops
- Evaluate the results of the data
- NEW! Develop and implement programs, public outreach, and training to reduce the negative impact of traffic stops

Slide 126.

Sections 154 and 164 Requirements



Slide 127.

Sections 154 and 164 Transfer Provisions

154 - Open Container law must prohibit:

Possession of any open alcoholic beverage container and the consumption of any alcoholic beverage in passenger area of any motor vehicle located on a public highway or the right-of-way of a public highway.

164 – Repeat DUI Offender. States must meet three compliance criteria related to license suspension, assessment/treatment and imprisonment.

Highway Safety Improvement Program (HSIP)

- For States that allocate some or all of Sections 154 and/or 164 funds to HSIP in the State DOT, these funds may be used for any project allowable under the FHWA Section 148, which is inclusive of engineering and behavioral projects such as pavement or shoulder widening, rumble strips, guard rails, roadside calming, or pedestrian or bicyclist safety improvements
- Some States have used HSIP Funds to support traffic records improvement projects

Alcohol- and/or Drug-Impaired Driving

- For States that allocate some or all of Sections 154 and/or 164 funds to alcohol-and/or drug-impaired driving in the SHSO, sections 154 and 164 penalty funds can be used for alcohol-and/or drug-impaired driving countermeasures eligible under Section 402

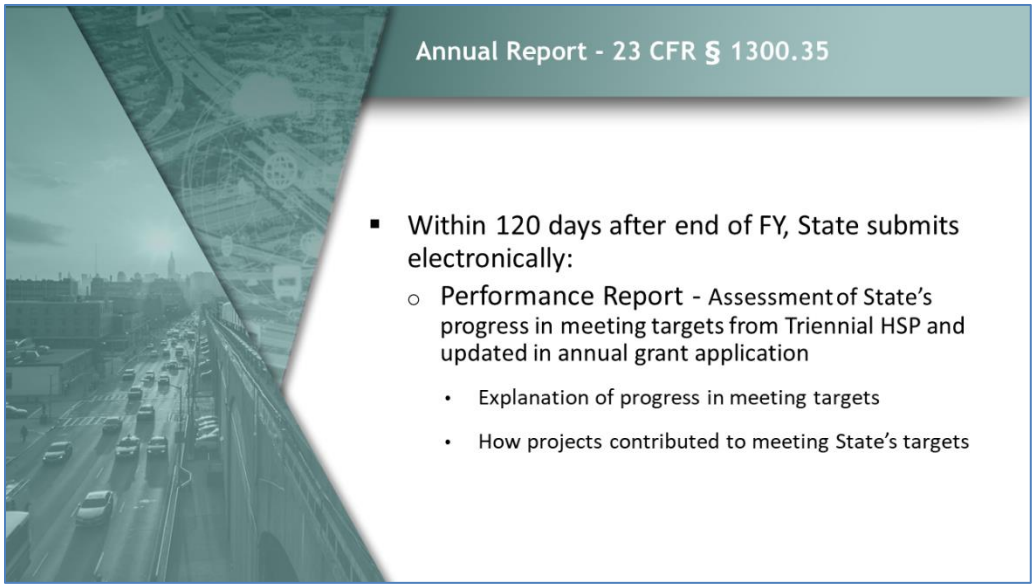
(FHWA Penalty Transfer Provisions Interim Guidance – Open Container and Repeat Offender Laws, 1/31/2013 (23 U.S.C. §§ 154 and 164)

NOTE: For the local expenditure requirement, the certifications and assurances from BIL state that: This provision is not applicable to the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

NOTE: There have been several instances where States have used large amounts of Sections 154 and 164 funds for unallowable activities, such as for general (speeding, occupant protection) traffic enforcement.

Sections 154 and 164 penalty funds can be used for alcohol-and/or drug-impaired driving countermeasures eligible under Section 402.

Be aware of State legislation changes to impaired driving laws. Such action may unintentionally take the State out of compliance. SHSO should be aware of such legislative changes and alert NHTSA.



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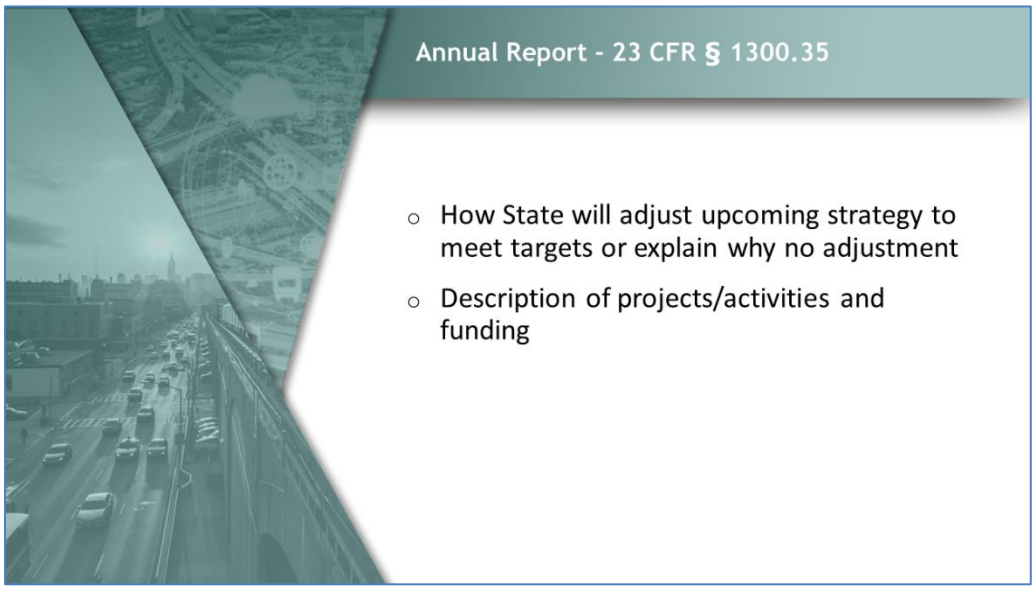

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Continued on next page

Annual Report (23 CFR § 1300.35)

a) (1) Currently available data, including:

(i) An explanation of the extent to which the State's progress in achieving those targets aligns with the triennial HSP (i.e., the State has (not) met or is (not) on track to meet target); and (ii) A description of how the activities conducted under the prior year annual grant application contributed to meeting the State's highway safety performance targets.

(2) An explanation of how the State plans to adjust the strategy for programming funds to achieve the performance targets, if the State has not met or is not on track to meet its performance targets, or an explanation of why no adjustments are needed to achieve the performance targets.

WHAT DOES IT MEAN?

- Include more than just “in-progress” or “on track”. Explain what happened or didn’t happen that will impact your ability to meet your target.
- Did the program area activities produce the intended result? Did the result have a tangible impact on your ability to meet your targets?
- What can you do within the countermeasure strategy to improve or better ensure your chances of meeting your target? Any potential changes to the project details, location, partnerships, funding levels? Do you need to consider adding new countermeasures and/or new projects?
- If no adjustments are needed to the countermeasure strategy, why not? What specifically do you see that suggests doing the same thing will obtain a different or better result.

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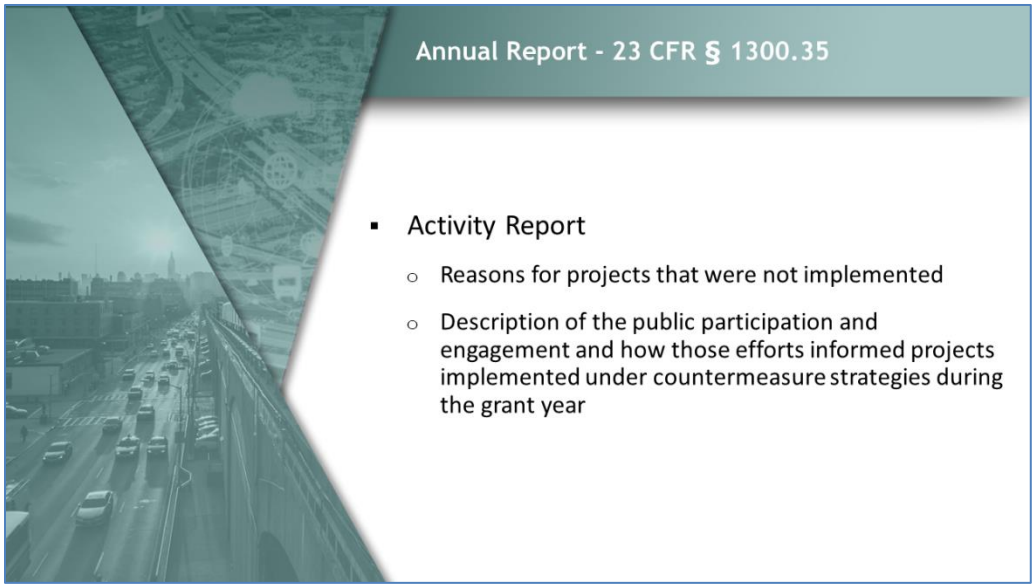
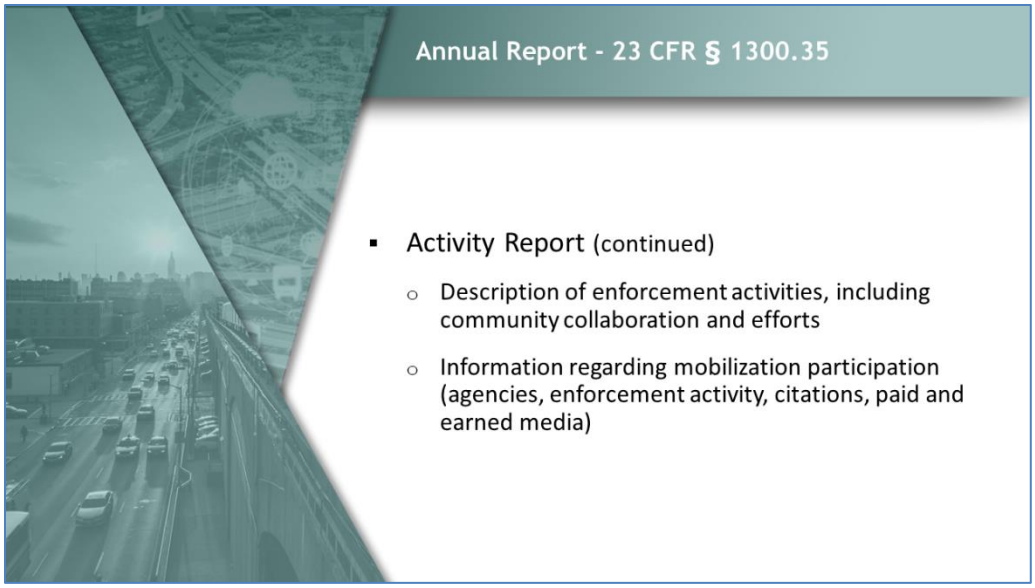

Annual Report - 23 CFR § 1300.35
Activity Report
Reasons for projects that were not implemented
Description of the public participation and engagement and how those efforts informed projects implemented under countermeasure strategies during the grant year

Slide 130.



Slide 131.

THE TAKEAWAY

- For activities that did not take place, why did you decide to change course if planned projects were not implemented or substantially changed from what was initially approved?
- How did the engagement activities you undertook throughout the year influence your project strategy and execution?
- Detail the enforcement activities and explain how community collaboration factored into project development and execution
- Explain the results of your mobilization participation activities
- This is your opportunity to highlight the results of your efforts. More is more!

NOTE: Annual Reports of all the States may be viewed on NHTSA's website.

Website Resource

RESOURCE: State Highway Safety Plans and Annual Reports

Website Resource

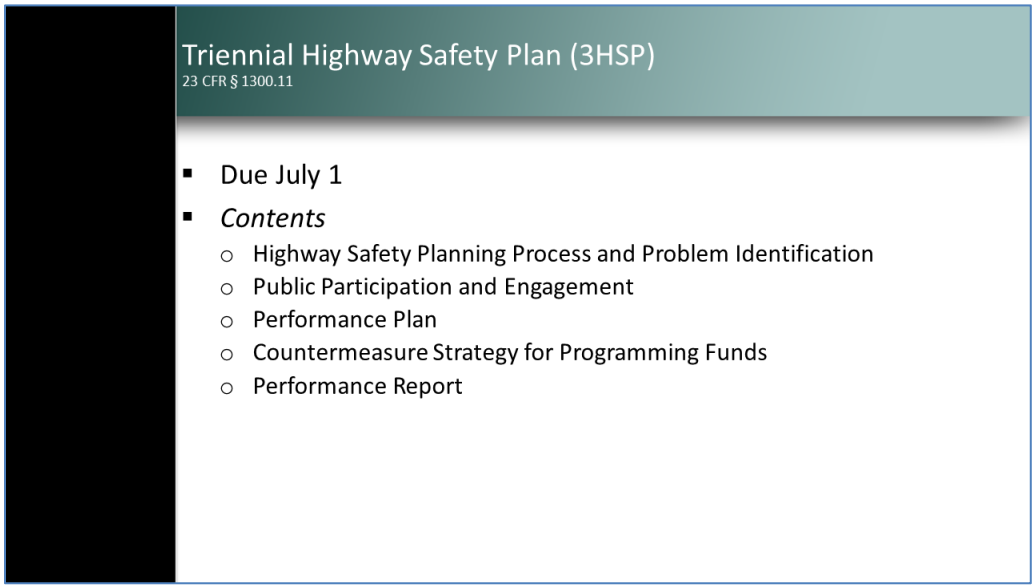
RESOURCES: 23 CFR § 1300.35 **– Annual Report**

2 CFR § 200.329(c)(1) **– Monitoring and Reporting Program Performance**

Website Resource

RESOURCE: Annual Report Guidance

Triennial Highway Safety Plan (3HSP)



Slide 132.

Due July 1, preceding the first fiscal year covered by the plan.

Contents

1. Highway Safety Planning Process and Problem Identification
    i. Description of the processes, data sources and information used by the State in its highway safety planning (*i.e.,* problem identification, public participation and engagement, performance measures, and countermeasure strategies); and
    ii. Description and analysis of the State's overall highway safety problems as identified through an analysis of data, including but not limited to fatality, injury, enforcement, judicial, geospatial and sociodemographic data.
2. Public Participation and Engagement
    i. ***Triennial HSP engagement planning.*** Description of the State's public participation and engagement planning efforts in the highway safety planning process and program, including—
        A. A statement of the State's starting goals for the public engagement efforts, including how the public engagement efforts will contribute to the development of the State's highway safety program, including countermeasure strategies for programming funds;

B. Identification of the affected and potentially affected communities, including particular emphasis on underserved communities and communities overrepresented in the data, (*i.e.,* what communities did the State identify at the outset of the process) and a description of how those communities were identified;

ii. ***Triennial HSP engagement outcomes.*** A narrative description of the outcomes of the State's engagement efforts in the highway safety planning process, including—

A. The steps taken by the State to produce meaningful engagement with affected communities, including—

(*1*) Engagement opportunities conducted and a description of how those opportunities were designed to reach the communities identified in paragraph (b)(2)(i)(B) of this section;
(*2*) Accessibility measures implemented by the State in its outreach efforts and in conducting engagement opportunities;

B. The results of the engagement opportunities conducted, including—

(*1*) A description of attendees and participants, and, to the extent feasible, whether those participants are members of the affected communities identified in paragraph (2)(i)(B);
(*2*) A summary of the issues covered; and

C. How the affected communities' comments and views have been incorporated into the development of the triennial HSP.

iii. ***Ongoing engagement planning.*** A description of the public participation and engagement efforts in the State highway safety program that the State plans to undertake during the three-year period covered by the triennial HSP, including—

A. A statement of the State's goals for the public engagement efforts;
B. Identification of the affected and potentially affected communities, including particular emphasis on underserved communities and communities overrepresented in the data (*i.e.,* what communities did the State identify at the outset of the process), and a description of how those communities were identified;

C. The steps the State plans to take to reach and engage those communities, including accessibility measures implemented by the State in its outreach efforts and in conducting engagement opportunities; and
D. How the affected communities' comments and views will be incorporated into the decision-making process.

3. ***Performance plan.***

i. List of data-driven, quantifiable and measurable highway safety performance targets, as laid out in paragraphs (b)(3)(ii) and (iii) of this section, that demonstrate constant or improved performance over the three-year period covered by the triennial HSP and based on highway safety program areas identified by the State during the planning process conducted under paragraph (b)(1) of this section.

ii. All performance measures developed by NHTSA in collaboration with the Governors Highway Safety Association ("Traffic Safety Performance Measures for States and Federal Agencies" (DOT HS 811 025)), as revised in accordance with 23 U.S.C. 402(k)(5) and published in the Federal Register, which must be used as minimum measures in developing the performance targets identified in paragraph (b)(3)(i) of this section, provided that—

A. At least one performance measure and performance target that is data-driven shall be provided for each program area identified by the State during the planning process conducted under paragraph (b)(1) of this section that enables the State to track progress toward meeting the quantifiable annual target;
B. For each program area performance measure, the State shall provide—

(1) Documentation of the current safety levels, based on the most currently available data;
(*2*) Quantifiable performance targets that show constant or improved performance compared to the safety levels provided under paragraph (b)(3)(ii)(B)(*1*) of this section, and extend through the final year covered by the triennial HSP, with annual benchmarks to assist States in tracking progress; and
(*3*) Justification for each performance target that explains how the target is data-driven, including a discussion of the factors that influenced the performance target selection; and

C. State HSP performance targets are identical to the State DOT targets for common performance measures (fatality, fatality rate, and serious injuries) reported in the HSIP annual report, as coordinated through the State SHSP.

NOTE >> *NHTSA's Uniform Procedures for State Highway Safety Grant Programs Final Rule 23 CFR Part 1300 and FHWA's Safety Performance Measure Final Rule 23 CFR 490 require States to submit identical safety performance targets using a 5-year rolling average for the three common measures (number of fatalities, number of serious injuries, and rate of fatalities) to both NHTSA and FHWA. For FY 2024 only, NHTSA and FHWA waived the requirement that targets for the common performance measures be identical to targets in the State Highway Safety Improvement Plan.*

Website Resource

RESOURCE: State Performance Targets

iii. Additional performance measures not included under paragraph (b)(3)(ii) of this section. For program areas identified by the State where performance measures have not been jointly developed (e.g., risky drivers, vulnerable road users, etc.) and for which States are using highway safety program grant funds, the State shall develop its own performance measures and performance targets that are data-driven, and shall provide the same information as required under paragraph (b)(3)(ii) of this section.

