



**SUBRECIPIENT
APPLICATION FOR
HIGHWAY SAFETY
NHTSA FEDERAL FUNDS
FFY 2023**

Lauren V. Stewart, Director
Maine Bureau of Highway
Safety 45 Commerce Drive,
Suite 1 164 State House Station
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Phone: 207-626-3840
www.maine.gov/dps/bhs

1. Grant/Project Title

2023 High Visibility Distracted Driving Enforcement

**2. Project Budget Period &
Period of Performance**

October 1, 2022 to September 15, 2023

3. Applicant Information

	Applicant Agency	State of Maine Vendor Info
Name	Cape Elizabeth Police Department	Cape Elizabeth, Town of
Address Line 1	325 Ocean House Rd	325 Ocean House Road
Address Line 2		
City, State and Zip Code	Cape Elizabeth, Maine 04107	Cape Elizabeth, Maine 04107
Federal Employer Number	yes	01-6000100
Unique Entity ID Number		M7KECM1YEFB7
State of ME Vendor Number		VC1000012228
yes		yes

4. Legal Authority

	Individual Who Has Legal Authority to Sign this Subrecipient Grant Application
Name	Paul Fenton
Title	Chief of Police
Address Line 1	Cape Elizabeth Police Department
Address Line 2	325 Ocean House Road
City and Zip Code	Cape Elizabeth, Maine 04107
Direct Telephone Number	207-767-3323 x 223
Fax Number	207-767-0681
E-mail Address	paul.fenton@capeelizabeth.org

**5. Project Director and
Finance Officer/Payroll
Representative**

	Project Director (Project Director must be different from Legal Authority)	Finance Officer or Payroll Representative
Name	Darin Estes	Matthew Sturgis
Title	Community Liaison Officer	Town Manager
Address Line 1	Cape Elizabeth Police Department	Town of Cape Elizabeth
Address Line 2	325 Ocean House Road	320 Ocean House Road
City and Zip Code	Cape Elizabeth, Maine 04107	Cape Elizabeth, Maine 04107
Direct Telephone Number	207-767-3323 x 208	207-767-3323
Fax Number	207-767-0681	207-799-7141
E-Mail Address	darin.estes@capeelizabeth.org	matthew.sturgis@capeelizabeth.org

6. Population of Project Area

9800

7. Congressional District Served☒ 1st☐ 2nd☐ Both**8. Project Description Summary**

Funding will support dedicated crash reduction overtime patrols for law enforcement agencies to conduct distracted driving sustained enforcement throughout FFY2023 with a focus and emphasis during the NHTSA High Visibility Distracted Driving Enforcement campaign in April of 2023.

Grant recipients will conduct high visibility overtime enforcement during times and locations that have been identified through the distracted observational survey and an analysis of the crash and fatal data.

9. Project Budget Summary

This section will auto-complete from budget and match worksheets on pages 11 & 13

	Federal	Match	Total
Personal Services	\$ 5,000.00		\$ 5,000.00
Travel	\$ 0.00		\$ 0.00
Equipment (\$5,000 or more in value)	\$ 0.00		\$ 0.00
Consultant	\$ 0.00		\$ 0.00
Other	\$ 0.00	\$ 1,250.00	\$ 1,250.00
Total	\$ 5,000.00	\$ 1,250.00	\$ 6,250.00

10. Seat Belt Policy

Any subrecipient entity receiving a grant must have a written seat belt policy. Does your agency have and enforce a seat belt use policy? You may be asked to provide a copy of this policy

☒ Yes☐ No

11. Department of Public Safety Civil Rights Discrimination

Any subrecipient receiving a grant must meet the requirements of the Department of Public Safety's civil rights discrimination policies. Does your agency meet the Department of Public Safety civil rights discrimination policies' requirements? (www.maine.gov/dps/policy/index.html)

☒ Yes

☐ No

12. Legal Authority

I, the undersigned, for and on behalf of the named applicant entity, do herewith apply for federal funds under this grant agreement, and agree to comply with all conditions, terms, and certifications and assurances. I certify our compliance with requirements outlined elsewhere in this application.

(This signature must be the same person listed in Section 4.)

Legal Authority Signature:

Date:

9/15/2022

DO NOT WRITE BELOW THIS LINE – FOR HIGHWAY SAFETY OFFICE USE ONLY

FUND SOURCE: 405e	PSP #: 2023-405e	TASK: 1
GRANT #: DD23-018	COORDINATOR:	BHS TYPE: Highway Safety
UNIT OF GOVERNMENT:	GOV'T TYPE:	
GRANT TYPE:		
FUND s. 405e	FY 2020= \$ 5,000.00	P/T % = NA
FUND s.	FY 20 = \$	P/T % =
TOTAL FEDERAL AWARD=\$ 5,000.00		
FAIN : 69A3752030000405eMEC	ALN :20.6 16	NHTSA
FAIN:	ALN :20.6	NHTSA
FEDERAL AWARD DATE: 2/3/2020		
NOTICE OF AWARD: The above subrecipient grant application was approved by the Bureau of Highway Safety: 10 / 01 / 2022.		
NOTICE OF DENIAL: The above subrecipient grant application was denied by the Bureau of Highway Safety: / / .		

Signed: Lauren Stewart Lauren V. Stewart, Director

CONDITIONS/COMMENTS: NON R&D GRANT; All other TERMS and CONDITIONS apply as contained in this application.

Subrecipient Pre-Award Risk Assessment - FINANCIAL (TO BE COMPLETED BY THE SUBRECIPIENT FINANCE OFFICER)

1. Has your agency received an audit in accordance with 2 CFR Part 200 Subpart F?

☒ Yes ☐ No ☐ N/A

Date(s) of previous audit(s) : June 2021

Results of previous audit : no findings

- Was the same or similar sub award audited last year? ☒ Yes ☐ No ☐ N/A
- Was the audit opinion unmodified? ☒ Yes ☐ No ☐ N/A
 - Please explain and/or attach documentation for modified opinion.

2. Does your agency receive monitoring directly from a Federal Awarding Agency?

☐ Yes ☒ No ☐ N/A

If yes, which Federal Awarding Agency: _____

3. Did the Federal Agency determine that there were no financial or compliance issues?

☐ Yes ☐ No ☒ N/A

Please explain the compliance issues as a result of the federal awarding agency's monitoring.

4. Has the accounting system used to track federal grants changed during the previous year?

☐ Yes ☒ No

If yes, please explain changes in your accounting system during the previous year.

5. Was a separate account established to track grant related expenditures?

☒ Yes ☐ No

If no, please explain?