4. ***Countermeasure strategy for programming funds.*** For each program area identified by the State during the planning process conducted under paragraph (b)(1) of this section, a description of the countermeasure strategies that will guide the State's program implementation and annual project selection in order to achieve specific performance targets described in paragraph (b)(3) of this section, including, at a minimum—

   i. The problem identified during the planning process described in paragraph (b)(1) of this section that the countermeasure strategy addresses and a description of the link between the problem identification and the countermeasure strategy;
   ii. A list of the countermeasures that the State will implement, including—

A. For countermeasures rated 3 or more stars in *Countermeasures That Work,* recommended in a NHTSA-facilitated program assessment report, or included in the Uniform Guidelines for State Highway Safety Programs, provide the citation to the countermeasure in the most recent edition of *Countermeasures That Work;* or

B. For all other countermeasures, provide justification supporting the countermeasure, including available data, data analysis, research, evaluation and/or substantive anecdotal evidence, that supports the effectiveness of the proposed countermeasure strategy;

iii. Identification of the performance target(s) the countermeasure strategy will address, along with an explanation of the link between the effectiveness of the countermeasure strategy and the performance target;

iv. A description of any Federal funds that the State plans to use to carry out the countermeasure strategy including, at a minimum, the funding source(s) (e.g., Section 402, Section 405(b), etc.) and an estimated allocation of funds;

v. A description of considerations the State will use to determine what projects to fund to implement the countermeasure strategy, including, as applicable, public engagement, traffic safety data, affected communities, impacted locations, solicitation of proposals; and P>

vi. A description of the manner in which the countermeasure strategy was informed by the uniform guidelines issued in accordance with 23 U.S.C. 402(a)(2) and, if applicable, NHTSA-facilitated programmatic assessments.

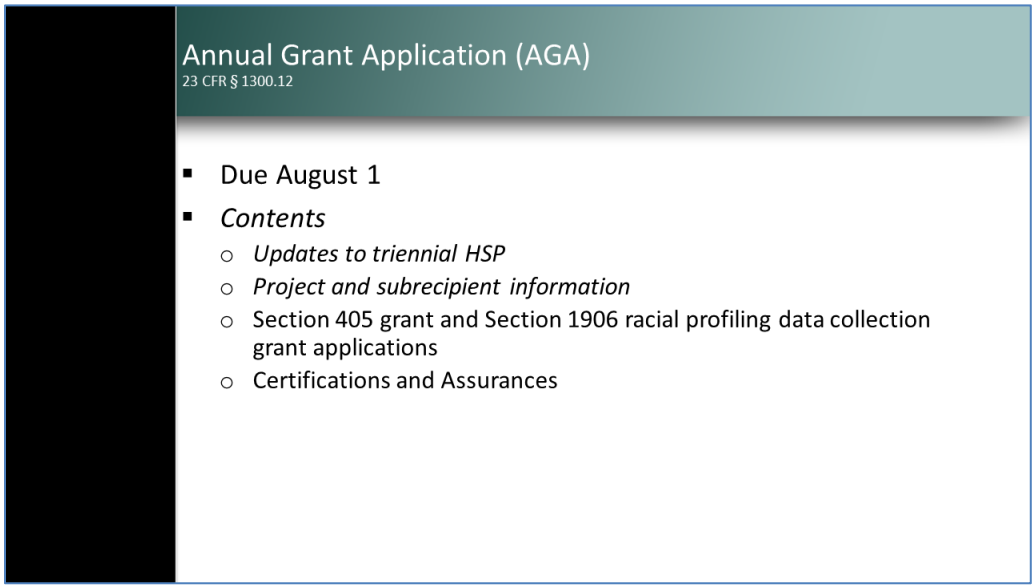
5. ***Performance report.*** A report on the State's progress towards meeting State performance targets from the most recently submitted triennial HSP, based on the most currently available data, including—

i. An explanation of the extent to which the State's progress in achieving those targets aligns with the triennial HSP; and

ii. A description of how the countermeasure strategies implemented during the triennial period contributed to meeting the State's highway safety performance targets.

RESOURCE: 23 CFR § 1300.11

Annual Grant Application (AGA)



Slide 133.

Due August 1, preceding the fiscal year to which the application applies.

Contents

1. ***Updates to triennial HSP.*** Any updates, as necessary, to any analysis included in the triennial Highway Safety Plan of the State, at the level of detail required by § 1300.11, including at a minimum:
   i. Adjustments to countermeasure strategy for programming funds.
      A. If the State adjusts the strategy for programming funds, a narrative description of the means by which the State's strategy for programming funds was adjusted and informed by the most recent annual report submitted under § 1300.35; or
      B. If the State does not adjust the strategy for programming funds, a written explanation of why the State made no adjustments.

   ii. Changes to performance plan. The State may add performance measures based on updated traffic safety problem identification or as part of an application for a grant under Section 405 and may amend common performance targets developed under § 1300.11(b)(3)(ii)(C), but may not amend any other existing performance targets.

2. ***Project and subrecipient information***. For each project to be funded by the State using grant funds during the fiscal year covered by the application, the State must provide—

   i. Project name and description, including, at a minimum, a description of activities conducted, location where the project is performed, and affected communities, where applicable;
   ii. Federal funding source(s) (*i.e.,* Section 402, Section 405(b), etc.);
   iii. Project agreement number (which, if necessary, may be provided in a later amendment to the annual grant application);
   iv. Subrecipient(s) (including name and type of organization; e.g., county or city DOT, State or local law enforcement, non-profit, EMS agency, etc.);
   v. Amount of Federal funds;
   vi. Eligible use of funds;
   vii. Whether the costs are Planning and Administration costs pursuant to § 1300.13(a) and the amount;
   viii. Whether the project will be used to meet the requirements of § 1300.41(b); and
   ix. The countermeasure strategy or strategies for programming funds identified in the most recently submitted triennial HSP under § 1300.11(b)(4) or in an update to the triennial HSP submitted under paragraph (b)(1) of this section that the project supports.

3. ***Section 405 grant and Section 1906 racial profiling data collection grant applications.*** Application(s) for any of the national priority safety program grants and the racial profiling data collection grant, in accordance with the requirements of subpart C of this part and as provided in appendix B to this part, signed by the Governor's Representative for Highway Safety.

(Continued on next page)

4. ***Certifications and Assurances.*** The Certifications and Assurances for 23 U.S.C. Chapter 4 and Section 1906 grants contained in appendix A, signed by the Governor's Representative for Highway Safety, certifying to the annual grant application contents and providing assurances that the State will comply with applicable laws and financial and programmatic requirements.

Website Resource

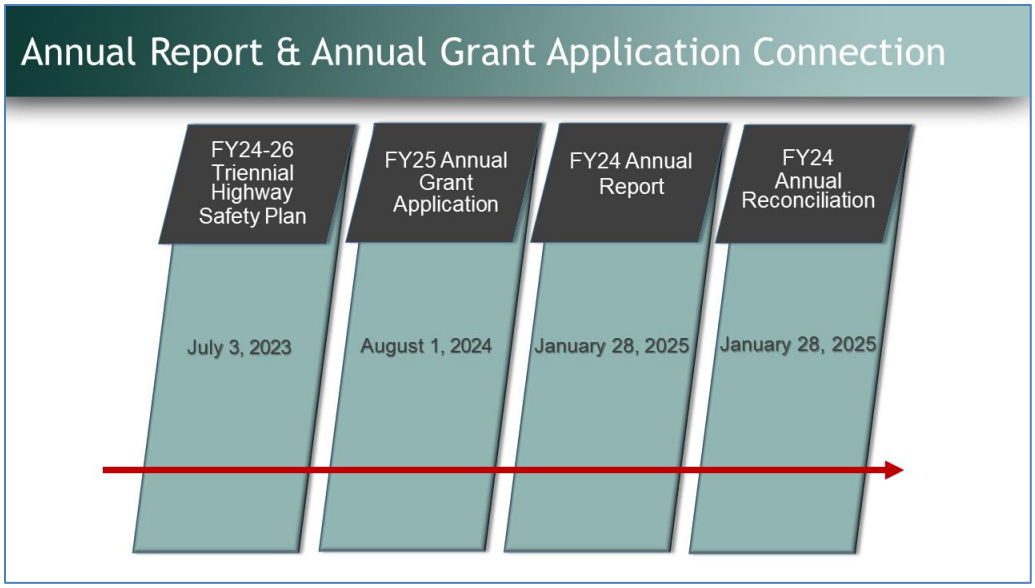
RESOURCE: 23 CFR § 1300.12

Slide 134.

The FY 2023 Annual Report followed FAST Act requirements. Moving forward beginning with FY2024, Annual Report submissions will follow BIL requirements. Remember, the NHTSA Regional Office will assist with the transition from FAST Act to BIL. The annual report should inform the next FY AGA submission.

Website Resource

RESOURCE: 23 CFR §1300.12 – Annual Grant Application



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Annual Report & Annual Grant Application Connection

- It is critical that each component reinforces one another throughout the entire triennial period. Each document is intertwined and is not done in isolation.
- The Triennial HSP, provides the overall picture:
  - Problem Identification determines the problems in your state,
  - The performance plan sets the road map for what improvements are needed.
  - The Countermeasure Strategies for Programming Funds help determine how targets are met.
  - The Public Participation and Engagement plans specify result-driven interactions with underserved and overrepresented populations for new programming ideas, and
  - The performance report provides an analysis of the success achieved in meeting current targets.
- The Annual Grant Application provides project-level detail and includes any adjustments to the Triennial HSP. Additionally, the Annual Grant Application includes project and subgrantee information, Sections 405 and 1906 applications, and the certifications and assurances.

(Continued on next page)

- The Annual Reconciliation and the Annual Report describe what was accomplished during the grant year, including a performance report and an activity report. Use this report to expound on successful and/or innovative programs, and potential growth opportunities.

  Additionally, explain any challenges or obstacles that occurred during the grant year. Collectively, this will inform future programming connecting the following Annual Grant Application and Triennial HSP.

- It is critical that connections are clear and concise. The Triennial HSP, Annual Grant Application, Annual Report, and Annual Reconciliation must clearly link to one another. States will benefit from understanding these connections through lessons learned and opportunities presented from the Annual Report, for an improved AGA and updates to the 3HSP. Keep in mind that these criteria are also being evaluated by NHTSA.

NOTE: Along with clearly stating AR-AGA connections, ensure that all other components must be included in the AGA such as local expenditure and law enforcement community collaboration

NOTE: Remember throughout the process, demonstrate how the program is changing and growing over time. NHTSA reviews this, and all information that is submitted. This includes how the required connections between each component are demonstrated.

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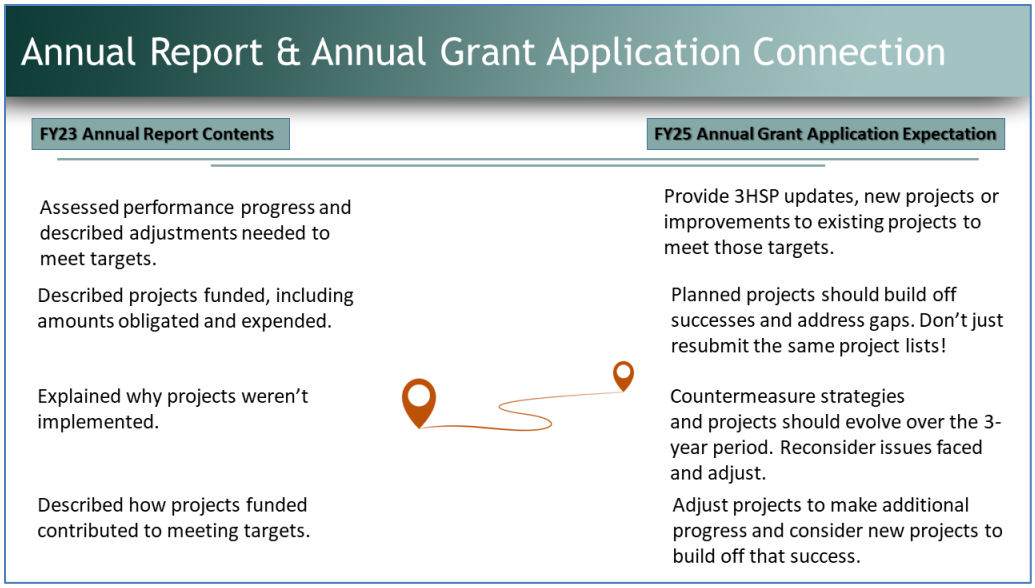

Slide 136.

Annual Report & Annual Grant Application Connection

FY23 Annual Report Contents	FY25 Annual Grant Application Expectation
Assessed performance progress and described adjustments needed to meet targets.	Provide 3HSP updates, new projects or improvements to existing projects to meet those targets.

In the AR, the State assessed progress and described any changes that are needed to help meet the State's targets. In writing the AGA, describe any updates to the 3HSP that will be needed as a result of the AR assessment. This could include a new program area.

For example, the State has seen an increase in older driver involved fatalities. A new program area specifically for older drivers may be needed, as opposed to just including older drivers in with general programming. In this case, it would be necessary to build out the program area with a problem ID section, a new target, and countermeasure strategies that would lead to projects in the AGA. Make changes and updates to program areas already in existence as well.

Another example might involve a big change in the data analysis and problem identification for speed. The data analysis identified some different counties or cities where speeding fatalities have dramatically increased in the last year. In this case, the result of this data will lead to how the program will change.

Lastly, for the countermeasure strategy, for example the impaired driving fatalities haven't been declining as a result of the usual programs/projects.

As a result, the State is looking to pilot a 24/7 project. This would require the addition of a new countermeasure strategy for the new program/project in the "updates to the 3HSP" section.

These are just a few examples of how the 3HSP could be updated during the AGA submittal. The State can also make amendments like this during the year.

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FY23 Annual Report Contents	FY25 Annual Grant Application Expectation
Described projects funded, including amounts obligated and expended.	Planned projects should build off successes and address gaps. Don't just resubmit the same project lists!

The next step in the Annual Report is where funded projects are described - what took place, how much was obligated and how much was spent. For the AGA, consider what went right with the projects, and how to build on the success of the projects. Additionally, what did not go as well as planned? What changes should be made toward achieving anticipated goals?

For example, your State has a distracted driving education project working with younger drivers in the schools. Thought should be given to the results of that project, any achievements that can be replicated into other schools, and any improvements needed to make to the project more effective, which in turn will reduce crashes, injuries, and fatalities among younger drivers.

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(Continued on next page)

FY23 Annual Report Contents	FY25 Annual Grant Application Expectation
Explained why projects weren't implemented.	Countermeasure strategies and projects should evolve over the 3-year period. Reconsider issues faced and adjust.

The next item in the Annual Report is to explain why projects were not implemented. There are several reasons why this might have happened, such as:

- Late start to planning
- No viable applications were submitted
- Not enough staff support to implement all projects

Regardless of the reason, consider what could be done in the next grant cycle to implement a project that will support performance measures and targets.

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FY23 Annual Report Contents	FY25 Annual Grant Application Expectation
Described how projects funded contributed to meeting targets.	Adjust projects to make additional progress and consider new projects to build off that success.

Finally, the Annual Report describes how funded projects contributed to meeting targets. Determine how successful projects can be replicated in other communities or program areas. For example, if a Child Passenger Safety (CPS) project showed positive results in working with new immigrant communities, what elements could be replicated and expanded into other communities?

Or, if there were projects that were not as successful, are there adjustments that could be made to make the project more successful?

Should the project be terminated altogether?

For instance, if the social media plan is showing little to no recognition or engagement, there may be a need to rethink the strategy and perhaps reallocate the funding to a more productive project.

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Slide 137.

What factors can influence what to include in the Annual Grant Application?

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Subrecipient and Project Information

- Must include:
  - Required elements per 23 CFR 1300.12(b)(2)
  - Information related to Incentive grant applications, as applicable
- List of projects should reflect:
  - Lessons learned as described in the Annual Report
  - Impact of Public Participation & Engagement
  - Law enforcement program that includes community collaboration
  - Planning for local expenditures

Slide 138.

- While there are required elements of the AGA (23 CFR 1300.12(b)(2)), there are small changes that can be made that will contribute to a more comprehensive and effective AGA.
- For each required element, there should be solid, confirmed information for all the projects listed, with the exception of the project number, which can be provided at a later date.

NOTE: If the specific subrecipient has not been determined, **DO NOT** just list "To be Determined (TBD)". Instead include descriptive information about the prospective subrecipient, such as "local school district within top 5% of teen injuries." Once the project has been awarded, the subrecipient can be identified. Providing this level of information, will help determine the alignment with approved countermeasures in the 3HSP.

- For the project description, be sure that it is complete enough to know what activities are being funded. Some projects are pretty straight-forward and can be described in a few sentences. The more descriptive the better!

(Continued on next page)

For example, if the project focuses on impaired motorcyclists, then the description should be clear that the activity is geared toward motorcyclists who are impaired. Occasionally, a project description will simply refer to a general impaired driving program which may have a motorcyclist component, but it is not specifically stated. It would then be impossible to determine whether consideration had been given to strategize ways to reach impaired motorcyclists, and how the project will incorporate impaired motorcyclists as opposed to drivers of cars or trucks.

- While it might be easier to copy and paste what the subrecipient included in their project agreement, keep in mind that the project descriptions are not necessarily thorough enough to fulfil the Section 405 and annual grant applications. The subrecipient should understand that elements like location of where the activity will take place are now required and should be included in their application. However, it may not be in the project description section.

- The list of projects in general should reflect lessons learned as described in your annual report. Depending on the situation, there may be changes required to the types of projects being funded, the funding level, or adjustments to individual projects to be more effective. Additionally, new projects that are part of a new countermeasure **will also need a new countermeasure added as an update to the 3HSP.** If you are not making progress toward your goals, at the very least, your list of projects, or the details of those projects should change in some way to reflect a new strategy.

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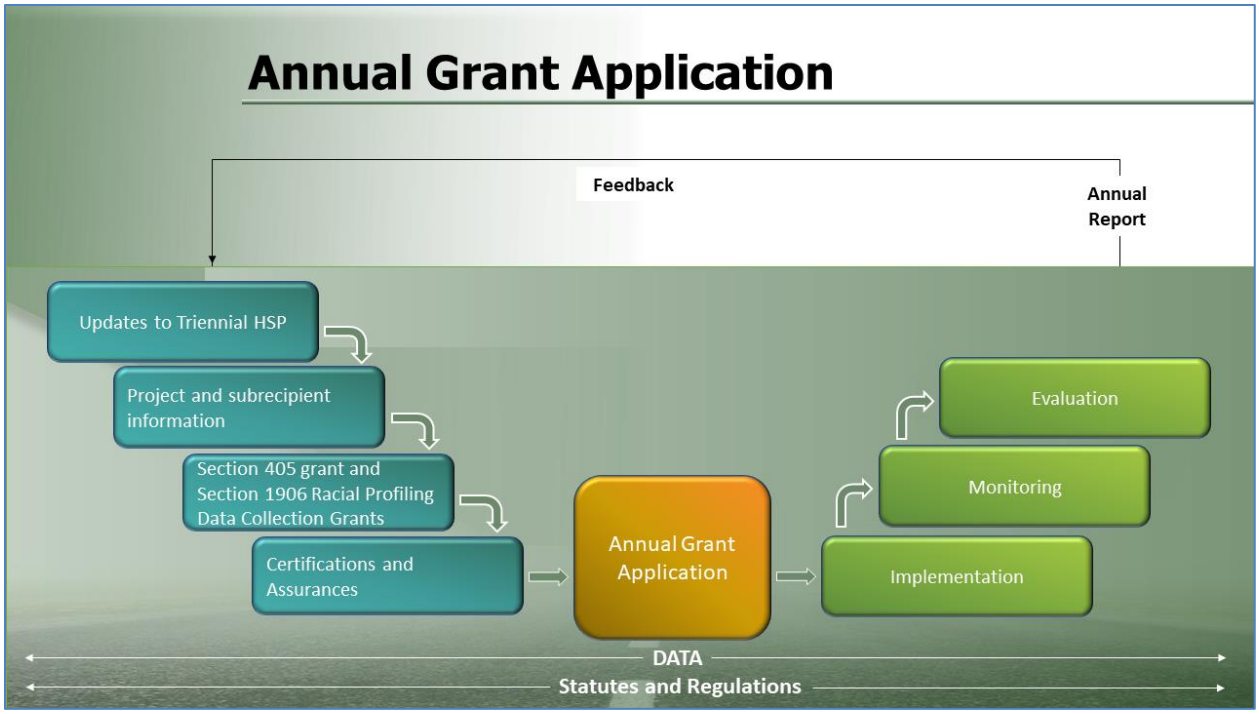

Annual Grant Application
Feedback
Annual Report
Updates to Triennial HSP
Project and subrecipient information
Section 405 grant and Section 1906 Racial Profiling Data Collection Grants
Certifications and Assurances
Annual Grant Application
Implementation
Monitoring
Evaluation
DATA
Statutes and Regulations

Slide 139.

Updates to Triennial HSP in Annual Grant Application

Optional: Changes to Public Participation and Engagement Strategy

Potential PP&E updates:

- Changes in problem identification
- A group you originally identified is not interested in engaging
- New trends in your data
- New groups identified

Engagement strategies

Adjustments to countermeasure strategies:

- **Countermeasure strategies update is required**
- New and removed strategies
- Modified funding strategies

Updates to Triennial HSP

Slide 140.

Depending on the outcomes of the Annual report, there may be a need to update the Triennial HSP.

- 3HSP updates will be a separate section in the AGA specifying these updates
- Refer to the regulation (23 CFR §1300.11) to make sure the level of detail is included in these updates
    - For example, if a new countermeasure strategy is being added, a description, justification, associated performance targets, funding sources and amount, considerations for project selection, and how it was informed by the uniform guidelines must be included in the 3HSP updates in the AGA
    - Another example of a necessary update would be; after analyzing crash data at the end of the year, it is discovered that pedalcyclist crashes are now a much larger issue than in the past. In conducting research, it was determined that traffic patterns have changed in the city and more people are biking to work in this community. In a case where there is not a pedalcycle program or the focus was just on children in school zones, an update to the 3HSP would be required in either instance. If there is an existing pedalcycle project, adjustments may need to be made to the project description, location, or funding level. In this case, updates to the 3HSP will not be necessary, however, changes in your subrecipient and project information or maybe number of projects may be expected to be reflected in the AGA.

With PP&E feedback is continually obtained from the community, and in turn, ensure plans and programs are changing to reflect needs and suggested solutions. Depending on results obtained, a change to your engagement strategy may be needed. Items that may require updates to the PP&E section of the 3HSP include:

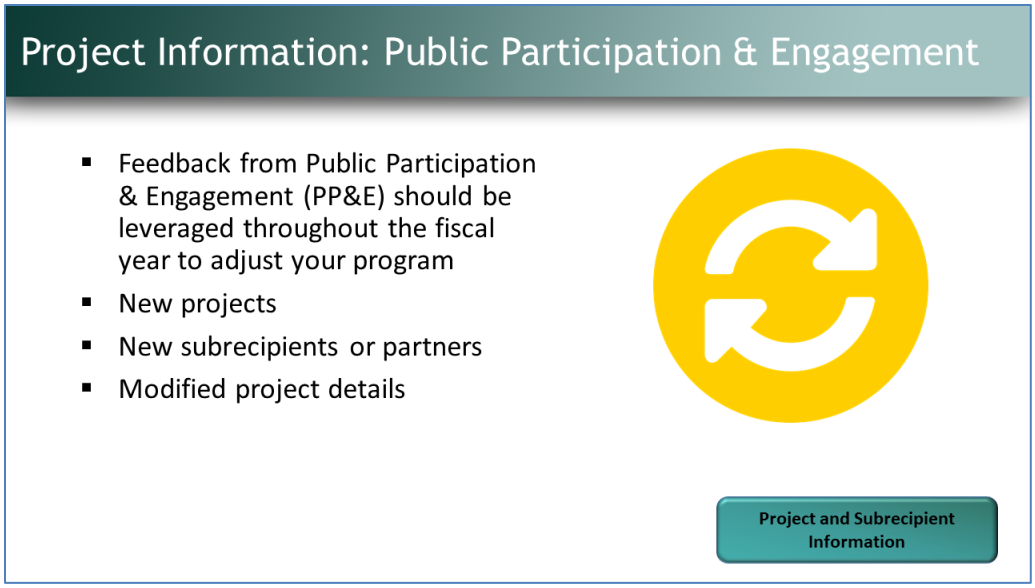
- Modified problem ID where there is a better understanding of community characteristics or demographics
- Groups originally identified and had not been responsive or showed an interest in engaging, may require a change in focus or
- Making modifications of the engagement strategies based on feedback that was provided.
    - For example, a project that was developed based on community needs received feedback at the end of the project that it didn't quite resonate with the community

Types of changes that would be included in an update to the 3HSP would be:

- Adjustment to PP&E strategies themselves
- Removing PP&E countermeasures
- General funding strategies for the 3HSP

Website Resource

RESOURCE: 23 CFR §1300.11 – Triennial Highway Safety Plan



Slide 141.

- When it comes to ongoing PP&E and the projects that are planned to be funded for the next fiscal year, the PP&E that is currently being done, should inform your countermeasure selection and project details for your upcoming AGA.

  Feedback from PP&E should be leveraged throughout the year to adjust the programs and projects, since it is an ongoing activity that captures input to make programs and projects reflective of communities that they serve. While the PP&E plan in the 3HSP may be at a higher level, the current feedback may result in adjustments to projects, partners, and/or subrecipients for the next AGA.

- There is an expectation that updates in the 3HSP regarding PP&E (and in general), need to be made depending on what is reported in the previous Annual Report. Such as:

  - The State is on target to meet performance targets and therefore there are no adjustments to report OR

  - The State held community engagement sessions as planned in the 3HSP ongoing engagement section. Based on the feedback received, the State will add an education countermeasure in addition to the current enforcement and media countermeasures within the pedestrian (nonmotorized) section of the 3HSP. If the education countermeasure is new, include all the required elements as stated in the regulation.

Things to Consider: Law Enforcement Community Collaboration

- As part of a comprehensive program, the State will support a data-based traffic safety enforcement program that fosters effective community collaboration to increase public safety, and data collection and analysis to ensure transparency, identify disparities in traffic enforcement, and inform traffic enforcement policies, procedures, and activities. (23 U.S.C. 402(b)(1)(F))

Slide 142.

There is now a requirement for the Annual Report to include how the State is supporting a data-based traffic safety enforcement program that fosters effective community collaboration.

As part of a comprehensive program, the State will support a data-based traffic safety enforcement program that fosters effective community collaboration to increase public safety, and data collection and analysis to ensure transparency, identify disparities in traffic enforcement, and inform traffic enforcement policies, procedures, and activities. (23 U.S.C. 402(b)(1)(F))

While law enforcement community collaboration is not its own section in the AGA, supporting activities should be planned in preparation for the next fiscal year in order to meet the BIL requirement.

The community collaboration requirement is specifically placed on enforcement programs, not merely on the State's highway safety program. While not every enforcement agency that receives a subaward will undertake community collaboration efforts related to the grant, there must be discussion on law enforcement efforts to facilitate community collaboration, as well as community collaboration efforts that do take place.

How can the State Highway Safety Office support data-driven traffic safety enforcement programs that foster effective community collaboration?

- Have a data-driven traffic safety enforcement program (this requirement continues from previous authorizations) and

- Supporting individual enforcement programs that foster effective community collaboration (this should be part of the enforcement program)

For example:

- Enforcement agencies receiving NHTSA grant funds could be required to collect race and ethnicity data
- Partner with law enforcement agencies who currently perform community collaboration activities to do training for other law enforcement agencies that may not be as effective in their communities
- Require law enforcement agencies receiving above a certain amount of funding to participate in ongoing efforts to analyze citation data
- Provide technical assistance to agencies to refine analysis of arrest and citation data to identify potential disparities

NOTE: If there are any questions, please consult with your regional office about the allowability of using 402 program funds for this requirement. Some costs may be allowable depending on the specifics of the activity and whether it is data-driven and has a strong link to traffic safety.

Things to Consider: Planning for Local Expenditures

- Are you on track to meet the 40% requirement for FY24?
- What changes can you make to improve collaboration with local political subdivisions?
  - When and how solicitations released
  - Target audience
  - Types of projects sought
- What partnerships between political subdivisions can the State Highway Safety Office facilitate?
- How can your PP&E efforts assist?

Don't wait until it's too late! Adjust immediately to meet the requirement.

Slide 143.

While local expenditure isn't specific for the AGA, it is useful to consider it during the planning process as it will impact the ability to meet the 40% requirement.

In looking at the previous AGA submission, what gaps exist, and what can be done to address them in the upcoming AGA?

Potential changes to consider –

- Timing of solicitations,
- Nature of solicitations
  - Subrecipients and potential new partners
  - Methods of solicitation (press release, social media)
  - Community-based input
  - Process used to obtain community-based input (town hall meetings, surveys)

Focus on partnerships and leverage PP&E efforts.

NOTE: Plan ahead and don't wait until after the AGA project lists are developed to discover a local expenditure issue.

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Tips for the Sections 405 and 1906 Incentive Grant Applications
Section 405 grant and Section 1906 Racial Profiling Data Collection Grants

Slide 144.

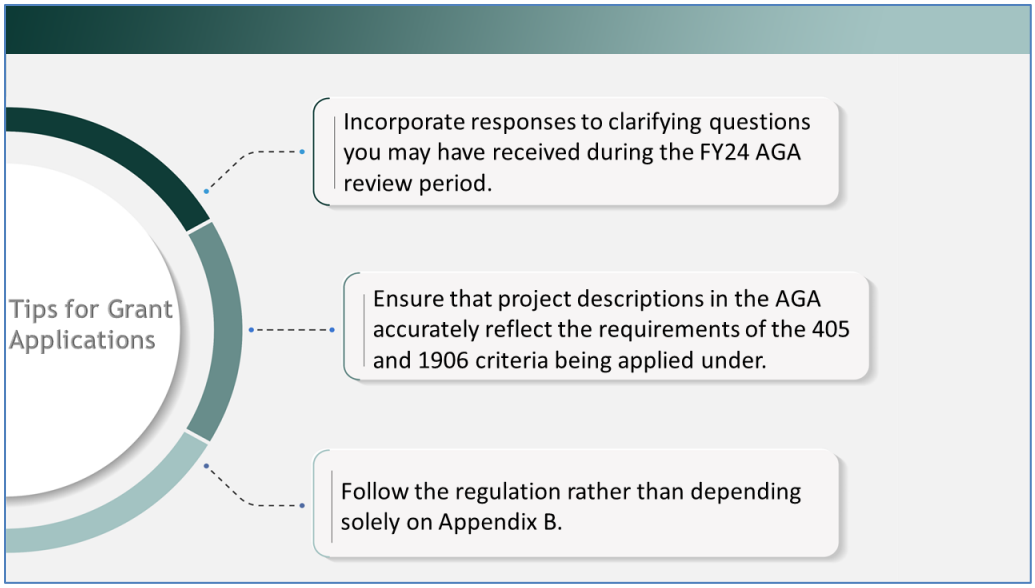
Grant Applications

- Application(s) for any of the national priority safety program grants and the racial profiling data collection grant as provided in Appendix B to this part, signed by the Governor's Representative for Highway Safety

Slide 145.

- As part of the AGA application, Section 405 National Priority Safety, and Section 1906 Racial Profiling Data Collection grant applications, must be signed by the Governor's Representative (GR) for Highway Safety

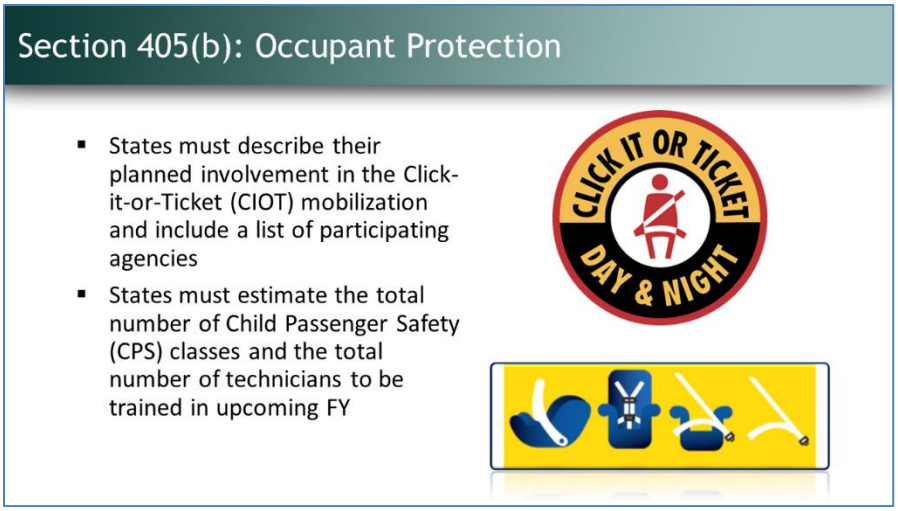
NOTE: Subrecipients must refer to the regulation for the specific application details.



Slide 146.

Tips for Grant Applications

- Refer to the clarifying questions that were received (if any) from the previous AGA application to ensure responses are incorporated into the next AGA.
- Clarifying questions can often be avoided by putting specific details in the project description as part of the application. Clearly describing where the required information is located within the grant application files greatly expedites the review process and can also minimize questions.
- Appendix B does not include all the nuances of what is required. Follow the regulation to know what needs to be provided to qualify for a 405 and 1906 grant.



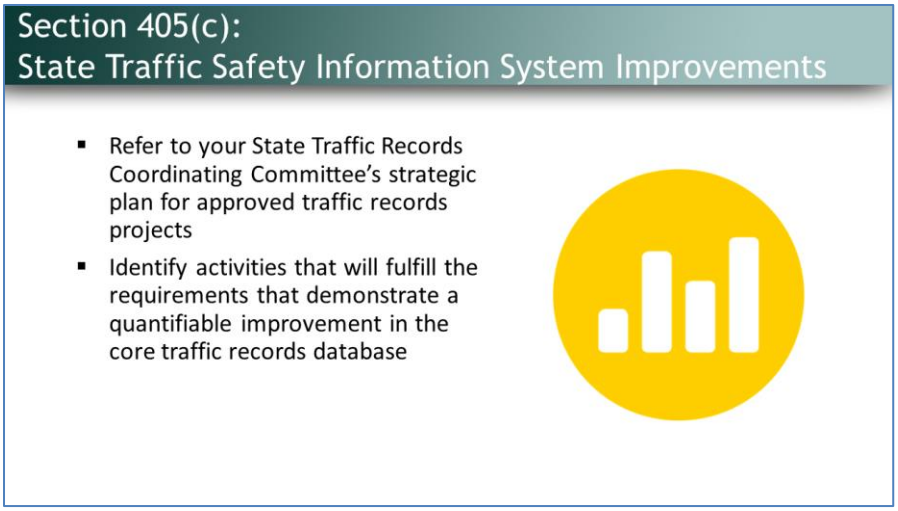
Slide 147.

Points to Remember:

- The 405(b) Occupant Protection grant program application criteria are based on the State's NHTSA-certified observed seat belt rate. States with belt use rates below 90% must submit additional information.
- All states must provide information on their planned participation in the Click-it-or-Ticket national mobilization and include a list of participating agencies.
- Additionally, all states must provide project information for child passenger safety or CPS training and technicians. Project descriptions must include information for recruiting, training, and maintaining enough CPS technicians based on the State's problem identification.
- The description must include an estimate of the total number of classes and an estimate for the total number of technicians to be trained in the upcoming fiscal year.
- All states must submit the total number of planned CPS inspection stations. Within the total, be sure to provide the number of inspection stations for urban, rural, and at-risk populations.

Website Resource

RESOURCE: 23 CFR §1300.21 – Occupant Protection Grants



Slide 148.

Points to Remember:

- Refer to your State Traffic Records Coordinating Committee's strategic plan for approved traffic records projects.
- Identify activities that will fulfill the requirements that demonstrate a quantifiable improvement in the core traffic records database.
- The performance period must cover a contiguous 12-month performance period, with a comparable baseline.

  For example: The dates for your FY25 application are:

  - Baseline: April 1, 2021 – March 31, 2022
  - Performance period: April 1, 2023 – March 31, 2024

NOTE: While *not* required to be submitted to NHTSA, under BIL, States must certify that there exists — A functioning Traffic Records Coordinating Committee (TRCC) that meets at least three times each year; a traffic records coordinating committee coordinator; and a State traffic records strategic plan, updated annually, that has been approved by the TRCC.

Supporting documentation must be provided.

Website Resource

RESOURCE: [23 CFR §1300.22 – State Traffic Safety Information System Improvements Grants]

Section 405(d): Impaired Driving Countermeasures

The qualifying criteria is based on the State's average impaired driving fatality rate

- Mid- and high-range States must submit a BIL compliant plan by August 1
- Impaired Driving Strategic Plans must follow NHTSA Guideline #8
- Must include use of coalitions, as described in NHTSA Guideline #8

NOTE: Project level activities alone do not meet the strategic plan requirements

Slide 149.

Points to Remember:

- The qualifying criteria in the BIL remain focused on the State's average impaired driving fatality rate, and a determination of whether the State qualifies as a low-, mid-, or high-range.
- Mid- and high-range States must submit an Impaired Driving Strategic Plan to NHTSA no later than August 1, that meets BIL requirements. The Impaired Driving Strategic Plan must follow Highway Safety Program Guideline # 8, inclusive of the described use of coalitions in the Guideline.