¹ **Audit:** All non-Federal entities that expend \$750,000.00 or more of federal awards during the non-federal entity's fiscal year are required to obtain an annual audit in accordance with 2 CFR Part 200.514 Scope of Audit except when it elects to have a program specific audit conducted in accordance with 200.507. Entities expending less than \$750,000 in a year are exempt from Federal audit requirements except as noted in 200.503, but must make records available for review or audit by Federal agencies or pass-through entities (non-Federal entities from whom they receive Federal funds), if requested. Grantees are required to **notify the Bureau** when an audit occurs and results in a finding of Federal funds awarded by the Bureau.

Subrecipient Pre-Award Risk Assessment - PROGRAM
(TO BE COMPLETED BY LEGAL AUTHORITY OR PROJECT DIRECTOR)

1. Has your agency previously received federal or state grants similar to this award?
☒ Yes ☐ No

Please explain: previous highway safety grants

2. Has your agency had at least 3 years of experience with any federal grants?
☒ Yes ☐ No

If yes, what federal agency?:

Bureau of Justice Assistance

3. Are your grant files stored in a secure location with limited access?

yes

4. Has your agency's personnel changed during the previous year?
☒ Yes ☐ No

If yes, please explain the changes:

Yes. Officers Schafran and Webster transitioned from full time to reserve and he hired Officer Kevin Koberger as a full time officer.

5. Has your agency's organization changed during the previous year?
☐ Yes ☒ No

If yes, please explain changes in your organization:

MeBHS must be notified of any changes during the federal fiscal year

GRANT APPLICATION QUESTIONS

Please respond to each of the questions listed below.

1. PROBLEM IDENTIFICATION

State the problem in concise terms that will specifically identify and describe the particular problem. Include the nature and extent of the problem. Please include an analysis of trends in crash injuries, property damage or other data pertaining to your problem for the prior three calendar years, if possible. Make sure the following questions are answered in your response and include focus demographic information (i.e. age, gender, etc.).

****NOTE TO LAW ENFORCEMENT SUBRECIPIENTS****

Crash Reduction Overtime Patrol (CROP) dates, times, and locations must match the subrecipient's problem identification.

Overtime enforcement patrols cannot be scheduled for longer than 4 hours, except:

- Impaired driving enforcement overtime patrols may be scheduled for up to 6 hours

Cape Elizabeth is a coastal Maine town close to Portland. Cape Elizabeth owns Fort Williams Park, a very large historic site that hosts a quarter of a million visitors per year. Additionally Cape Elizabeth is home to Crescent Beach State Park and Two Lights State Park.

A review of crashes in Cape Elizabeth (Maine Public Crash Query Tool) over the past 5 years have shown a surge in distracted drivers crashing over the past two years.

2017 5.2% of crashes in Cape Elizabeth involved a distracted driver.
2018 7.3% of crashes in Cape Elizabeth involved a distracted driver.
2019 2.9% of crashes in Cape Elizabeth involved a distracted driver.
2020 10.9% of crashes in Cape Elizabeth involved a distracted driver.
2021 9.2% of crashes in Cape Elizabeth involved a distracted driver.

Distracted Driver Crashes occurred throughout Cape Elizabeth with 73% of the crashes occurring on Shore Road and Rt. 77 (2017 to 2021 Maine Public Crash Query Tool)

The crashes occurred primarily March to September during all hours of the day, with an overwhelming percentage of crashes (91%) occurring between 7 AM and 7 PM with spikes between noon and 3pm. All days of the week experienced distracted driving crashes with Tuesday, Thursday, and Saturday accounting for 73% of these crashes.

in 2021, Cape Elizabeth experienced 6 Distracted Driving crashes with 5 male drivers and 5 female drivers. The following age groups accounted for 1 driver: 16, 20, 22-24, 40-44, 50-54, 55-59, 65-69, 70-74. Ages 25 - 29 accounted for 2 drivers. Of the 10 drivers, 8 were distracted.

In 2020, Cape Elizabeth experienced 5 Distracted Driving crashes with 4 female and 7 male drivers. The following age groups accounted for 1 driver: 20, 21, 25-29, 30-34, 35-39, 60-64, and 75-59. The following groups accounted for 2 drivers: 16 and 50-54. Of the 11 drivers, 5 were distracted.

In 2019, Cape Elizabeth experienced 2 Distracted Driving crashes with 2 female and 2 male drivers. The following groups accounted for 1 driver: 16, 21, 50-54, 55-59. Of the 4 drivers, 2 were distracted.

In 2018, Cape Elizabeth experienced 5 Distracted Driving crashes with 4 female and 5 male drivers. The drives were broken into the following groups: age 17 1 driver, ages 25-29 3 drivers, ages 45-49 3 drivers, ages 60-64 2 drivers. Of the 11 drivers, 5 were distracted.

In 2017, Cape Elizabeth experienced 4 Distracted Driving crashes with 2 female drivers and 4 male drivers. The following groupas accounted for 1 driver: 20, 25-29, 60-64, and 65-69. Ages 55-59 accounted for 2 drivers. Of the 6 drivers, 4 were distracted.

2. MEASURABLE GOAL

The project goal must be measurable and attainable

Describe the overall program goal and any objectives you will set to attain the goal. The measurable goal will directly relate to and support your problem identification and should include a “from/to” statement. Example "...from 52 (Prior year crashes) in 2021 (Prior year) to 49 (Goal)...."

The primary goal of this project is to reduce distracted ☐ related crashes from 6 in 2021 to 4 by September 15, 2023.

Please use the box below for any additional information.

****Law Enforcement HVE Subrecipients Only****

***We will conduct 80 hours of dedicated overtime distracted ☐ enforcement during the dates, times, and locations identified in our plan to ensure full participation in the enforcement grant period and to ensure we attain the measurable project goal.**

3. ACTIVITIES TO ACCOMPLISH PROJECT GOAL

List the activities you will perform to accomplish your project performance goal. **There must be at least one (1) activity for each goal listed on page # 7.**

We will accomplish our project goal by:

The Cape Elizabeth Police Department hopes to accomplish this goal by conducting 20 four-hour high visibility enforcement details, several of which will occur during the April NHYSA Campaign, targeting distracted drivers. A message board and social media will be used, periodically, to remind drivers to drive safely and not distracted by devices. We plan on conducting details during NHTSA April Distracted Driving Campaign. Additionally, the Cape Elizabeth Police Department will contribute officer time in the form of match high visibility enforcement details, spotter details, social media/message board postings, and grant administration.

4. PROJECT PERIOD EVALUATION

For each program activity identified in Section 3, please explain how you plan to evaluate the success of your project performance.