NOTE: Project level activities alone do not meet the strategic plan requirements

Website Resource

RESOURCE: Highway Safety Program Guideline #8 – Impaired Driving

Website Resource

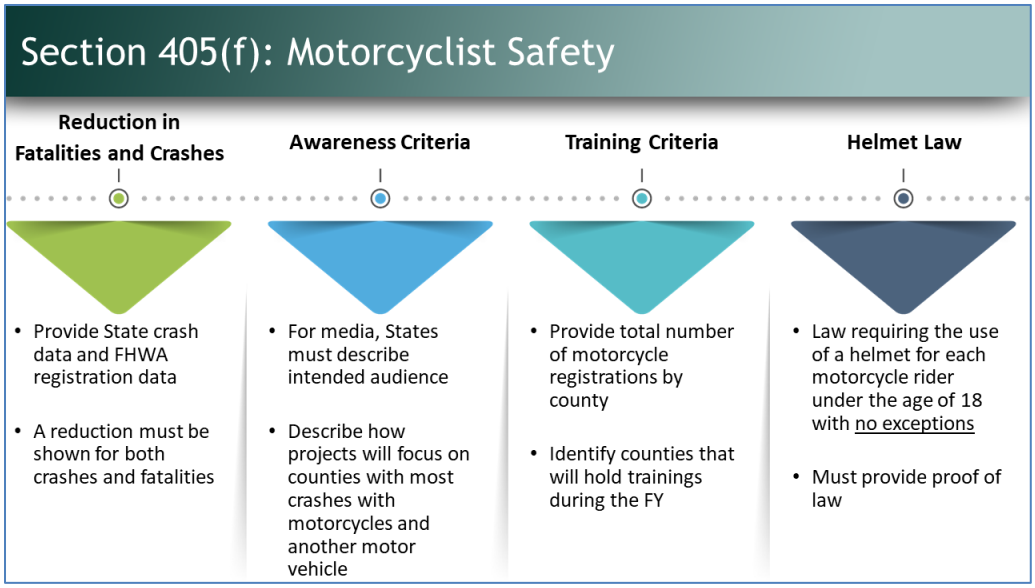
RESOURCE: 23 CFR §1300.23 – Impaired Driving Countermeasures Grants

Impaired Driving Strategic Plan: Key Elements

- Impaired Driving Strategic Plan (Guideline # 8) must at a minimum:
  - Describe the impaired driving task force's authority and basis to operate,
  - Include list of taskforce members,
  - Include the date of strategic plan approval, and
  - Cover program management, strategic planning, and prevention, which includes community engagement

Slide 150.

- States have discretion on the process used to create their Impaired Driving Strategic Plan.
- States may address other related areas, and the impaired driving strategic plan must, at a minimum,
  - Describe the impaired driving task force's authority and basis to operate,
  - Include list of taskforce members (name, title, organization and stakeholder group)
  - Include the date of strategic plan approval, and
  - Cover program management, strategic planning and prevention, which includes community engagement and coalitions; criminal justice systems; communications programs; alcohol and drug misuse; and program evaluation and data.
- Initially the task force requirement was primarily to focus on ensuring that member of law enforcement and the criminal justice system were represented. Since then, it was identified that other disciplines must be part of the process. In addition to key stakeholders from the State highway safety office, State and local law enforcement, and criminal justice system representatives, NHTSA added public health stakeholders, drug-impaired driving countermeasures (such as a DRE coordinator), and communications and community engagement representatives.
- As with any grant program, please contact the designated NHTSA Regional Office if there are specific questions about this grant program.



Slide 151.

Points to Remember:

States qualify for this funding by being compliant with at least two of the seven criteria listed in Section 405(f).

Reduction in fatalities and crashes

- NHTSA-provided fatality data on its own will not suffice
- State crash data and FHWA registration data must be used to create the fatality rate, and
- A reduction must be shown for both crashes and fatalities.

Motorcyclist awareness program

- States may use general media; however, States must give specific descriptions with the intended audience - whether motorcyclists or motorists
- States shall submit a list of counties or political subdivisions, from highest to lowest, with the number of crashes involving a motorcycle and another motor vehicle per county or political subdivision.
- Priority should be given to where the crash activity is occurring, and must be detailed in either the application or project description

Website Resource

RESOURCE: 23 CFR § 1300.25 Motorcyclist Safety Grants

Motorcycle rider training course

- A list of the counties or political subdivisions in the State where motorcycle rider training courses will be conducted during the fiscal year, and the number of registered motorcycles in each county or political subdivision.
- The State must offer at least one motorcycle rider training course in counties or political subdivisions that collectively account for a majority of the State's registered motorcycles.

Helmet law

- The BIL changed the criteria for the Helmet law. BIL states that States shall have a law requiring the use of a helmet for each motorcycle rider under the age of 18 with no exceptions.
- States must provide legal citation.

NOTE: Do not rely on Appendix B for qualification criteria. Instead, focus on the 405(f) regulatory requirements.

NOTE: Reminder: NHTSA's definition of motorcycle is anything with three wheels or less.

Contact the Regional Office should there be any questions.

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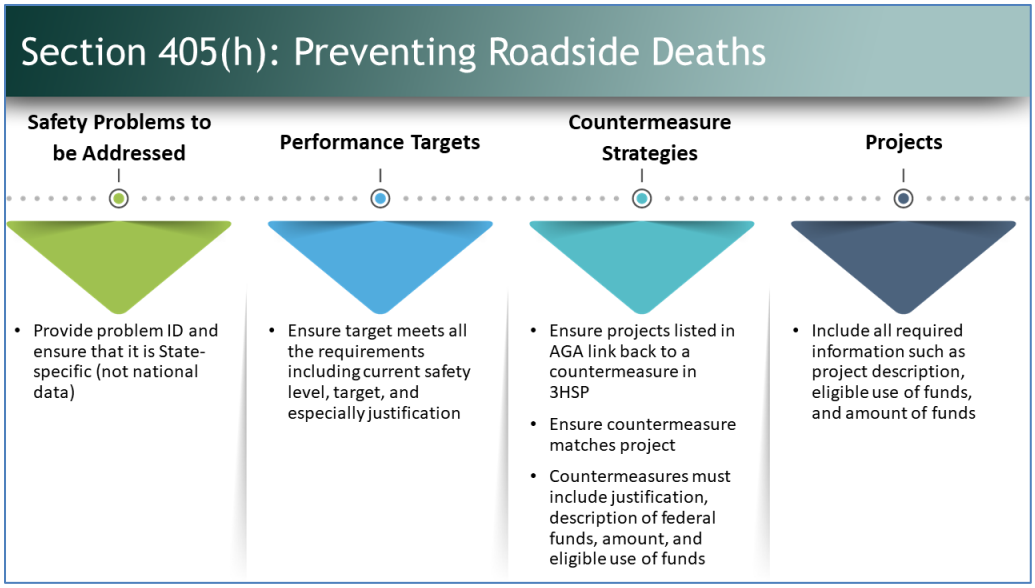

Slide 152.

Points to Remember:

Section 405(h) – Presenting Roadside Deaths, is one of the new funding sources under BIL.

- Safety problems to be addressed
  - State shall submit a plan that describes the method by which the State will use grant funds.
  - Problem identification needs to use State-specific data which does not necessarily have to be fatality related. Awareness surveys and/or crash data can be used.
  - Your problem identification must tie into your selected performance measures and targets, countermeasure strategies and projects.

NOTE: Since some of this data isn't always readily available, you should start collecting it early if you are looking to submit for this funding source.

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- Performance Targets
  - Target needs to be specific to preventing roadside deaths.
  - Ensure target meets all the requirements including current safety level, target, and especially justification (reasoning of why targets will be met)
  - If this is the first year applying for Section 405(h), a target will need to be added, requiring an update to the 3HSP.
- Countermeasure Strategies
  - Ensure projects listed in AGA link back to a countermeasure strategy in the 3HSP.
    - If a new project is being added for Section 405(h) that doesn't relate to an existing countermeasure strategy, it may necessitate an update to the 3HSP.
  - Ensure countermeasure matches project.
  - Countermeasures must include justification, description of federal funds, amount and eligible use of funds.
- Projects
  - Include all required information such as project description, eligible use of funds, and amount of funds.

RESOURCE: 23 CFR §1300.27 – Preventing Roadside Deaths Grants

Section 405(i): Driver and Officer Safety Education

Driver Education and Driving Safety Courses

- **Law-based**
  - State laws must be detailed and specifically include all information outlined in the regulation
- **Supporting Documentation - Program**
  - State programs must be active and not for program development
  - Driver education program supporting documentation must clearly and specifically include all 5 core elements outlined in regulation
- **Meaningful Steps - Qualifying State**
  - Demonstrate what has already been accomplished
  - Develop schedule for implementation to occur within 5 years

Slide 153.

Section 405(i): Driver and Officer Safety Education

Peace Officer Training Program

- **Law-Based**
  - State shall provide a legal citation establishing the requirement of a training program for Peace Officers
- **Supporting Documentation - Program**
  - State shall have a peace officer training program that is required for employment
  - Peace officer program supporting documentation must clearly and specifically include how program educates peace officers on proper interaction with civilians during traffic stops
- **Meaningful Steps - Qualifying State**
  - Demonstrate what has already been accomplished
  - Develop schedule for full implementation to occur within 5 years

Slide 154.

(Continued on next page)

Points to Remember:

There are several ways to qualify under this grant program. The State must meet at least one of the following requirements:

Driver Education and Driving Safety Courses

- If applying with a law
  - The law must include all the verbiage from the regulation, including at a minimum, information relating to:
    - The role of law enforcement and the duties and responsibilities of peace officers;
    - The legal rights of individuals concerning interactions with peace officers;
    - Best practices for civilians and peace officers during those interactions;
    - The consequences for failure of an individual or officer to comply with the law or program; and
    - How and where to file a complaint against, or a compliment relating to, a peace officer.

- If applying with supporting documentation
  - The State must demonstrate there exists an already developed, and currently implemented driver education and driving safety course. To demonstrate compliance, the State shall submit:
    - A certification signed by the Governors Representative attesting that the State has developed and is implementing a driver education and driving safety course throughout the State
    - Curriculum or course materials, along with citations where the requirements are located within the curriculum

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Peace Officer Training Program

- If applying with a law
  - State shall provide a legal citation that establishes the requirement of a training program for Peace Officers, with respect to proper interaction with civilians during traffic stops
- If applying with supporting documentation
  - State shall have a peace officer training program that is required for employment as a peace officer throughout the State.
  - To demonstrate compliance, the State shall submit:
    - A certification signed by the Governors Representative attesting that the State has developed and is implementing a peace officer training program throughout the State
    - Curriculum or course materials, along with citations where the requirements are located within the curriculum

NOTE: For Peace officers – information about reading civilians their rights is not the same. This is about what officers should be doing during traffic stops, not what the civilians should be doing.

NOTE: Funding is not available for States to use for the purposes of qualifying.

Meaningful Steps – Qualifying State (23 CFR 1300.28(e))

- Evidence that the State has taken meaningful steps towards a qualifying law or program. To demonstrate compliance with this criterion, the State shall submit one or more of the following:
  - A proposed bill that has been introduced in the State, but has not yet been enacted into law
  - Planning or strategy document(s) that identify meaningful steps the State has taken as well as actions the State plans to take to develop and implement a law or program
- Provide a schedule for implementation of such a law or program within 5 years of first applying as a qualifying State

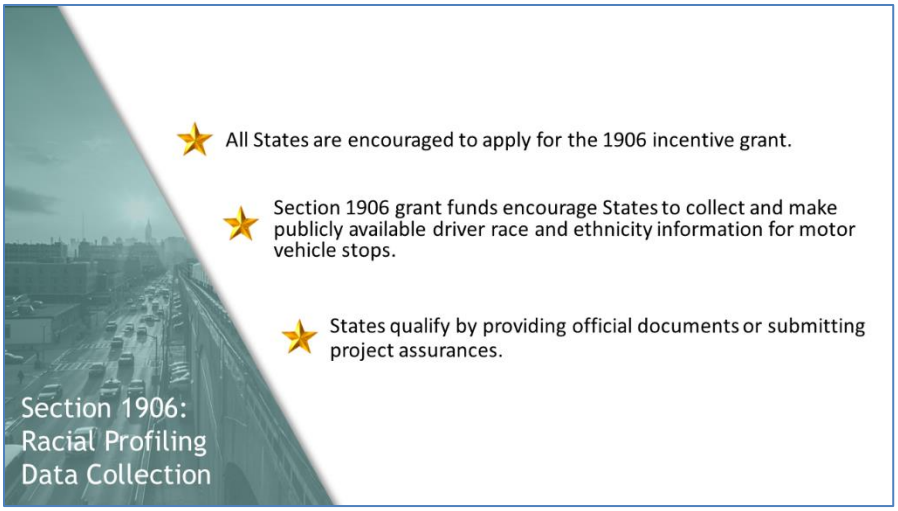
For example, if the current driver education program covers three of the five core elements, the remaining two would need to be added. In the application, supply evidence of the current three, and then describe what will be done to update and add the remaining two.

- Under this scenario, the State would continue to apply under the meaningful steps qualifying State process until the requirements are fully implemented. Once requirements are met, the State would them apply via either law or supporting documentation

NOTE: If State laws or programs do not include everything required, consider applying via program-based or meaningful steps criteria

Website Resource

RESOURCE: 23 CFR 1300.28 – Driver and Officer Safety Education Grants



Slide 155.

Points to Remember:

- All States are encouraged to apply for a Section 1906 grant.
- Section 1906 grant funds encourage the maintenance and public inspection of driver race and ethnicity information for motor vehicle stops, made on all public roads except those classified as local or minor rural roads
- To qualify for a Racial Profiling Data Collection Grant in a fiscal year, a State shall submit as part of its annual grant application, in accordance with part 11 of appendix B to this part—
    - (1) Official documents (i.e., a law, regulation, binding policy directive, letter from the Governor, or court order) that demonstrate that the State maintains and allows public inspection of statistical information on the race and ethnicity of the driver for each motor vehicle stop made by a law enforcement officer on all public roads except those classified as local or minor rural roads; or
    - (2) Assurances that the State will undertake activities during the fiscal year of the grant to comply with the requirements

Website Resource

NOTE: Please contact your NHTSA regional office if you have any questions about this grant program

RESOURCE: 23 CFR 1300.29 – Racial Profiling Data Collection Grants

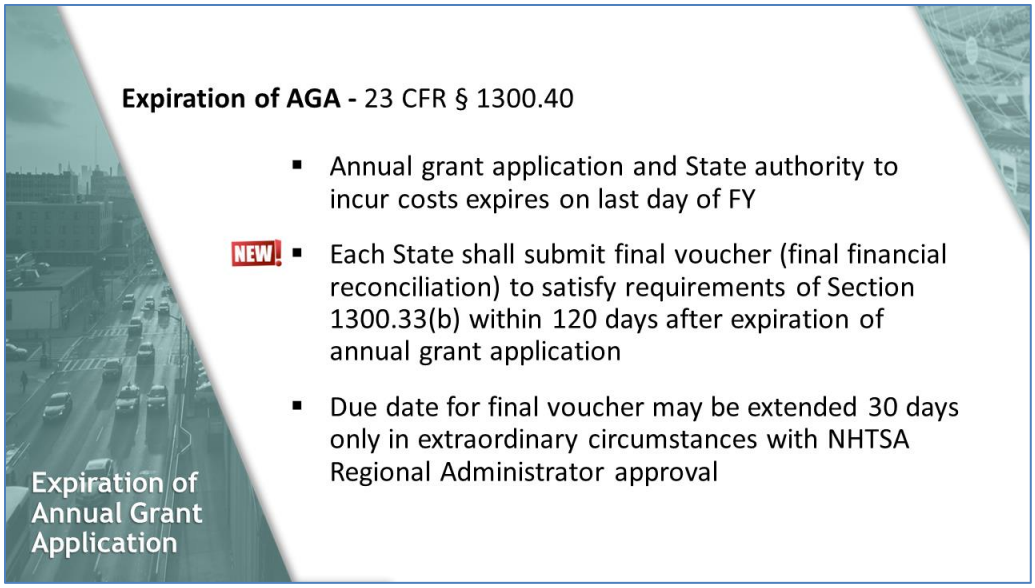
Slide 156.

Points to Remember:

- Ensure that the most recent certifications and assurances are included in all project agreements (These can be found in Appendix A to Part 1300)

Website Resource

RESOURCE: [Appendix A to Part 1300 – Certifications and Assurances for Highway Safety Grants]



Slide 157.

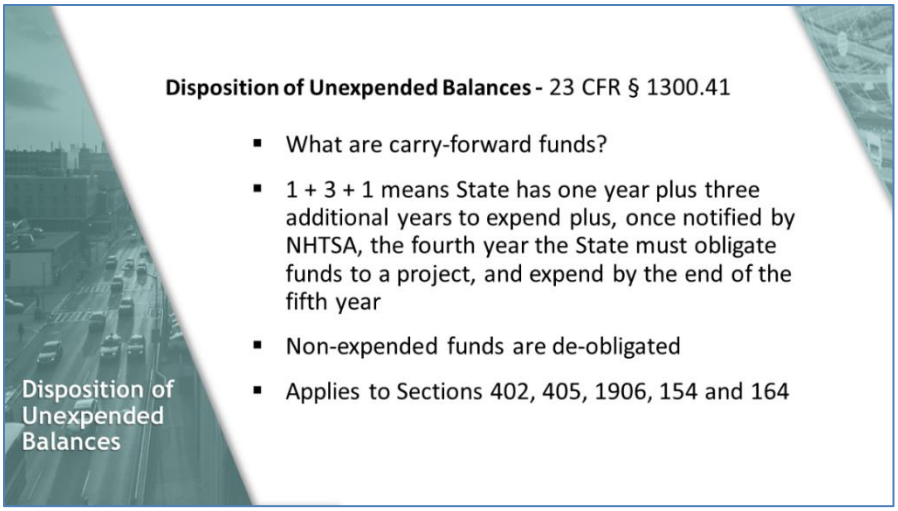
23 CFR § 1300.40 - Expiration of the Annual Grant Application

(a) The State's annual grant application for a fiscal year and the State's authority to incur costs under that application shall expire on the last day of the fiscal year.

(b) Except as provided in paragraph (c) of this section, each State shall submit a final voucher which satisfies the requirements of § 1300.33(b) within 120 days after the expiration of the annual grant application. The final voucher constitutes the final financial reconciliation for each fiscal year.

(c) The Regional Administrator may extend the time period by no more than 30 days to submit a final voucher only in extraordinary circumstances, consistent with 2 CFR 200.344 and 200.345. States shall submit a written request for an extension describing the extraordinary circumstances that necessitate an extension. The approval of any such request for extension shall be in writing, shall specify the new deadline for submitting the final voucher, and shall be signed by the Regional Administrator.

The approval of any such request for extension shall be in writing, shall specify the new deadline for submitting the final voucher, and shall be signed by the Regional Administrator.



Slide 158.

Disposition of Unexpended Balances (23 CFR § 1300.41)

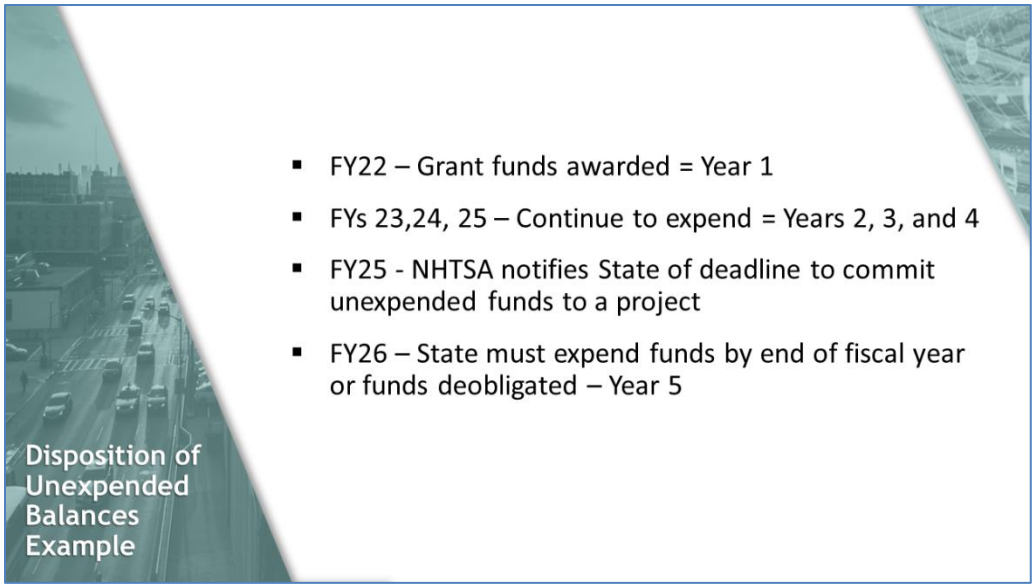
NOTE: 1+3+1 (23 CFR § 1300.41 Disposition of Unexpended Balances) means that the State has one year (the year in which funding is awarded) plus three additional years to expend plus, once notified by NHTSA, the fourth year the State must obligate the funds to a specific project, and expend those funds (on that project) by the end of the fifth year.

If the funds are not expended, they lapse and are de-obligated and go back to the US Treasury and not redistributed to Section 402 as unawarded 405 funds are.

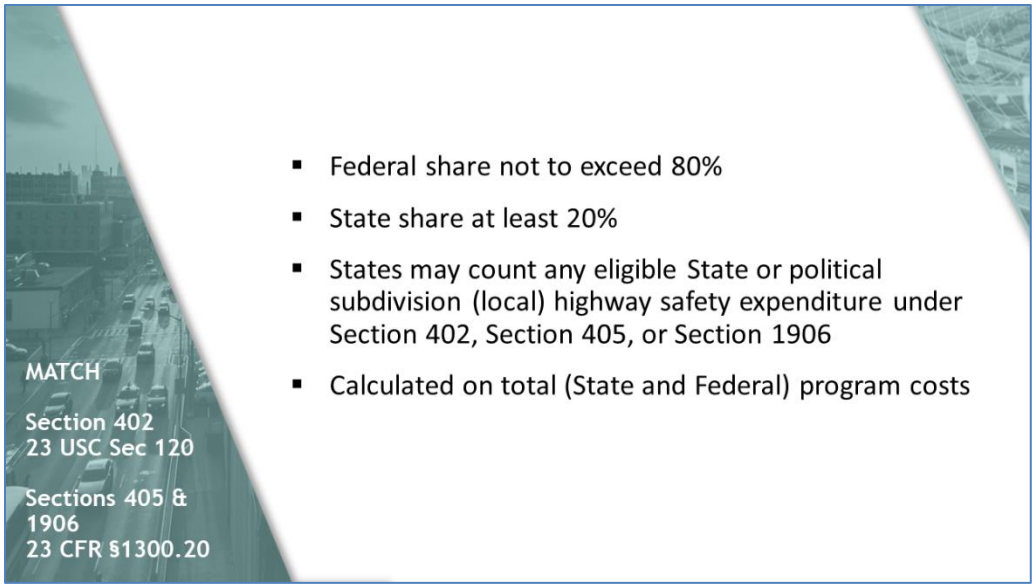
NOTE: Sections 154 and 164 are being treated as 402 and subject to the same 1+3+1.

Website Resource

RESOURCE: 23 CFR § 1300.41(b) – Deobligation of Funds


Disposition of Unexpended Balances Example
FY22 – Grant funds awarded = Year 1
FYs 23,24, 25 – Continue to expend = Years 2, 3, and 4
FY25 - NHTSA notifies State of deadline to commit unexpended funds to a project
FY26 – State must expend funds by end of fiscal year or funds deobligated – Year 5

Slide 159.



Slide 160.

For Sections 402, 405, and 1906 match, it's the aggregate. That is the bottom line is States must have a minimum of 20% match of the total 402, 405, and 1906, not separately unless State chooses to.

Slide 161.

SLIDING SCALE RATES. Special matching rates are developed in two categories to compensate States equitably for the area of the States impacted by nontaxable Indian Lands, Public Domain Lands, National Forests, and National Parks and Monuments. These are known as "Sliding Scale Rates". Sliding scale rates apply to Sections 402, 405, and 1906 funds.

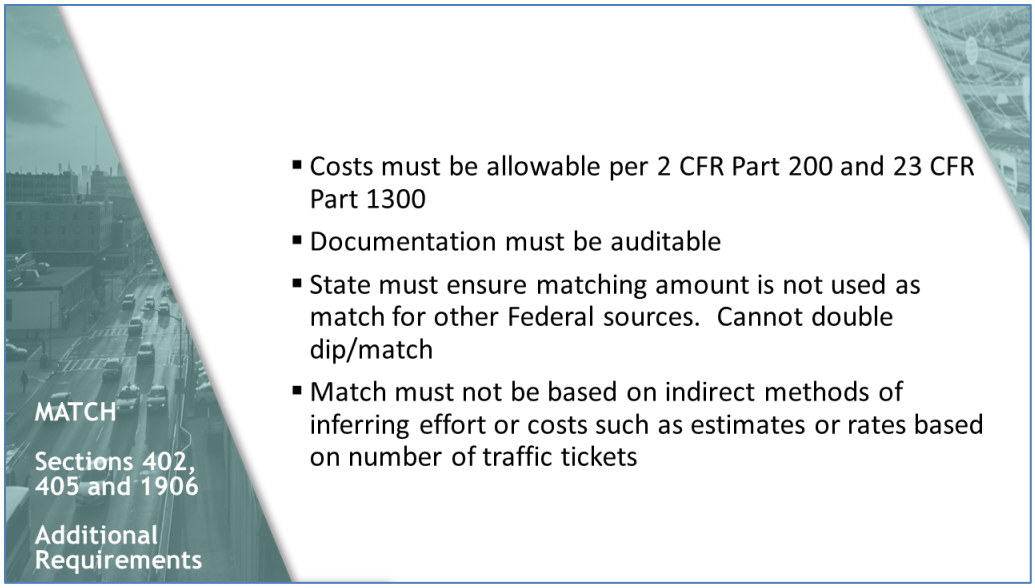
Also refer to NHTSA Clarification. "Non-Federal Share" issued August 13, 2019.

Supplemental Materials

SUPPLEMENT: Non-Federal Share 8/13/2019

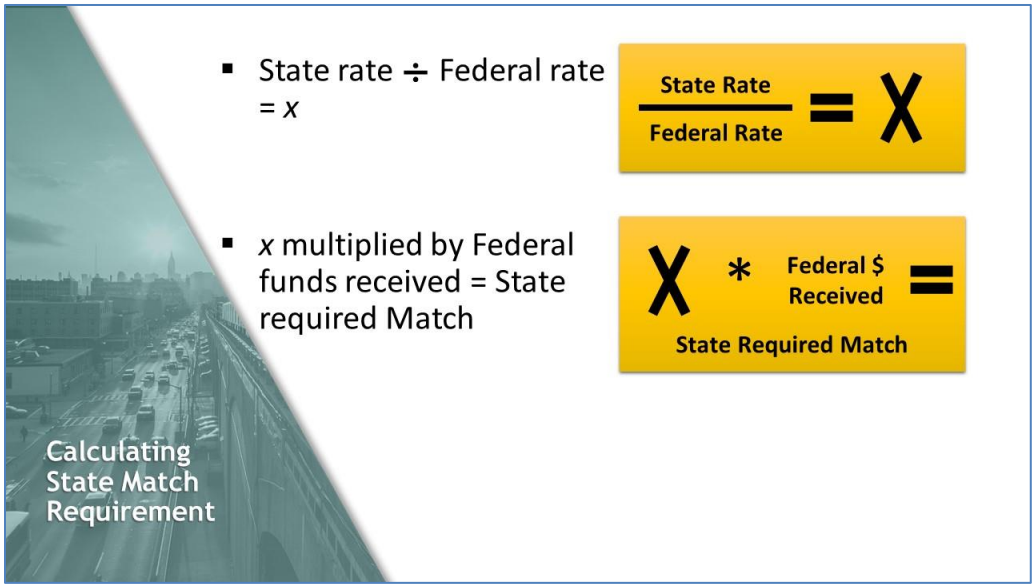
Website Resource

RESOURCE: Non-Federal Share



Slide 162.

Sections 402, 405 and 1906 Match (23 CFR § 1300.20(f))



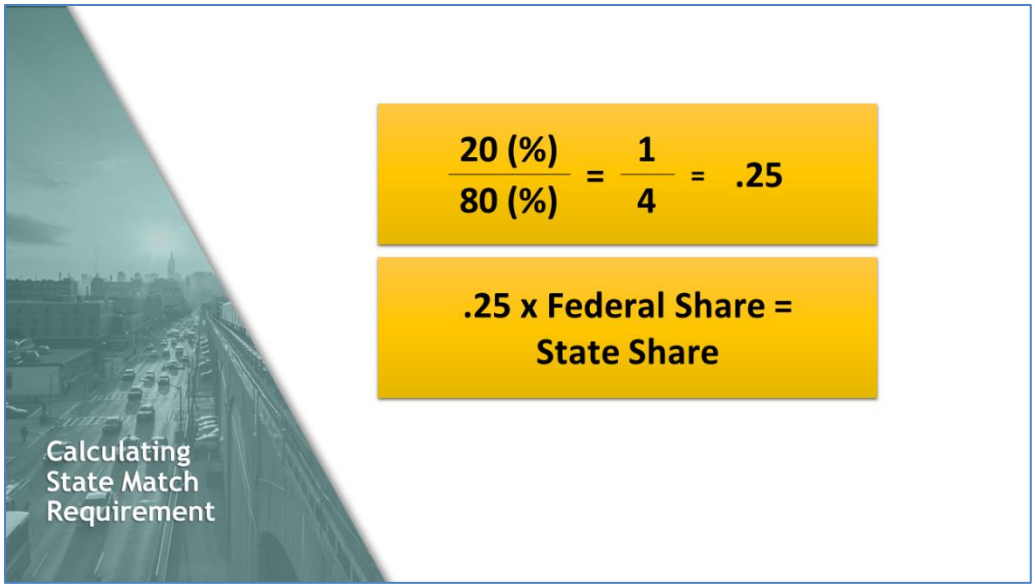
Slide 163.

Calculating State Match Requirement

- State rate / Federal rate = X
- X multiplied by Federal funds received = State required Match

Aggregate Expenditures

NHTSA's "Non-Federal Share" Clarification of 8/13/2019 states, "Federal law affords flexibility to States to aggregate all expenditures for highway safety activities by the State and political subdivisions to meet the matching requirement." This means that States may count any eligible State or political subdivision expenditure under the Section 402 or the Section 405 or the 1906 program. In other words, the State will meet its 20 percent matching requirement if the total eligible State or political subdivision expenditures equal at least a 20 percent share of the total of its highway safety grant expenditures. Example: 14 percent could come from Section 402; 5 percent from Section 405; and 1 percent from Section 1906.



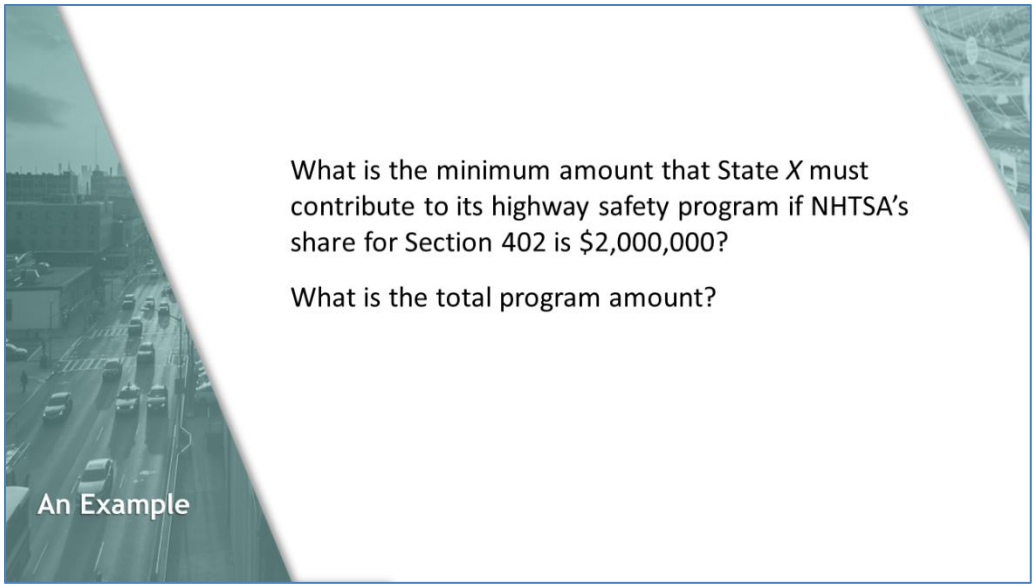
Slide 164.

Calculating State Match Requirement

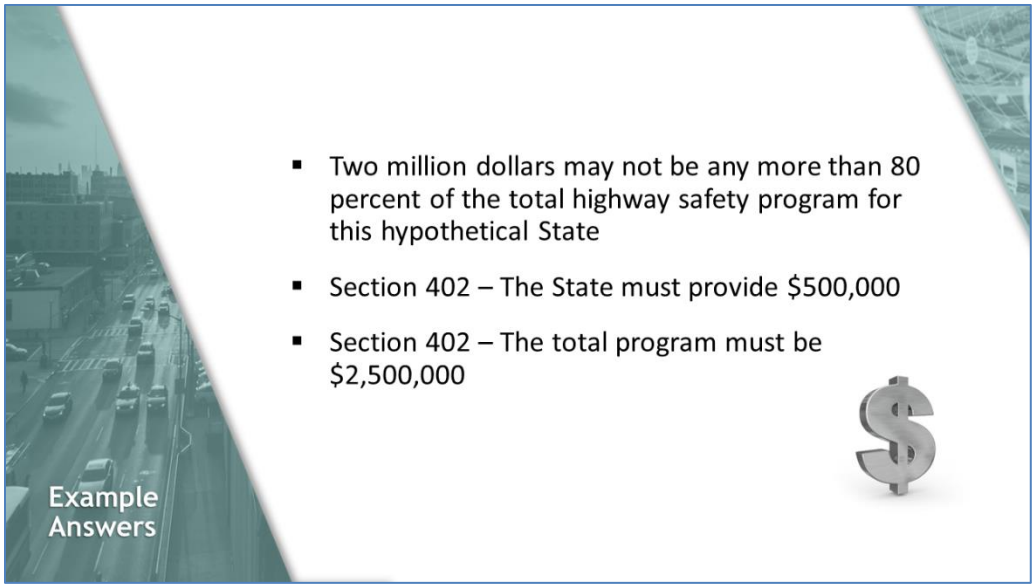
$\frac{\text{State}}{\text{Federal}} = \frac{20}{80} = \frac{1}{4} = .25$ .25 X Federal share = State share

Walk through the calculation:

1. The State match is 20 percent, divided by the Federal match which is 80 percent; or 20 over 80.
2. Twenty divided by 80 is 1/4, or .25
3. .25 multiplied by the Federal Share equals the minimum amount the State must provide (or match with).


What is the minimum amount that State *X* must contribute to its highway safety program if NHTSA's share for Section 402 is $2,000,000?
What is the total program amount?
An Example

Slide 165.



Slide 166.

What is the minimum amount that State X must contribute to its highway safety program if NHTSA's share for Section 402 is $2,000,000?

Activity Item

Question: What are you using to provide the States 20 percent for your Section 402 and Section 405 programs?

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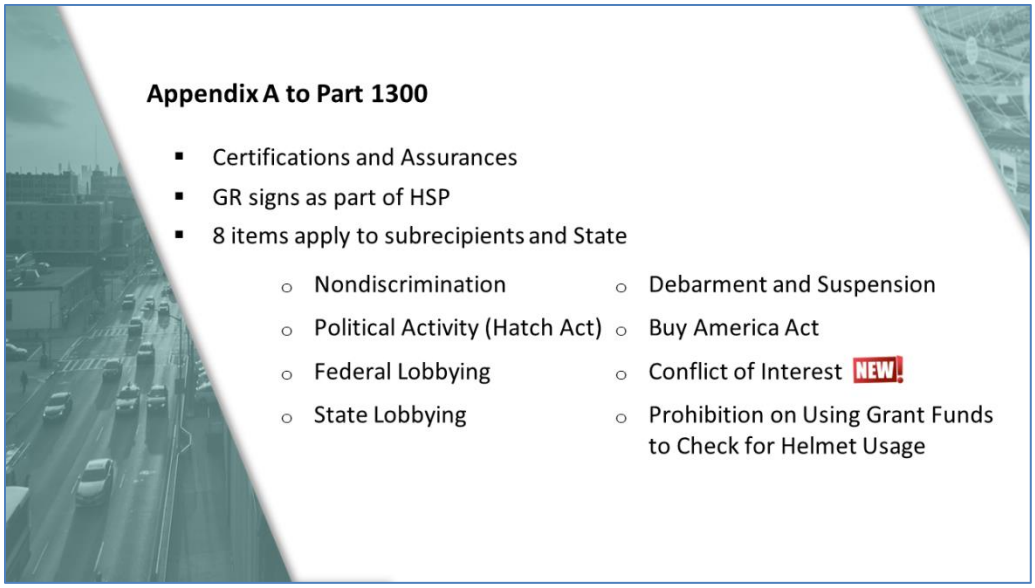


Slide 167.