- a. How you will plan to evaluate or determine the impact your performance had on the problem/project/focus group/demographic group you identified and what changes have resulted from your project?
- b. How do you propose to measure the status of the problem after project activities are completed? Refer to your problem identification as needed.

*You will also include this information on your Final Narrative Summary Progress Report.

To determine the impact of the program, we will compare the number of crash reports in Cape Elizabeth from 2021 that list a driver as distracted (6), to the rate of distracted drivers reported in crashes that occur between October 15, 2022 to September 15, 2023. A reduction from 6 to 3 would be considered a success.
Number of distracted driving crashes will be determined using Maine Public Crash Query Tool.

5. JUSTIFICATION

On the following pages, please provide a budget description for how your agency will use grant funds. For each of the following budget categories, describe any anticipated grant related expenditures in the box below:

- a. **Personal Services.** Allowable salary costs associated with the administration of the grant in compliance with all Uniform Guidance (refer to 2 CFR 200.430 and 200.431)
- b. **Travel.** Anticipated allowable travel costs associated with the administration of the grant. List each item separately and be specific. Refer to the Contract Terms and Conditions “Out-of-State Travel”, for further information on out-of-state travel restrictions. Please contact your Highway Safety Coordinator for more information regarding allowable travel expenses. (State travel SAAM & 2 CFR 200.474)
- c. **Consultants. ALL CONSULTANT CONTRACTS MUST BE COMPETITIVELY BID.** Sole source procurements will be approved only when very specific circumstances exist. Consultant and any applicable contract costs must be identified separately and detailed in the budget description. Consultant costs in excess of \$250.00 per day will require justification and prior approval from the Bureau of Highway Safety.
- d. **Other.**

Detail officers will conduct twenty four-hour details. As a match for grant funding, on duty officers will work as spotters or conduct match enforcement details. The grant administrator will contribute on-duty time to post safe driving messages to social media, accomplish programming and moving the message boards, and administering the grant.

BUDGET WORKSHEET

(Utilize this worksheet to calculate budget estimates for Budget Summary on page 3)

Description of Estimated Costs for Personal Services (be specific)	
20 details X 4 hours X hourly rate = \$5,257.60	
Hourly rate is calculated as follows:	
Highest Officer overtime rate plus 6.2% social security 1.45 medicare 3C retirement =65.72/hr.	
We have rounded down \$5,257.60 to \$5000.00	
Total Budget for Personal Services: \$ 5,000.00 (do not enter \$ symbol, it will populate automatically)	

Description of Estimated Travel Expenses (be specific)	
Total Budget for Travel Expenses: (do not enter \$ symbol, it will populate automatically)	

Equipment (with prior written authorization) *to be used ONLY for equipment purchases THAT EXCEED \$5,000.00*	
Item	Estimated Cost
1.	(do not enter \$ symbol, it will populate automatically)
2.	(do not enter \$ symbol, it will populate automatically)
Total Budget for Equipment Expenses	\$ 0.00 (do not enter \$ symbol, it will populate automatically)

Description of Estimated Consultant Fees (be specific)	
Total Budget for Consultant Fees: (do not enter \$ symbol, it will populate automatically)	

Other	
Use box on prior page for description of other anticipated grant related expenditures.	
Total Budget for Other Expenses: (do not enter \$ symbol, it will populate automatically)	

FEDERAL EXPENDITURE MATCH

Federal grants administered by the Bureau of Highway Safety are not intended to fully fund an entire project as outlined in this application. Grants are intended to fund 80% of the total project cost. The remaining 20% of the total project cost shall be borne by the subrecipient as a cash or in-kind contribution (match) as determined by the Bureau. In-kind matches are expenses borne by your agency during the grant period outlined in this application, in which those services contributed to activities associated with this grant. All in-kind match sources must comply with all federal regulations and must be supported with documentation to support the costs. In-kind match documentation shall be retained per federal regulation and be available for audit by the Bureau of Highway Safety.

To calculate your total project cost, divide your federal grant award by 0.80, see example below:
\$8,000.00 (federal funds) divided by .80 = \$10,000.00 (total project cost)

To calculate your agency's match requirement, you would then multiply your total project cost by 0.20 (20%):
\$10,000.00 multiplied by .20 = \$2,000.00 (your match cost)

The above **example** would be documented in your proposed grant budget on page 2 as follows:

Budget Summary (Use totals from Budget Worksheet and Match Worksheets)

	Federal	Match	Total
Personal Services	\$8,000.00		\$10,000.00
Travel			
Equipment (\$5,000 or more in value)			
Consultant			
Other		\$2,000.00	
Total	\$8,000.00	\$2,000.00	\$10,000.00

MATCH CALCULATION WORKSHEET

(Utilize this worksheet to calculate match estimates in column 2 of the Budget Summary on page 3)

Description of Estimated Match Costs for Personal Services (be specific)
Grant administration
social media postings/message board postings
match details
spotter details
Total Match Contribution for Personal Services: \$ 1,250.00 (do not enter \$ symbol, it will populate automatically)

Description of Estimated Match Travel Expenses (be specific)
Total Match Contribution for Travel Expenses: (do not enter \$ symbol, it will populate automatically)

Description of Estimated Consultant Fees (be specific)
Total Match Contribution for Consultant Fees: (do not enter \$ symbol, it will populate automatically)

Other (be specific)
Total Match Contribution for Other Expenses: (do not enter \$ symbol, it will populate automatically)

CONTRACT TERMS AND CONDITIONS

The following Contract Terms and Conditions pertain to any contract that is made as the result of a subrecipient grant given out by the Bureau of Highway Safety to any agency. The term “subrecipient agency” refers to any agency to which the Bureau of Highway Safety has provided a subrecipient grant. “Bureau” refers to the Bureau of Highway Safety.

1. Property and Equipment

- a) **Maintenance and Inventory:** The subrecipient agency shall maintain and inventory all property and equipment purchased under this contract and make that inventory available for periodic inspection by the Bureau.
- b) **Utilization:** The property and equipment purchased under this contract must be utilized by the subrecipient agency for the sole purpose of furthering the traffic safety efforts of the subrecipient agency for the entire useful life of the property or equipment.
- c) **Non-expendable Property:** Non-expendable property is defined as property or equipment having a value of \$5,000.00 or more with a life expectancy of more than one year. Non-expendable property purchased under this contract cannot be sold, traded, or disposed of in any manner without the expressed written permission of the Bureau. Equipment with a value greater than \$4,999.99 cannot be purchased without special permission in writing from the Bureau.