Debarment and Suspension: Non-Federal entities are subject to the non-procurement debarment and suspension regulations. These regulations restrict awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in Federal assistance programs or activities. Ideally this determination should be made prior to execution of agreement.

Website Resource

SHSO should have a written procedure requiring checklist or other documentation to ensure subrecipients are not suspended or disbarred, such as including debarment and suspension on a proposal checklist and checking the debarment and suspension list at: System for Award Management Website

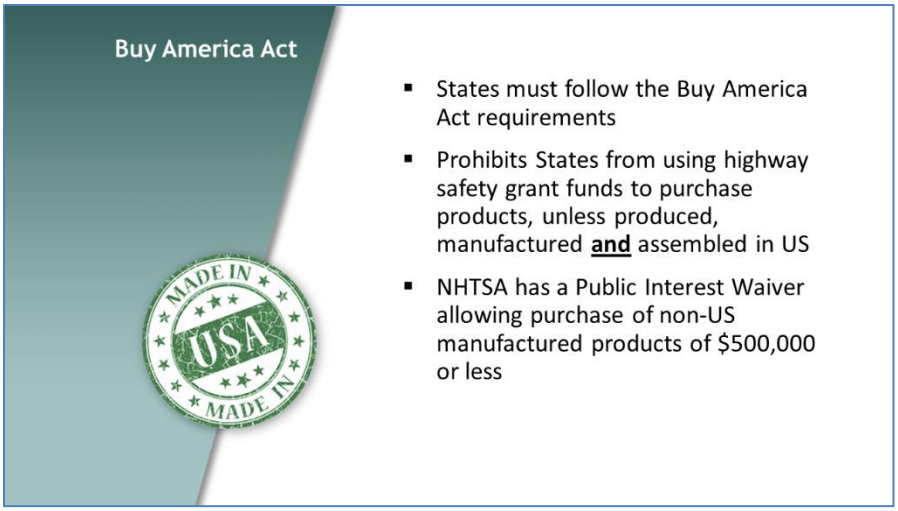
System for Award Management (SAM): The System for Award Management (SAM) is combining Federal procurement systems and the Catalog of Federal Domestic Assistance into one new system. This consolidation is being done in phases.

Website Resource

RESOURCE: System for Award Management

Website Resource

RESOURCE: 23 CFR § 1300 Appendix A



Slide 168.

Buy America Act

- American-Made covers any product that is manufactured **and** assembled in the U.S.

It was determined that a public interest waiver of the Buy America requirements is appropriate for any manufactured product whose purchase price is $500,000 or less, when such product is purchased using Federal grant funds administered under Chapter 4 of Title 23 of the United States Code.

Website Resource

RESOURCE: Buy America Act – U.S. Code

Website Resource

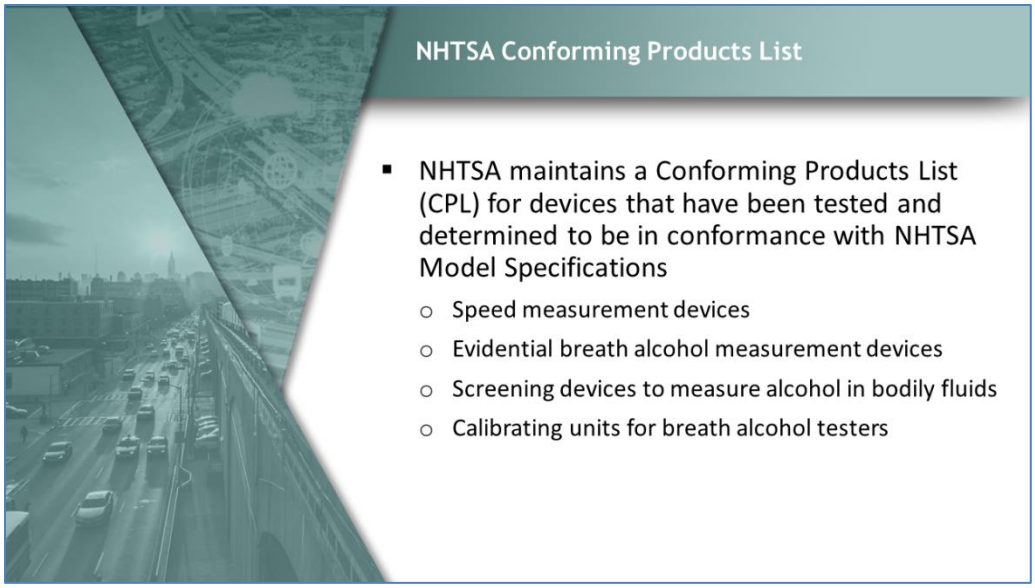
RESOURCE: Waiver of Buy America Requirements for De Minimis Costs and Small Grants

Website Resource

RESOURCE: DOT Waiver of Buy America requirements for De Minimis Costs and Small Grants NHTSA FAQs

NOTE: Refer to the Buy America Waiver 2023 folder on flash drive.

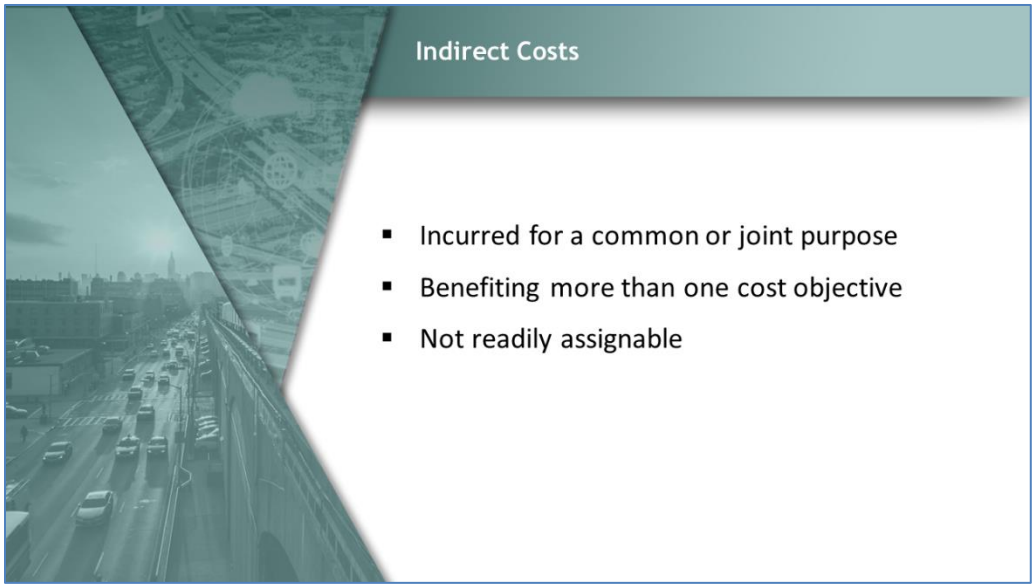
NOTE: If there are any questions, please contact your NHTSA Regional Office.



Slide 169.

Website Resource

RESOURCE: Conforming Products List (CPL)



Slide 170.

Indirect (Facilities & Administration (F&A)) Costs

- Incurred for a common or joint purpose
- Benefiting more than one cost objective
- Not readily assignable

Supplemental Materials

SUPPLEMENT: Colleges and Universities Rate Agreement

Supplemental Materials

SUPPLEMENT: State and Local Rate Agreement

Website Resource

RESOURCE: 2 CFR § 200.1

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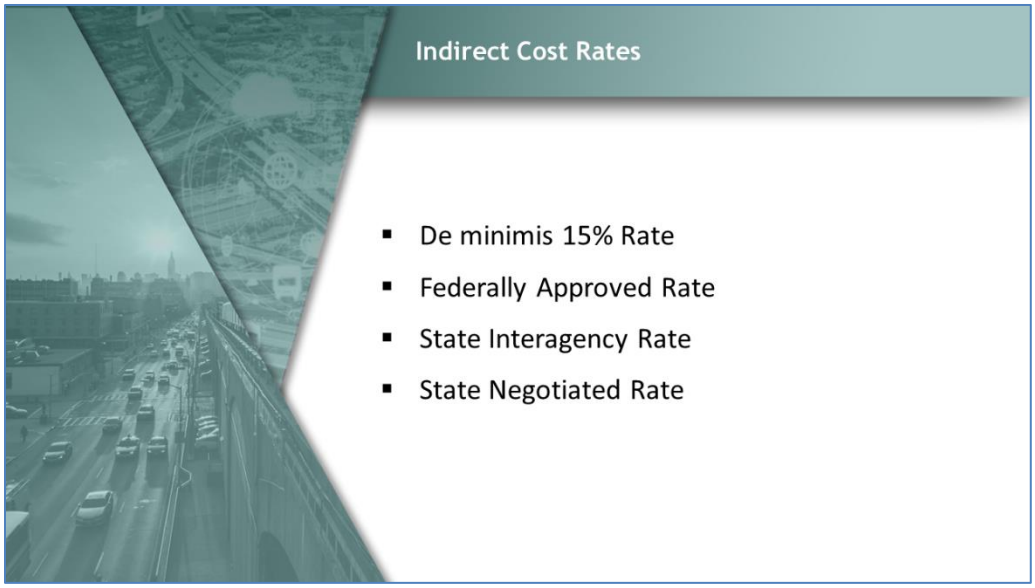
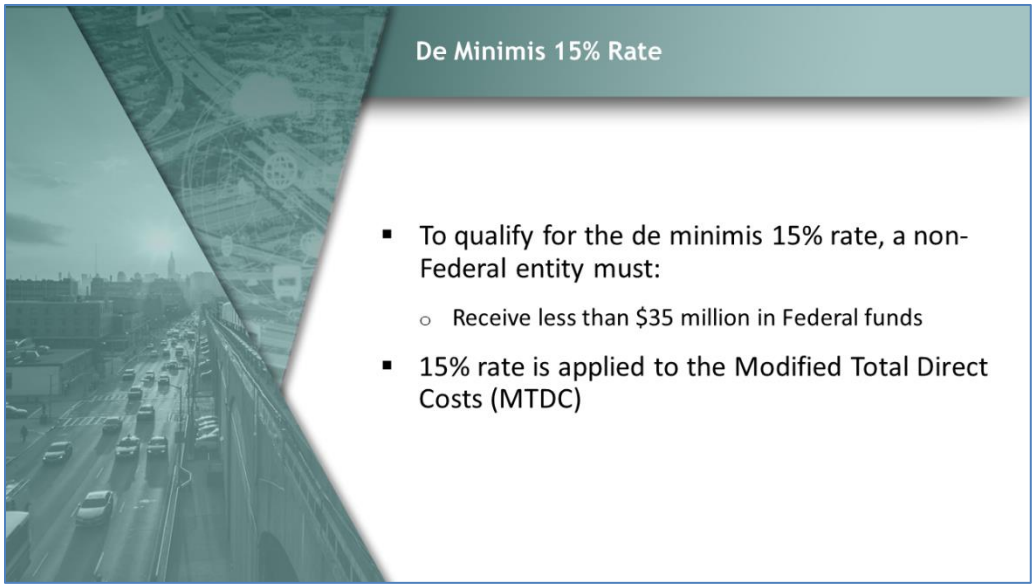
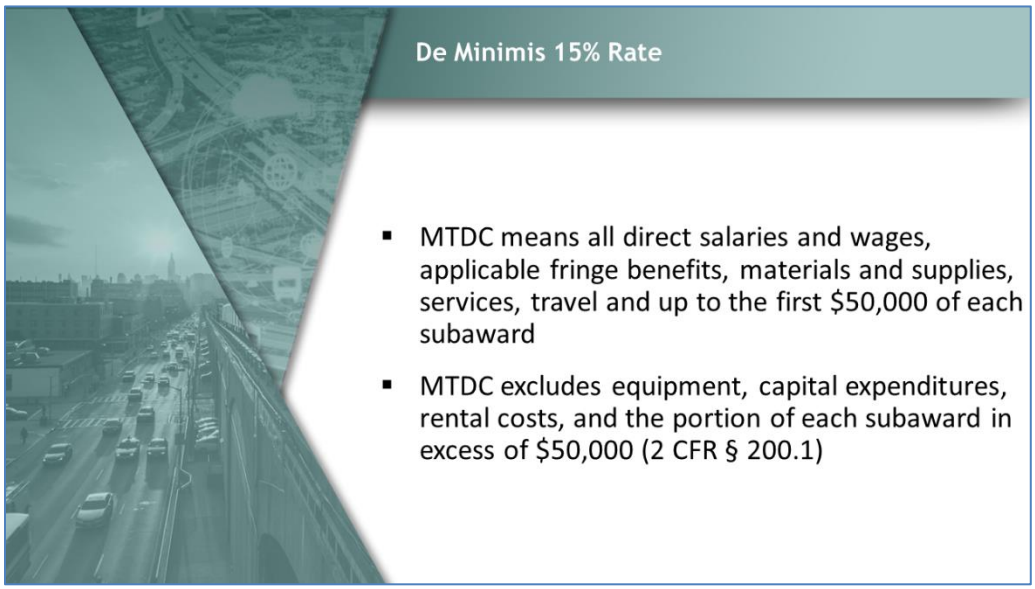

Indirect Cost Rates
De minimis 15% Rate
Federally Approved Rate
State Interagency Rate
State Negotiated Rate

Slide 171.



Slide 172.



Slide 173.

Verify that the 15 percent rate is only applied to the first $50,000 of each subaward or subcontract.

No justification paperwork required (i.e. no indirect cost rate plan).

If the State has a current existing negotiated indirect cost rate, it must continue using that rate until its expiration.

Website Resource

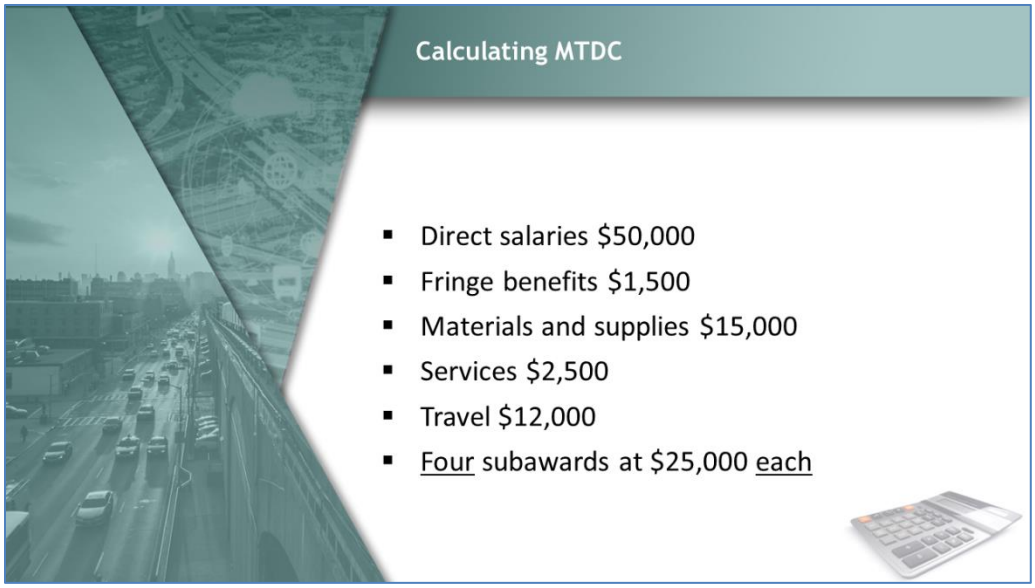
RESOURCE: Update to 2 CFR Part 200

Website Resource

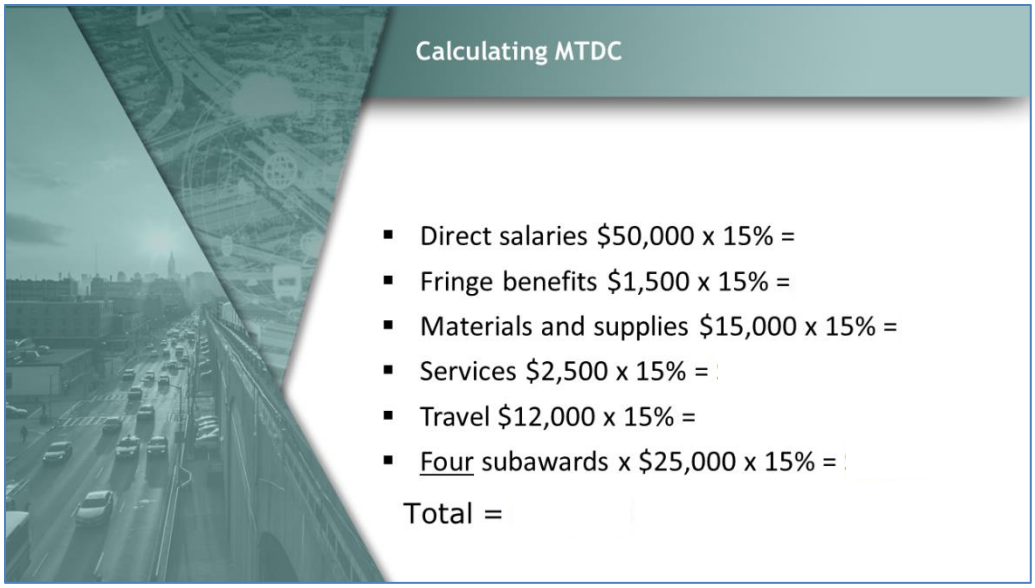
RESOURCES: 2 CFR § 200.1 and 2 CFR § 200.414(f)

Modified Total Direct Costs (MTDC)
Direct salaries
Fringe benefits
Materials and supplies
Services
Travel
Subawards up to $50,000

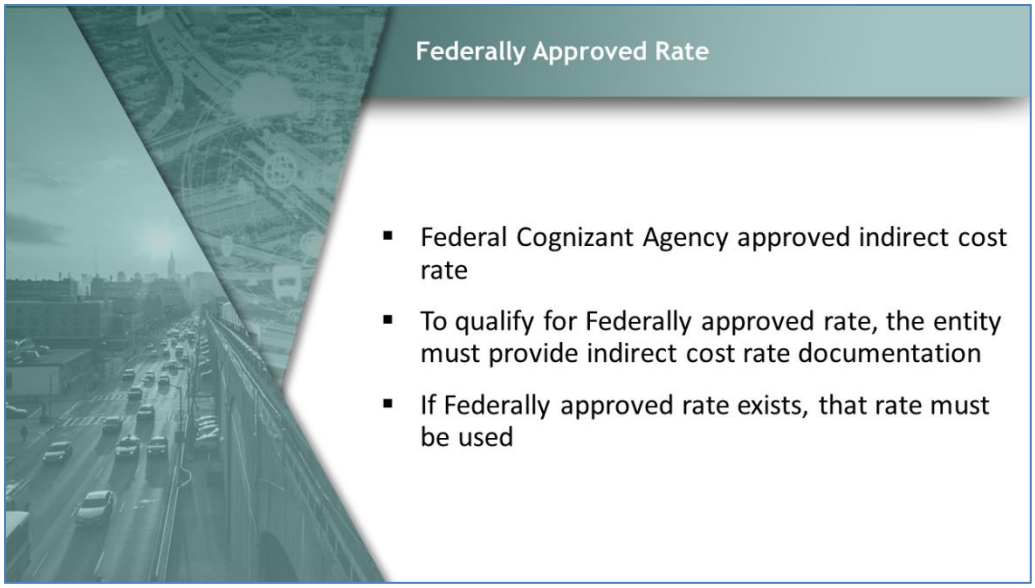
Slide 174.


Calculating MTDC
Direct salaries $50,000
Fringe benefits $1,500
Materials and supplies $15,000
Services $2,500
Travel $12,000
Four subawards at $25,000 each

Slide 175.


Calculating MTDC
Direct salaries $50,000 x 15% =
Fringe benefits $1,500 x 15% =
Materials and supplies $15,000 x 15% =
Services $2,500 x 15% =
Travel $12,000 x 15% =
Four subawards x $25,000 x 15% =
Total =

Slide 176.



Slide 177.

"The Federal cognizant agency is the agency responsible for reviewing, negotiating, and approving cost allocation plans or indirect cost rate proposals developed under this part on behalf of all Federal agencies." The cognizant agency for review and approval is the Federal agency with the largest dollar value of total Federal awards with the government unit.

- The 2020 revision to 2 CFR Part 200 impacts indirect cost rates. Provisions affecting indirect cost rates (and cost allocation plans), including eligibility to use the de minimis rate or provisions relating to negotiating rates, are effective for all indirect cost rates that go into effect after November 12, 2020. 2 CFR 200.414; Appendices III, IV, V, VI, and VII

- Existing indirect cost rates remain in effect until they expire. Rates that go into effect prior to November 12, 2020 are subject to the rules previous to the 2020 revision. Rates that go into effect on or after November 12, 2020 are subject to the revised rules

NOTE: Higher education and hospitals usually have multiple indirect cost rates. Agencies must ensure that the correct rate is used.

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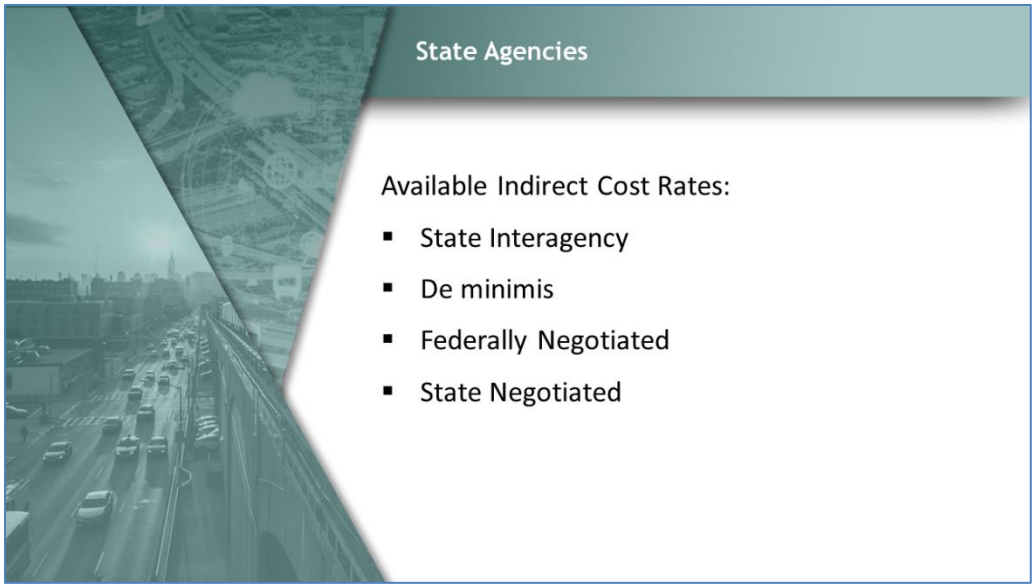
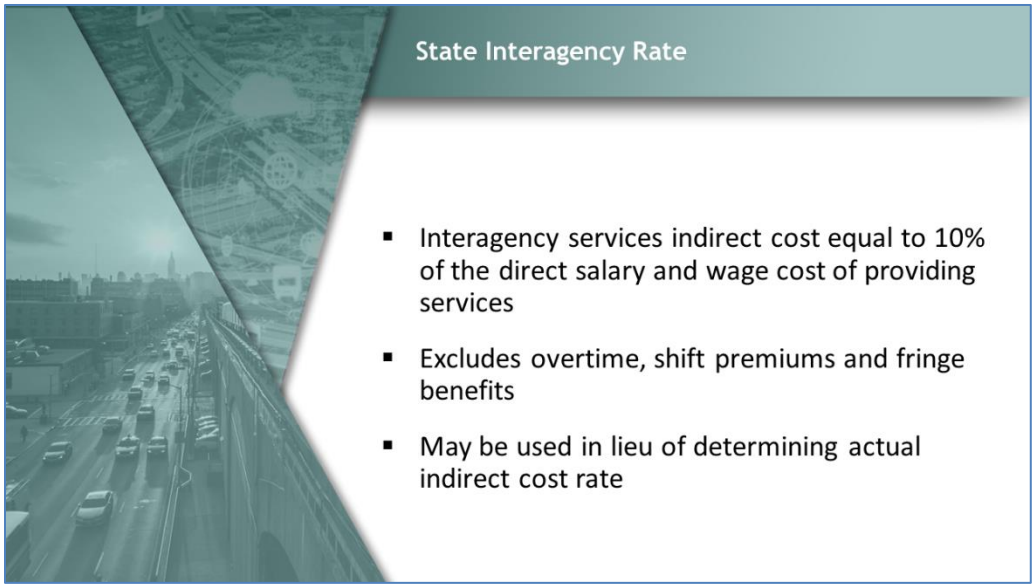


Slide 178.

State Agencies

Available Indirect Cost Rates:

- De minimis 15% rate
- Federally negotiated rate
    - If the State agency has a Federally negotiated rate, that rate must be used



Slide 179.

State Interagency Rate

- Interagency services indirect cost equal to 10% of the direct salary and wage cost of providing the services (excluding overtime, shift premiums and fringe benefits) may be used in lieu of determining the actual indirect cost rate

Website Resource

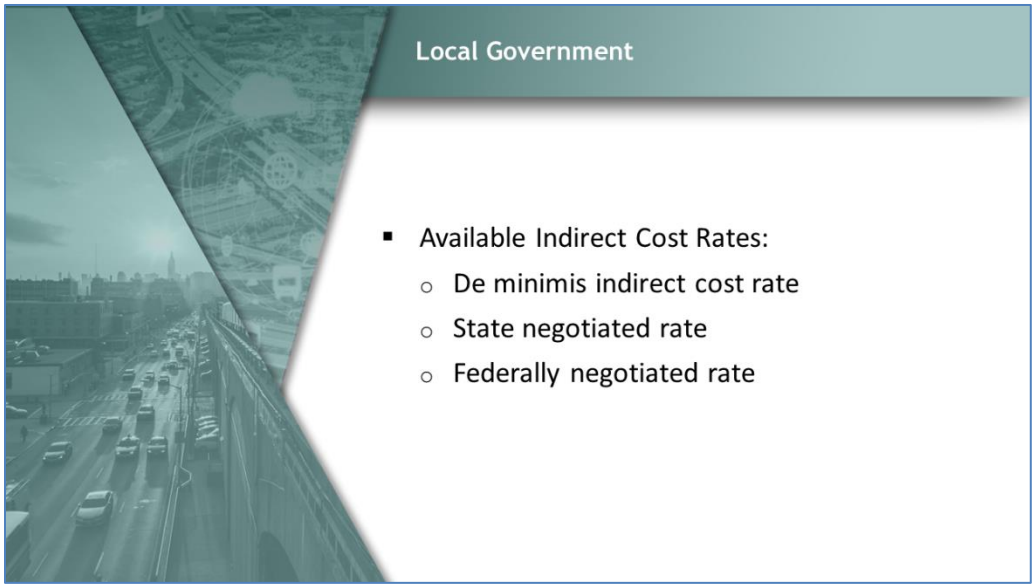
RESOURCE: 2 CFR § 200.417 – Interagency Service

Slide 180.

Where a non-Federal entity only receives funds as a subrecipient, the pass-through entity will be responsible for negotiating and/or monitoring the subrecipient's indirect cost rate.

Website Resource

RESOURCE: 2 CFR § 200 Appendix VII, D.1.(b)



Slide 181.

Local Governments

Available Indirect Cost Rates:

- De minimis indirect cost rate
- State negotiated rate (ref. 2 CFR § 200.Appendix VII D.1.b)
  - Where a non-Federal entity only receives funds as a subrecipient, the pass-through entity will be responsible for negotiating and/or monitoring the subrecipient's indirect cost rate
- Federally negotiated rate
  - If the State interagency has a Federally negotiated indirect cost rate, that rate must be used

Website Resource

RESOURCE: 2 CFR § 200. Appendix VII, D.1.(b) – Local Governments

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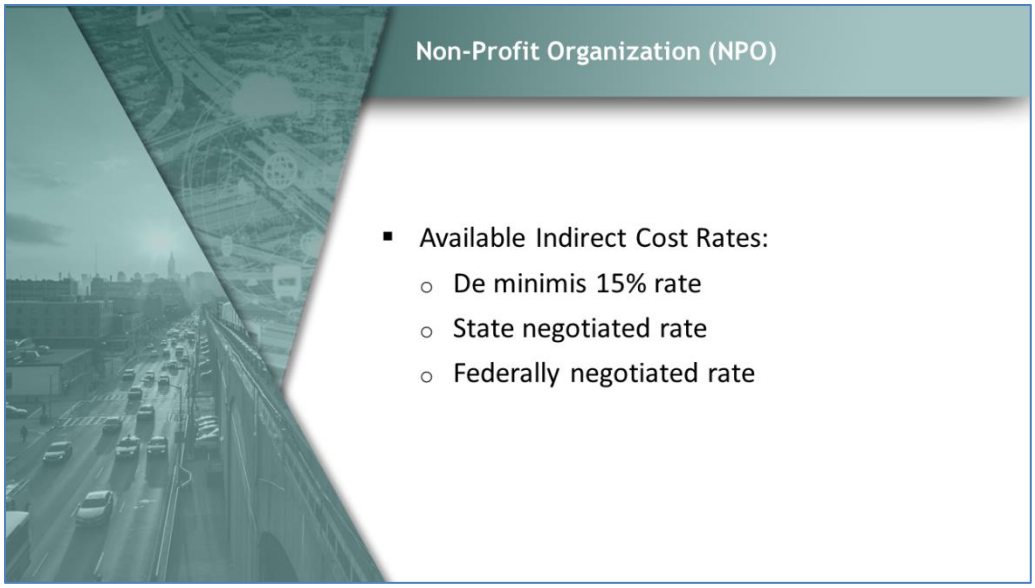

Slide 182.

Non-Profit Organizations (NPO)

Available Indirect Cost Rates:

- De minimis 15% rate
- State negotiated rate (Ref. 2 CFR § 200.Appendix VII D.1.b)
  - Where a non-Federal entity only receives funds as a subrecipient, the pass-through entity will be responsible for negotiating and/or monitoring the subrecipient's indirect cost rate
- Federally negotiated rate
  - If the NPO has a Federally negotiated indirect cost rate, that rate must be used

Website Resource

RESOURCE: 2 CFR § 200.414 – Indirect (F&A) Costs

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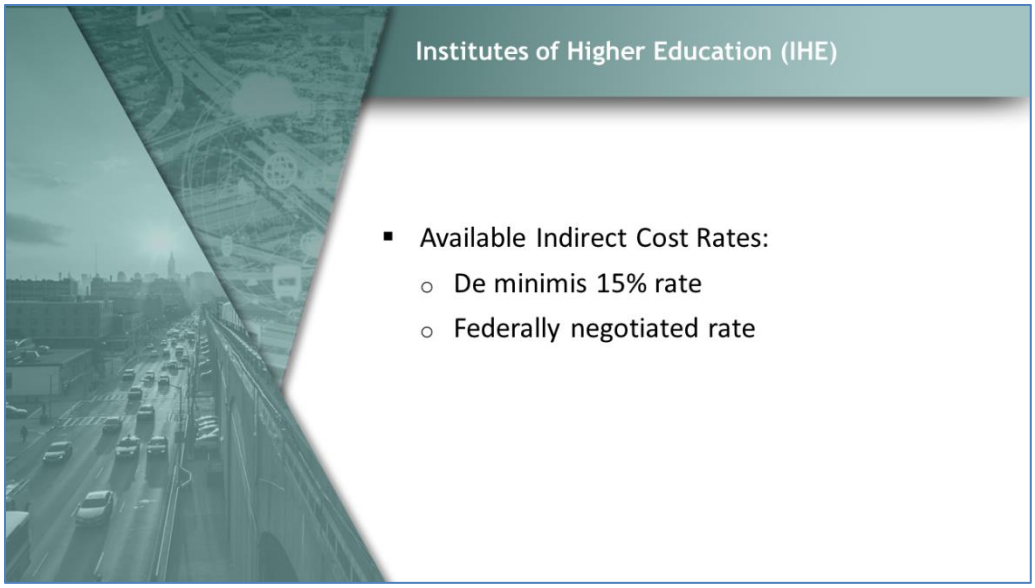

Slide 183.

Institutions of Higher Education (IHE)

Available Indirect Cost Rates:

- De minimis 15% rate
- Federally negotiated rate
  - If the State interagency has a Federally negotiated indirect cost rate, that rate must be used

Note that there is more than one approved rate depending on the task/work involved.

RESOURCE: 2 CFR § 200. Appendix III – Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Institutions of Higher Education (IHEs)

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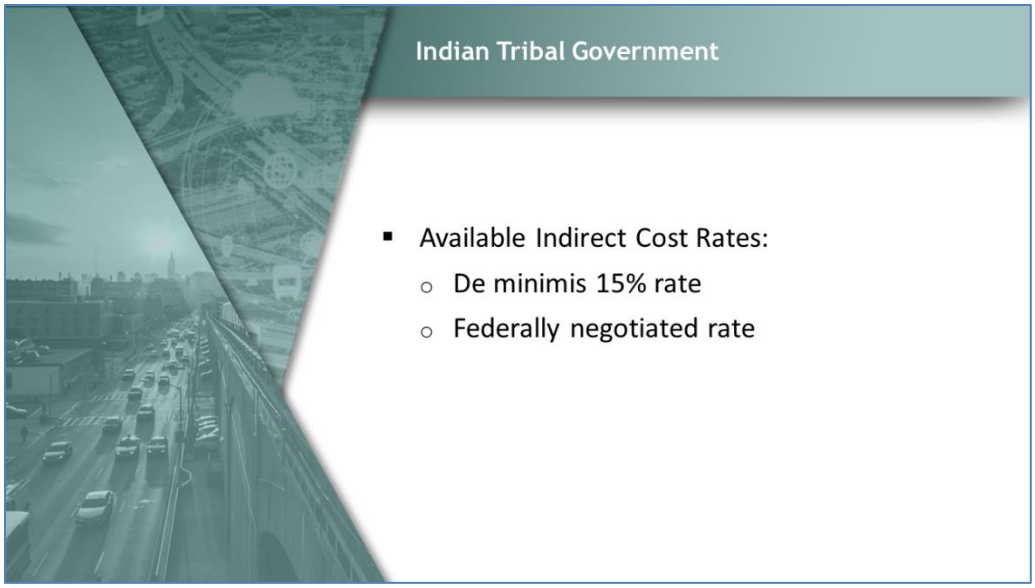


Slide 184.

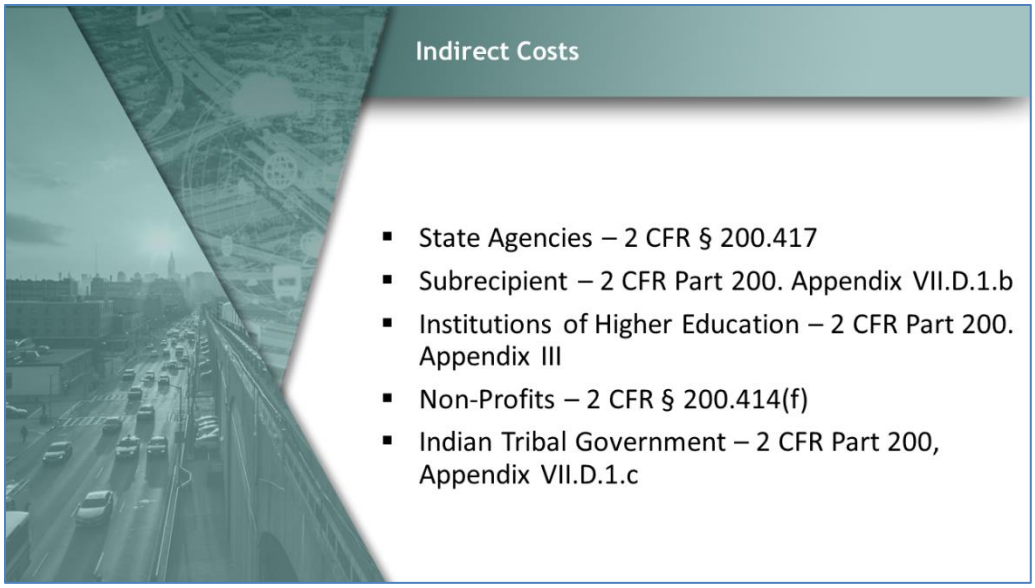
Indian Tribes

Available Indirect Cost Rates:

- De minimis 15% rate
- Federally negotiated rate
  - If the Indian Tribe has a Federally negotiated indirect cost rate from the U.S. Department of Interior, that rate must be used

Website Resource

RESOURCE: 2 CFR § 200. Appendix VII, D.1.(c)

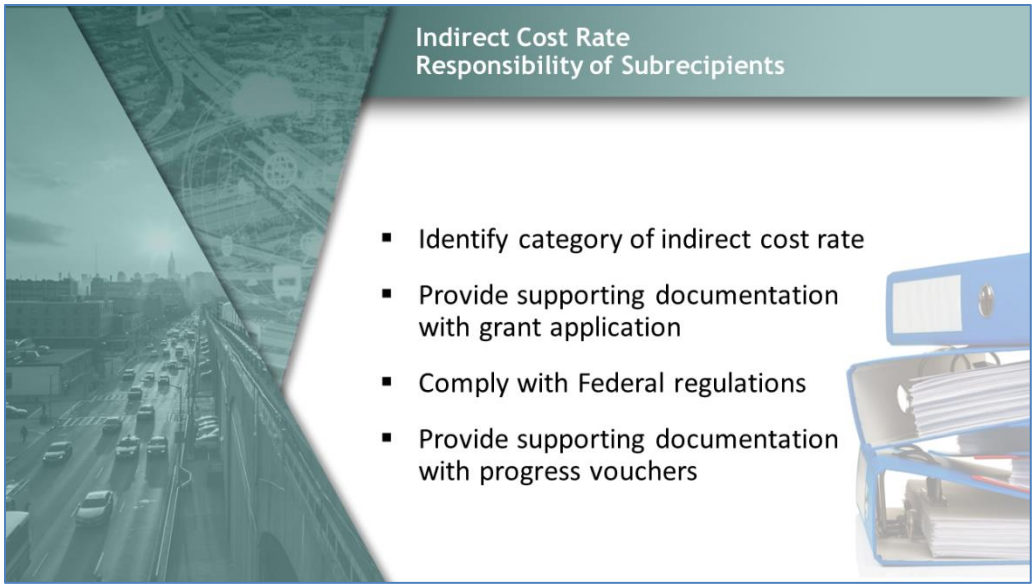


Slide 185.