Prohibition on certain telecommunications and video surveillance services or equipment §200.216

- (a) Recipients and subrecipients are prohibited from obligating or expending loan or grant funds to:
 - (1) Procure or obtain;
 - (2) Extend or renew a contract to procure or obtain; or
 - (3) Enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in Public Law 115-232, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).
 - (i) 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 produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).
 - (ii) Telecommunications or video surveillance services provided by such entities or using such equipment.

(iii) Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

(b) In implementing the prohibition under Public Law 115-232, section 889, subsection (f), paragraph (1), heads of executive agencies administering loan, grant, or subsidy programs shall prioritize available funding and technical support to assist affected businesses, institutions and organizations as is reasonably necessary for those affected entities to transition from covered communications equipment and services, to procure replacement equipment and services, and to ensure that communications service to users and customers is sustained.

(c) See Public Law 115-232, section 889 for additional information.

(d) See also §200.471.

Additional Equipment Management - §200.313

(d) *Management requirements.* Procedures for managing equipment (including replacement equipment), whether acquired in whole or in part under a Federal award, until disposition takes place will, as a minimum, meet the following requirements:

(1) Property records must be maintained that include a description of the property, a serial number or other identification number, the source of funding for the property (including the FAIN), who holds title, the acquisition date, and cost of the property, percentage of Federal participation in the project costs for the Federal award under which the property was acquired, the location, use and condition of the property, and any ultimate disposition data including the date of disposal and sale price of the property.

(2) A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years.

(3) A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft must be investigated.

(4) Adequate maintenance procedures must be developed to keep the property in good condition.

(5) If the non-Federal entity is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.

(e) *Disposition.* When original or replacement equipment acquired under a Federal award is no longer needed for the original project or program or for other activities currently or previously supported by a Federal awarding agency, except as otherwise provided in Federal statutes, regulations, or Federal awarding agency disposition instructions, the non-Federal entity must request disposition instructions from the Federal awarding agency if required by the terms and conditions of the Federal award. Disposition of the equipment will be made as follows, in accordance with Federal awarding agency disposition instructions:

(1) Items of equipment with a current per unit fair market value of \$5,000.00 or less may be retained, sold or otherwise disposed of with no further responsibility to the Federal awarding agency.

(2) Except as provided in §200.312(b), or if the Federal awarding agency fails to provide requested disposition instructions within 120 days, items of equipment with a current per-unit fair market value in excess of \$5,000.00 may be retained by the non-Federal entity or sold. The Federal awarding agency is entitled to an amount calculated by multiplying the current market value or proceeds from sale by the Federal awarding agency's percentage of participation in the cost of the original purchase. If the equipment is sold, the Federal awarding agency may permit the non-Federal entity to deduct and retain from the Federal share \$500.00 or ten percent of the proceeds, whichever is less, for its selling and handling expenses.

(3) The non-Federal entity may transfer title to the property to the Federal Government or to an eligible third party provided that, in such cases, the non-Federal entity must be entitled to compensation for its attributable percentage of the current fair market value of the property.

(4) In cases where a non-Federal entity fails to take appropriate disposition actions, the Federal awarding agency may direct the non-Federal entity to take disposition actions.

Domestic preferences for procurements - §200.322

(a) As appropriate and to the extent consistent with law, the non-Federal entity should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award.

(b) For purposes of this section:

(1) "Produced in the United States" means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.

(2) "Manufactured products" means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

2. Public Information Campaigns, Promotional Materials, Reports: All public information media, promotional campaigns, public information and educational materials, reports, papers, publications, or other items developed using grant funds must be reviewed and approved by the Bureau **BEFORE** final production and release. This includes, but not limited to brochures, posters, pamphlets, or other media messages. If items are not pre-approved, the Bureau may not reimburse those costs. All promotional items and educational materials produced or purchased using funds from this contract must also be preapproved by the Bureau in the original grant application. Any such items approved must contain this statement: "Funded by a grant from the

Maine Bureau of Highway Safety”.

All video materials intended for general public viewing must be close-captioned.

3. Reimbursement

- a) **General:** Reimbursements, based upon actual and allowable expenditures, may be made upon receipt of an itemized reimbursement request, using Bureau forms, from the subrecipient. The itemized reimbursement request shall be supported by documentation of all actual and allowable expenditures as prescribed by the Bureau. Each reimbursement request will accompany a progress report and will be submitted based on the schedule prescribed by the Bureau.
- b) **Approval:** The Bureau shall approve the itemized reimbursement request prior to reimbursement.
- c) **Back to Back Details:** (FOR LAW ENFORCEMENT subrecipients only) The Bureau will NOT reimburse any officer conducting back-to-back details. Details must have a minimum of 1-hour break in between scheduled details.
- d) **Unapproved Costs:** All rejected or unaccepted costs shall be borne by the subrecipient agency. The subrecipient agrees that in the event the Bureau determines that, due to Federal or State regulations, grant funds must be refunded, the subrecipient agency will reimburse the Bureau a sum of money equal to the amount of Federal and State participation in the rejected costs. Vehicle use and fuel are not reimbursable expenses and may not be added into the overtime rate of an officer.
- e) **Final Reimbursement Claims:** Final reimbursement claims must be received by the Bureau of Highway Safety within 15 days following the close of the approved grant period unless otherwise stated in this application. Project expenditures not claimed by this date are subject to reimbursement denial.
- f) **Expending Funds Under This Grant:** Under no circumstances will reimbursement be made for costs incurred prior to the contract effective date or after the contract end date.
- g) **Reimbursement for Drug Recognition Expert Training** (For Law Enforcement subrecipients only): Reimbursement for DRE travel, meals, transportation, lodging, etc. is dependent on the successful completion of DRE Course.
- h) **Reimbursement for Forensic Phlebotomy Training** (For Law Enforcement subrecipients only): Reimbursement for the Forensic Phlebotomy training course is dependent on successful completion of the course.

4. Project Costs and Match: It is understood and agreed that the work conducted pursuant to this contract shall be done on an actual overtime cost basis by the subrecipient agency. The amount of reimbursement from the Bureau shall not exceed the estimated funds budgeted in the approved contract. The subrecipient agency shall initiate and pursue to completion all actions necessary to enable the subrecipient agency to provide its share of the project costs at or prior to the conclusion of the project.

5. Program Income: Program income must be approved by the Bureau in advance. Any

income earned during the contract period shall be retained by the subrecipient agency and added to the funds committed to the project by the Bureau and be used to further eligible program objectives. Program income must be accounted for separately for the records made available for audit purposes. Any projects with related program income **must** be pre-approved as such by the Bureau. *Program income* means 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 except as provided in §200.307 paragraph (f). (See §200.77 Period of performance.) Program income includes but is not limited to income from fees for services performed, the use or rental of real or personal property acquired under Federal awards, the sale of commodities or items fabricated under a Federal award, license fees and royalties on patents and copyrights, and principal and interest on loans made with Federal award funds. Interest earned on advances of Federal funds is not program income. Except as otherwise provided in Federal statutes, regulations, or the terms and conditions of the Federal award, program income does not include rebates, credits, discounts, and interest earned on any of them. See also §200.407 Prior written approval (prior approval). See also 35 U.S.C. 200-212 “Disposition of Rights in Educational Awards” applies to inventions made under Federal awards.

6. Project Directors: The Project Director, as specified on the signature page of the Application for Highway Safety Funds, must be an employee of the subrecipient agency or the subrecipient agency’s governing body. Any exception to this provision must have the expressed written approval of the Bureau.

7. Required Reporting:

- a) **Reimbursement Request:** The Bureau must receive a completed reimbursement request with a signature from the “Legal Authority” noted on the application.
- b) **Financial Report:** Complete and provide the Bureau with an original signature from the Finance Director noted on the grant.
- c) **Law Enforcement Crash Reduction Overtime Patrol (CROP) Reports:** These reports are to be signed by the officer conducting the CROP and must be accurately reflected in the Financial Summary Report. Citation numbers from all citations must be listed on the CROP Report. Copies of these citations must be provided at request of the Bureau and must be available for review during any on-site visit.
- d) **Progress Reports:** Unless otherwise directed, the subrecipient agency must submit Progress Reports at the time of reimbursement request to the Bureau, on forms provided by the Bureau, which reflect the status of project implementation and attainment of stated goals. **A narrative for each progress report must be completed.**
- e) **Final Progress Report:** A Final Progress Report, summarizing and evaluating the entire grant project period, must be submitted to the Bureau with the final reimbursement request. Unless otherwise noted, the forms provided by the Bureau, must be utilized for the Final Progress Report. If the subrecipient agency fails to submit a Final Progress Report or submits an incomplete Final Progress Report, the subrecipient agency will be subject to having reimbursement requests withheld. Once a Final Progress Report that substantiates adequate progress is received, reimbursement requests may be processed.

8. Travel and Transportation Costs - §200.474

The Bureau will follow the State Administrative and Accounting Manual for approving travel

for individuals in an Agency as part of an approved subrecipient grant award. The State travel policy can be found within www.maine.gov. The Bureau will also follow the Uniform Guidance §200.474 for travel and transportation costs:

- a) *General.* Travel costs are the expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of the non-Federal entity. Such costs may be charged on an actual cost basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used is applied to an entire trip and not to selected days of the trip, and results in charges consistent with those normally allowed in like circumstances in the non-Federal entity's, non-federally-funded activities, and in accordance with non-Federal entity's written travel reimbursement policies. Notwithstanding the provisions of §200.444, General costs of government, travel costs of officials covered by that section are allowable with the prior written approval of the Federal awarding agency or pass-through entity when they are specifically related to the Federal award.
- b) *Lodging and subsistence.* Costs incurred by employees and officers for travel, including costs of lodging, other subsistence, and incidental expenses, must be considered reasonable and otherwise allowable only to the extent such costs do not exceed charges normally allowed by the non-Federal entity in its regular operations as the result of the non-Federal entity's written travel policy. In addition, if these costs are charged directly to the Federal award, supporting documentation must justify that:
 - i. Participation of the individual is necessary to the Federal award; and
 - ii. The costs are reasonable and consistent with non-Federal entity's established travel policy.
- c) *Temporary dependent care costs* (as dependent is defined in 26 U.S.C. 152) above and beyond regular dependent care that directly results from travel to conferences is allowable provided that:
 - i. The costs are a direct result of the individual's travel for the Federal award;
 - ii. The costs are consistent with the non-Federal entity's documented travel policy for all entity travel; and
 - iii. Are only temporary during the travel period.
 - iv. Travel costs for dependents are unallowable, except for travel of duration of six months or more with prior approval of the Federal awarding agency. See also § 200.432 Conferences.
- d) In the absence of an acceptable, written non-Federal entity policy regarding travel costs, the rates and amounts established under 5 U.S.C. 5701-11, ("Travel and Subsistence Expenses; Mileage Allowances"), or by the Administrator of General Services, or by the President (or his or her designee) pursuant to any provisions of such subchapter must apply to travel under Federal awards (48 CFR 31.205-46(a)).
- e) *Commercial air travel.*
 - i. Airfare costs in excess of the basic least expensive unrestricted accommodations class offered by commercial airlines are

unallowable except when such accommodations would:

- a. Require circuitous routing;
 - b. Require travel during unreasonable hours;
 - c. Excessively prolong travel;
 - d. Result in additional costs that would offset the transportation savings; or
 - e. Offer accommodations not reasonably adequate for the traveler's medical needs. The non-Federal entity must justify and document these conditions on a case-by-case basis in order for the use of first-class or business-class airfare to be allowable in such cases.
 - f. Unless a pattern of avoidance is detected, the Federal Government will generally not question a non-Federal entity's determinations that customary standard airfare or other discount airfare is unavailable for specific trips if the non-Federal entity can demonstrate that such airfare was not available in the specific case.
- f) *Air travel by other than commercial carrier.* Costs of travel by non-Federal entity-owned, leased, or chartered aircraft include the cost of lease, charter, operation (including personnel costs), maintenance, depreciation, insurance, and other related costs. The portion of such costs that exceeds the cost of airfare as provided for in paragraph (d) of this section, is unallowable.

9. Indirect Cost Rate - §200.332 (a) (4)

(4)(i) An approved federally recognized indirect cost rate negotiated between the subrecipient and the Federal Government. If no approved rate exists, the pass-through entity must determine the appropriate rate in collaboration with the subrecipient, which is either:

(A) The negotiated indirect cost rate between the pass-through entity and the subrecipient; which can be based on a prior negotiated rate between a different PTE and the same subrecipient. If basing the rate on a previously negotiated rate, the pass-through entity is not required to collect information justifying this rate, but may elect to do so;

(B) The de minimis indirect cost rate.

(ii) The pass-through entity must not require use of a de minimis indirect cost rate if the subrecipient has a Federally approved rate. Subrecipients can elect to use the cost allocation method to account for indirect costs in accordance with §200.405(d).

§200.414 (f)

(f) In addition to the procedures outlined in the appendices in paragraph (e) of this section, any non-Federal entity that does not have a current negotiated (including provisional) rate, except for those non-Federal entities described in appendix VII to this part, paragraph

D.1.b, may elect to charge a de minimis rate of 10% of modified total direct costs (MTDC) which may be used indefinitely. No documentation is required to justify the 10% de minimis indirect cost rate. As described in §200.403, costs must be consistently charged as either indirect or direct costs, but may not be double charged or inconsistently charged as both. If chosen, this methodology once elected must be used consistently for all Federal awards until such time as a non-Federal entity chooses to negotiate for a rate, which the non-Federal entity may apply to do at any time.