NOTE: Indirect Cost Q and A's can be found on the NHTSA website under "Resources and NHTSA Clarification", and as a supplement at the end of this module. The most up-to-date document will be found on the NHTSA website.

Supplemental Materials

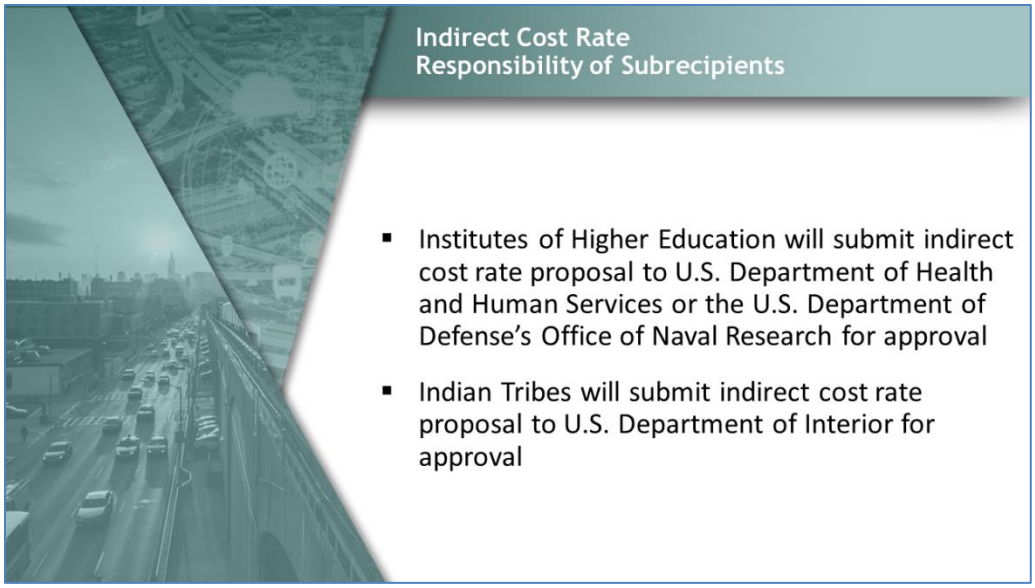
SUPPLEMENT, Indirect Cost Rate Summary



Slide 186.

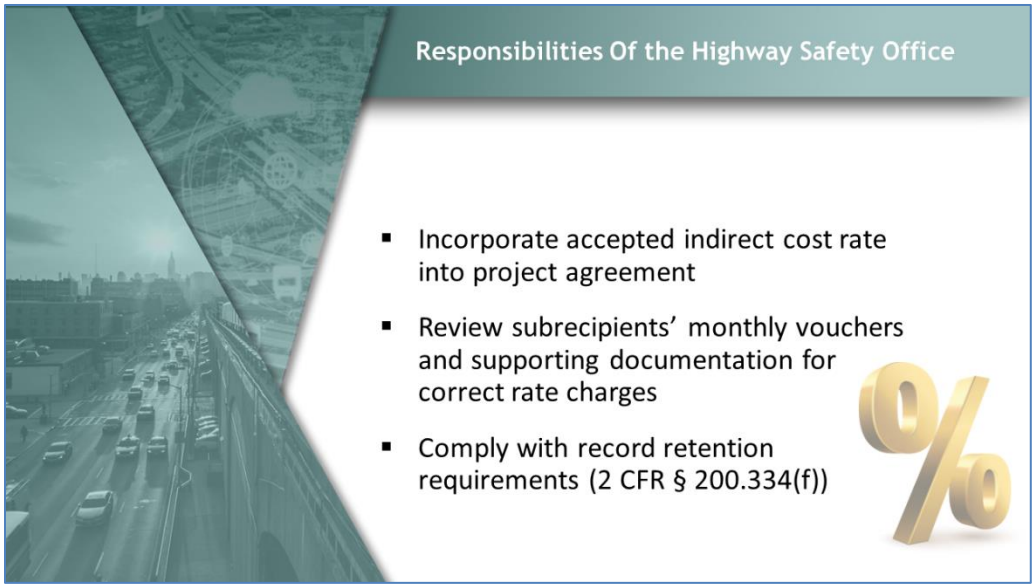
Indirect Cost Rate Responsibility of Subrecipients:

- Identify category of indirect cost rate
- Provide supporting documentation with grant application
- Comply with Federal regulations
- Provide supporting documentation with progress vouchers



Slide 187.

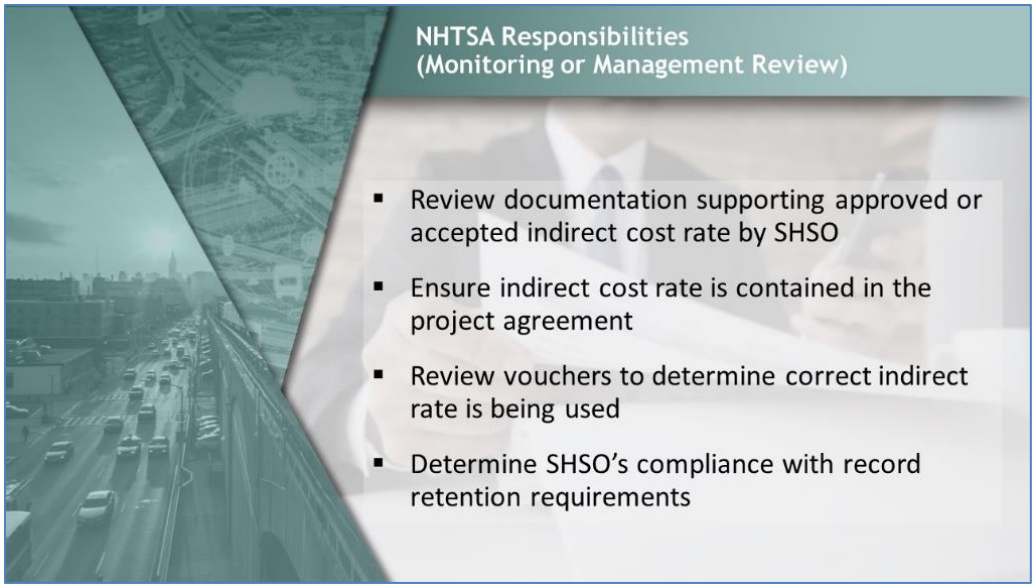
- Institutes of Higher Education will submit indirect cost rate proposal to U.S. Department of Health and Human Services or the U.S. Department of Defense's Office of Naval Research for approval
- Indian Tribes will submit indirect cost rate proposal to U.S. Department of Interior for approval



Slide 188.

Responsibilities of the Highway Safety Office:

- Incorporate accepted indirect cost rate into project agreement
- Review subrecipients' monthly vouchers and supporting documentation for correct rate charges
- Comply with record retention requirements of 2 CFR § 200.334(f)

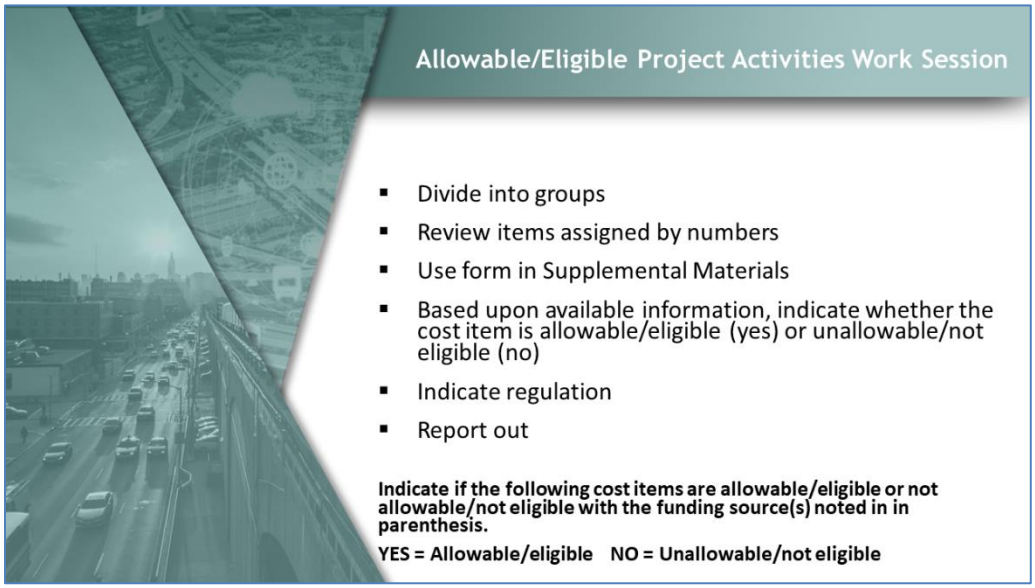


Slide 189.

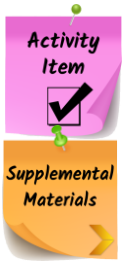
NHTSA Responsibilities:

- When monitoring or conducting a Management Review
  - Review documentation supporting approved or accepted indirect cost rate by SHSO
  - Ensure indirect cost rate contained in the project agreement
  - Review vouchers to determine correct indirect cost rate is being used
  - Determine SHSO's compliance with record retention requirements

Exercise: Allowable/Eligible Project Activities Work Session



Slide 190.



ACTIVITY: Allowable/Eligible Project Activities Work Session (50 minutes)

SUPPLEMENT: Allowable/Eligible Project Activities

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1. Purchase of tickets to monitor a sporting event where the highway safety program will be mentioned (402)

Slide 191.

2. Purchase of equipment, including vehicles, to reward law enforcement agencies for participating in occupant protection and impaired driving mobilizations (402)

Slide 192.

3. Purchase of following items to hand out at State Fair: Keychains with "Click It or Ticket" message; and children's traffic safety-themed coloring books (402)

Slide 193.

4. Purchase police department-required clothing (special T-shirts and pants) for an alcohol unit of the department (405(d))

Slide 194.

5. Fund raising events that the State Highway Safety Office conducts to raise money to help promote highway safety (402)

Slide 195.

6. Claiming donated services as part of the Section 402 match requirement

Slide 196.

7. De minimis 15% indirect cost rate that applies 15% to Modified Total Direct Cost (MTDC) of salaries, fringe benefits, supplies, equipment and up to first $55,000 of each subaward

Slide 197.

8. A governmental department that receives $25 million in direct Federal funds desiring to claim indirect costs must submit its indirect rate proposal to its cognizant Federal agency

Slide 198.

9. State A paid for a Click or Ticket ad to a TV station in a bordering State, B. Ad will be shown in both States (402)

Slide 199.

10. A non-Federal entity that expends $1,000,000 or more in Federal funds during the non-Federal entity's fiscal year must have a single audit completed.

Slide 200.

11. Hire a contractor to develop a public information/education campaign regarding safety of vehicles and individuals stopped at the roadside (405(h) Preventing Roadside Deaths)

Slide 201.

12. Impaired Driving Assessment (405(d) Impaired Driving)

Slide 202.

13. Purchase of traffic signs to notify drivers about State distracted driving law (405(e) Distracted Driving)

Slide 203.

14. Training of law enforcement officers on State laws applicable to nonmotorized road users including low-speed or low-horsepower motorized vehicles (405(g) Nonmotorized Safety)

Slide 204.

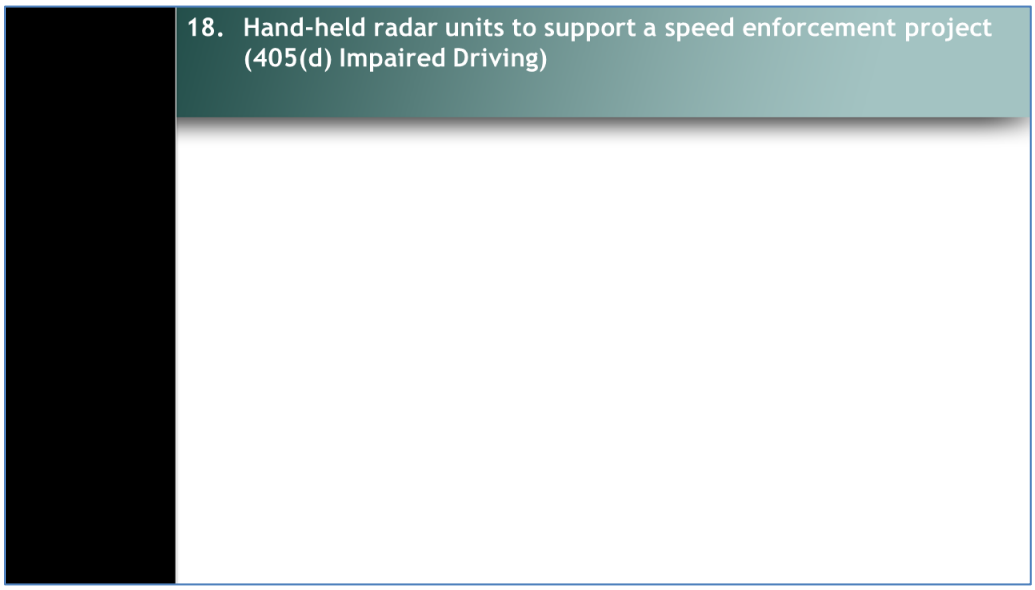
15. Purchase of automated cameras to support a speed enforcement project in work and school zones (402)

Slide 205.

16. Speed enforcement and red-light running enforcement as part of local pedestrian and bicycle safety mobilization/campaign (405(g) Nonmotorized Safety)

Slide 206.

Slide 207.



Slide 208.

19. Paid media and brochures about safe motorcycle riding tips and targeting intoxicated motorcyclists. (405(f) Motorcyclist Safety)

Slide 209.

20. Standardized Field Sobriety Training and breath test machines (405(d) Impaired Driving)

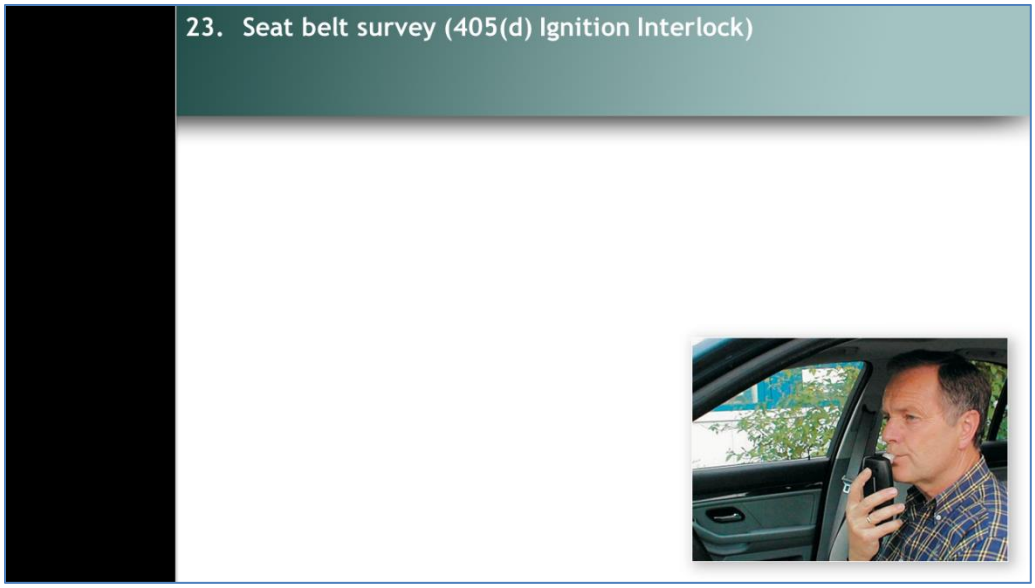
Slide 210.

21. Automated traffic enforcement (red light and speed cameras) (402)

Slide 211.

22. 15% of a State's expenditure of Occupant Protection grant funds to purchase and distribute child restraints to low-income families (405(b) Occupant Protection)

Slide 212.



Slide 213.

Slide 214.

25. Contractors to collect and maintain data (driver race and ethnicity) on traffic stops, evaluate the results of data, and develop an outreach program based on evaluation (1906 Racial Profiling Data Collection)

Slide 215.

26. Salary and travel of SHSO alcohol program manager to manage/coordinate Section 402 impaired driving and Section 405(d) projects (402)

Slide 216.

27. Drug-related crash prevention activities at a local high school (154)

Slide 217.

28. Hire employee to coordinate State traffic records systems and update State crash report to improve several highway safety databases (405(c) Traffic Safety Information System Improvements)

Slide 218.

29. Hire a contractor to develop and produce educational materials and train staff for driver education courses and peace officer training (405(i) Driver and officer safety education)

Slide 219.

30. Conducting law enforcement checkpoints to ticket motorcyclists not wearing USDOT-approved helmets (402, 405(f) Motorcyclist Safety)

Slide 220.

31. TV ads to make motorists aware of motorcyclists who are also on the road (405(f) Motorcyclist Safety)

Slide 221.

32. Purchase a building to house a motorcyclist training facility. (402, 405(f) Motorcyclist Safety)

Slide 222.

33. Salary of an accountant on HSO staff (402, 154, 164)

Slide 223.