10. Performance:

NOTE FOR LAW ENFORCEMENT SUB-RECIPIENTS ONLY: The Bureau will not reimburse an agency for any traffic enforcement details with zero contacts and/or when an officer conducts activities unrelated to the grant.

All grants provided by the Bureau are performance-based and, as such, require that continual progress be made toward the reduction of the number and severity of traffic crashes. Any subrecipient agency, whose performance is deemed unsatisfactory by the Bureau, shall be subject to the sanctions as provided for in this contract. Additionally, unsatisfactory performance shall be cause for the Bureau to reduce or deny future funding.

During the performance of this contract/funding agreement, the contractor/funding recipient agrees:

- a) To comply with all Federal nondiscrimination laws and regulations, as may be amended from time to time;
- b) Not to participate directly or indirectly in the discrimination prohibited by any Federal non-discrimination law or regulation, as set forth in appendix B of 49 CFR part 21 and herein;
- c) To permit access to its books, recodes, accounts, other sources of information, and its facilities as required by the State highway safety office, US DOT or NHTSA;
- d) That, in event a contractor/funding recipient fails to comply with any nondiscrimination provisions in this contract/funding agreement, the State highway safety agency will have the right to impose such contract/agreement sanctions as it or NHTSA determine are appropriate, including but not limited to withholding payments to the contractor/funding recipient under the contract/agreement until the contract/funding recipient complies; and/or cancelling, terminating, or suspending a contract or funding agreement, in whole or in part; and
- e) To insert this clause, including paragraphs a through e, in every subcontract and sub-agreement and in every solicitation for a subcontract or sub-agreement receiving Federal funds under this program.

11. Records Access and Retention: The subrecipient agency shall provide all information and reports required by the regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Bureau, the State, or NHTSA, as appropriate, to be pertinent to ascertain compliance with such regulations, orders and instructions. Furthermore, the Subrecipient agency shall maintain such materials during the contract period, and for three (3) years from the date of final payment from the Bureau, for such inspection and audit. Where any information required of the Subrecipient agency is in the exclusive possession of another who

fails or refuses to furnish this information, The Subrecipient agency shall so certify to the Bureau, State, or NHTSA, as appropriate, and shall set forth what efforts it has made to obtain the information.

12. Sanctions for Non-Compliance: The applicant subrecipient agency agrees that if it fails or refuses to comply with any provisions and assurance in this contract, the Bureau may take any or all of the following actions:

- a. Cancel, terminate, or suspend this contract in whole or in part;
- b. Withhold reimbursement to the Subrecipient agency until satisfactory compliance has been attained by the Subrecipient agency;
- c. Refrain from extending any further funding to the Subrecipient agency under this contract with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the Subrecipient agency;
- d. Refer the case to the United States Department of Justice for appropriate legal proceedings.

13. Cancellation, Termination, or Suspension of Contract

- a. **By the Bureau:** For noncompliance with any of the said rules, regulations, orders or conditions, this contract may be canceled, terminated, or suspended in whole or in part by the Bureau; by giving the Subrecipient agency thirty (30) days advanced written notice. The Bureau, before issuing notice of cancellation, termination, or suspension of this contract, may allow the Subrecipient agency a reasonable opportunity to correct for noncompliance.
- b. **By the Subrecipient agency:** The subrecipient agency may terminate this contract by providing thirty (30) days advanced written notice to the Bureau.

Termination - §200.340

(a) The Federal award may be terminated in whole or in part as follows:

(1) By the Federal awarding agency or pass-through entity, if a non-Federal entity fails to comply with the terms and conditions of a Federal award;

(2) By the Federal awarding agency or pass-through entity, to the greatest extent authorized by law, if an award no longer effectuates the program goals or agency priorities;

(3) By the Federal awarding agency or pass-through entity with the consent of the non-Federal entity, in which case the two parties must agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated;

(4) By the non-Federal entity upon sending to the Federal awarding agency or pass-through entity written notification setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if the Federal awarding agency or pass-through entity determines in the case of partial termination that the reduced or modified portion of the Federal award or subaward will not accomplish the purposes for which the Federal award was made, the Federal awarding agency or pass-through

entity may terminate the Federal award in its entirety; or

(5) By the Federal awarding agency or pass-through entity pursuant to termination provisions included in the Federal award.

(b) A Federal awarding agency should clearly and unambiguously specify termination provisions applicable to each Federal award, in applicable regulations or in the award, consistent with this section.

(c) When a Federal awarding agency terminates a Federal award prior to the end of the period of performance due to the non-Federal entity's material failure to comply with the Federal award terms and conditions, the Federal awarding agency must report the termination to the OMB-designated integrity and performance system accessible through SAM (currently FAPIIS).

(1) The information required under paragraph (c) of this section is not to be reported to designated integrity and performance system until the non-Federal entity either—

(i) Has exhausted its opportunities to object or challenge the decision, see §200.342; or

(ii) Has not, within 30 calendar days after being notified of the termination, informed the Federal awarding agency that it intends to appeal the Federal awarding agency's decision to terminate.

(2) If a Federal awarding agency, after entering information into the designated integrity and performance system about a termination, subsequently:

(i) Learns that any of that information is erroneous, the Federal awarding agency must correct the information in the system within three business days;

(ii) Obtains an update to that information that could be helpful to other Federal awarding agencies, the Federal awarding agency is strongly encouraged to amend the information in the system to incorporate the update in a timely way.

(3) Federal awarding agencies must not post any information that will be made publicly available in the non-public segment of designated integrity and performance system that is covered by a disclosure exemption under the Freedom of Information Act. If the non-Federal entity asserts within seven calendar days to the Federal awarding agency who posted the information, that some of the information made publicly available is covered by a disclosure exemption under the Freedom of Information Act, the Federal awarding agency who posted the information must remove the posting within seven calendar days of receiving the assertion. Prior to reposting the releasable information, the Federal agency must resolve the issue in accordance with the agency's Freedom of Information Act procedures.

(d) When a Federal award is terminated or partially terminated, both the Federal awarding agency or pass-through entity and the non-Federal entity remain responsible for compliance with the requirements in §§200.344 and 200.345.

14. Completion Date: Unless otherwise authorized in writing by the Bureau, the Subrecipient agency shall commence, carry on, and complete the project as described in the approved Highway Safety Grant Award or Contract by September 30th of the Federal fiscal year for

which it was approved. **The subrecipient agency cannot incur costs after September 30th of the Federal fiscal year for which the project was approved. By federal statute, the Bureau cannot and will not reimburse the Subrecipient agency for costs incurred on or after October 1. of the following Federal fiscal year.**

15. Audit: All non-Federal entities that expend \$750,000.00 or more of federal awards during the non-federal entity's fiscal year are required to obtain an annual audit in accordance with 2 CFR Part 200.514 Scope of Audit except when it elects to have a program specific audit conducted in accordance with 200.507. Entities expending less than \$750,000 in a year are exempt from Federal audit requirements except as noted in 200.503, but must make records available for review or audit by Federal agencies or pass-through entities (non-Federal entities from whom they receive Federal funds), if requested. Grantees are required to **notify the Bureau** when an audit occurs and results in a finding of Federal funds awarded by the Bureau.

16. Civil Rights Discrimination: Grantees must adopt a policy and train staff indicating the subrecipient's commitment to assure nondiscrimination in its delivery of services or employment practices to the effect that no person shall on the grounds of race, color, national origin, sex, age, disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any federally or non-federally funded program or activity administered by the subrecipient and/or its contractors.

Grantees must inform clients, potential clients, employees and applicants on how to file complaints with both DPS and the subrecipient itself. Posting signs in their facilities or website stating that individuals who feel they have been discriminated against by the grantee may file a complaint with DPS is a good way to get this information out to the public. Also, grantees can provide a link on their website to the BHS website.

Please visit the Department of Public Safety website at www.maine.gov/dps to review the Department of Public Safety civil rights discrimination policies.

Appendix A to Part 1300 – Certifications and Assurances for Fiscal Year 2022 Highway Safety Grants (23 U.S.C. Chapter 4; Sec. 1906, Pub. L. 109-59, As Amended By Sec. 4011, Pub. L. 114-94)

[Each fiscal year, the Governor's Representative for Highway Safety must sign these Certifications and Assurances affirming that the State complies with all requirements, including applicable Federal statutes and regulations, that are in effect during the grant period. Requirements that also apply to subrecipients are noted under the applicable caption.]

State: Maine

Fiscal Year: 2023

By submitting an application for Federal grant funds under 23 U.S.C. Chapter 4 or Section 1906, the State Highway Safety Office acknowledges and agrees to the following conditions and requirements. In my capacity as the Governor's Representative for Highway Safety, I hereby provide the following Certifications and Assurances:

GENERAL REQUIREMENTS

The State will comply with applicable statutes and regulations, including but not limited to:

- 23 U.S.C. Chapter 4 – Highway Safety Act of 1966, as amended
- Sec. 1906, Pub. L. 109-59, as amended by Sec. 4011, Pub. L. 114-94
- 23 CFR part 1300 – Uniform Procedures for State Highway Safety Grant Programs
- 2 CFR part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- 2 CFR part 1201 – Department of Transportation, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

INTERGOVERNMENTAL REVIEW OF FEDERAL PROGRAMS

The State has submitted appropriate documentation for review to the single point of contact designated by the Governor to review Federal programs, as required by Executive Order 12372 (Intergovernmental Review of Federal Programs).

FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT (FFATA)

The State will comply with FFATA guidance, OMB Guidance on FFATA Subaward and Executive Compensation Reporting, August 27, 2010, (https://www.fsrcs.gov/documents/OMB_Guidance_on_FFATA_Subaward_and_Executive_Compensation_Reporting_08272010.pdf) by reporting to FSRs.gov for each sub-grant awarded:

- Name of the entity receiving the award;
- Amount of the award;

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

NONDISCRIMINATION

(applies to subrecipients as well as States)

The State highway safety agency will comply with all Federal statutes and implementing regulations relating to nondiscrimination (“Federal Nondiscrimination Authorities”). These include but are not limited to:

- **Title VI of the Civil Rights Act of 1964** (42 U.S.C. 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin) and 49 CFR part 21;
- **The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970**, (42 U.S.C. 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- **Federal-Aid Highway Act of 1973**, (23 U.S.C. 324 *et seq.*), **and Title IX of the Education Amendments of 1972**, as amended (20 U.S.C. 1681-1683 and 1685-1686) (prohibit discrimination on the basis of sex);
- **Section 504 of the Rehabilitation Act of 1973**, (29 U.S.C. 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability) and 49 CFR part 27;
- **The Age Discrimination Act of 1975**, as amended, (42 U.S.C. 6101 *et seq.*), (prohibits discrimination on the basis of age);
- **The Civil Rights Restoration Act of 1987**, (Pub. L. 100-209), (broadens scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal aid recipients, subrecipients and contractors, whether such programs or activities are Federally-funded or not);
- **Titles II and III of the Americans with Disabilities Act** (42 U.S.C. 12131-12189) (prohibits discrimination on the basis of disability in the operation of public entities,

public and private transportation systems, places of public accommodation, and certain testing) and 49 CFR parts 37 and 38;

- **Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations** (prevents discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations); and
- **Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency** (guards against Title VI national origin discrimination/discrimination because of limited English proficiency (LEP) by ensuring that funding recipients take reasonable steps to ensure that LEP persons have meaningful access to programs (70 FR 74087-74100).

The State highway safety agency—

- Will take all measures necessary to ensure that no person in the United States shall, on the grounds of race, color, national origin, disability, sex, age, limited English proficiency, or membership in any other class protected by Federal Nondiscrimination Authorities, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of its programs or activities, so long as any portion of the program is Federally-assisted;
- Will administer the program in a manner that reasonably ensures that any of its subrecipients, contractors, subcontractors, and consultants receiving Federal financial assistance under this program will comply with all requirements of the Non-Discrimination Authorities identified in this Assurance;
- Agrees to comply (and require its subrecipients, contractors, subcontractors, and consultants to comply) with all applicable provisions of law or regulation governing US DOT's or NHTSA's access to records, accounts, documents, information, facilities, and staff, and to cooperate and comply with any program or compliance reviews, and/or complaint investigations conducted by US DOT or NHTSA under any Federal Nondiscrimination Authority;
- Acknowledges that the United States has a right to seek judicial enforcement with regard to any matter arising under these Non-Discrimination Authorities and this Assurance;
- Agrees to insert in all contracts and funding agreements with other State or private entities the following clause:

“During the performance of this contract/funding agreement, the contractor/funding recipient agrees—

- a. To comply with all Federal nondiscrimination laws and regulations, as may be amended from time to time;

- b. Not to participate directly or indirectly in the discrimination prohibited by any Federal non-discrimination law or regulation, as set forth in appendix B of 49 CFR part 21 and herein;
- c. To permit access to its books, records, accounts, other sources of information, and its facilities as required by the State highway safety office, US DOT or NHTSA;
- d. That, in event a contractor/funding recipient fails to comply with any nondiscrimination provisions in this contract/funding agreement, the State highway safety agency will have the right to impose such contract/agreement sanctions as it or NHTSA determine are appropriate, including but not limited to withholding payments to the contractor/funding recipient under the contract/agreement until the contractor/funding recipient complies; and/or cancelling, terminating, or suspending a contract or funding agreement, in whole or in part; and
- e. To insert this clause, including paragraphs (a) through (e), in every subcontract and subagreement and in every solicitation for a subcontract or sub-agreement, that receives Federal funds under this program.

THE DRUG-FREE WORKPLACE ACT OF 1988 (41 U.S.C. 8103)

The State will provide a drug-free workplace by:

- a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- b. Establishing a drug-free awareness program to inform employees about:
 - 1. The dangers of drug abuse in the workplace;
 - 2. The grantee's policy of maintaining a drug-free workplace;
 - 3. Any available drug counseling, rehabilitation, and employee assistance programs;
 - 4. The penalties that may be imposed upon employees for drug violations occurring in the workplace;
 - 5. Making it a requirement that each employee engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- c. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will –
 - 1. Abide by the terms of the statement;
 - 2. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;
- d. Notifying the agency within ten days after receiving notice under subparagraph (c)(2) from an employee or otherwise receiving actual notice of such conviction;

- e. Taking one of the following actions, within 30 days of receiving notice under subparagraph (c)(2), with respect to any employee who is so convicted –
 - 1. Taking appropriate personnel action against such an employee, up to and including termination;
 - 2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- f. Making a good faith effort to continue to maintain a drug-free workplace through implementation of all of the paragraphs above.

POLITICAL ACTIVITY (HATCH ACT)
(applies to subrecipients as well as States)

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

CERTIFICATION REGARDING FEDERAL LOBBYING
(applies to subrecipients as well as States)

Certification for Contracts, Grants, Loans, and Cooperative Agreements

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

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

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

RESTRICTION ON STATE LOBBYING
(applies to subrecipients as well as States)

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

CERTIFICATION REGARDING DEBARMENT AND SUSPENSION
(applies to subrecipients as well as States)

Instructions for Primary Tier Participant Certification (States)

1. By signing and submitting this proposal, the prospective primary tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective primary tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary tier participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default or may pursue suspension or debarment.
4. The prospective primary tier participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary tier participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms *covered transaction*, *civil judgment*, *debarment*, *suspension*, *ineligible*, *participant*, *person*, *principal*, and *voluntarily excluded*, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.

6. The prospective primary tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency may terminate the transaction for cause or default.

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

(1) The prospective primary tier participant certifies to the best of its knowledge and belief, that it and its principals:

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

(2) Where the prospective primary tier participant is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Lower Tier Participant Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

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

4. The terms *covered transaction*, *civil judgment*, *debarment*, *suspension*, *ineligible*, *participant*, *person*, *principal*, and *voluntarily excluded*, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

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

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

BUY AMERICA ACT

(applies to subrecipients as well as States)

The State and each subrecipient will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase with Federal funds only steel, iron and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification for approval by the Secretary of Transportation.

PROHIBITION ON USING GRANT FUNDS TO CHECK FOR HELMET USAGE

(applies to subrecipients as well as States)

The State and each subrecipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.

POLICY ON SEAT BELT USE

In accordance with Executive Order 13043, Increasing Seat Belt Use in the United States, dated April 16, 1997, the Grantee is encouraged to adopt and enforce on-the-job seat belt use policies and programs for its employees when operating company-owned, rented, or personally-owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this Presidential initiative. For information and resources on traffic safety programs and policies for employers, please contact the Network of Employers for Traffic Safety (NETS), a public-private partnership dedicated to improving the traffic safety practices of employers and employees. You can download information on seat belt programs, costs of motor vehicle crashes to employers, and other traffic safety initiatives at www.trafficsafety.org. The NHTSA website (www.nhtsa.gov) also provides information on statistics, campaigns, and program evaluations and references.

POLICY ON BANNING TEXT MESSAGING WHILE DRIVING

In accordance with Executive Order 13513, Federal Leadership On Reducing Text Messaging While Driving, and DOT Order 3902.10, Text Messaging While Driving, States are encouraged to adopt and enforce workplace safety policies to decrease crashes caused by distracted driving, including policies to ban text messaging while driving company-owned or rented vehicles, Government-owned, leased or rented vehicles, or privately-owned vehicles when on official Government business or when performing any work on or behalf of the Government. States are also encouraged to conduct workplace safety initiatives in a manner commensurate with the size of the business, such as establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving, and education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

SECTION 402 REQUIREMENTS

1. To the best of my personal knowledge, the information submitted in the Highway Safety Plan in support of the State's application for a grant under 23 U.S.C. 402 is accurate and complete.
2. The Governor is the responsible official for the administration of the State highway safety program, by appointing a Governor's Representative for Highway Safety who shall be responsible for a State highway safety agency that has adequate powers and is suitably equipped and organized (as evidenced by appropriate oversight procedures governing such areas as procurement, financial administration, and the use, management, and disposition of equipment) to carry out the program. (23 U.S.C. 402(b)(1)(A))
3. The political subdivisions of this State are authorized, as part of the State highway safety program, to carry out within their jurisdictions local highway safety programs which have been approved by the Governor and are in accordance with the uniform guidelines promulgated by the Secretary of Transportation. (23 U.S.C. 402(b)(1)(B))
4. At least 40 percent of all Federal funds apportioned to this State under 23 U.S.C. 402 for this fiscal year will be expended by or for the benefit of political subdivisions of the State in carrying out local highway safety programs (23 U.S.C. 402(b)(1)(C)) or 95 percent by and for the benefit of Indian tribes (23 U.S.C. 402(h)(2)), unless this requirement is waived in writing. (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.)
5. The State's highway safety program provides adequate and reasonable access for the safe and convenient movement of physically handicapped persons, including those in wheelchairs, across curbs constructed or replaced on or after July 1, 1976, at all pedestrian crosswalks. (23 U.S.C. 402(b)(1)(D))
6. The State will provide for an evidenced-based traffic safety enforcement program to prevent traffic violations, crashes, and crash fatalities and injuries in areas most at risk for such incidents. (23 U.S.C. 402(b)(1)(E))
7. The State will implement activities in support of national highway safety goals to reduce motor vehicle related fatalities that also reflect the primary data-related crash factors within the State, as identified by the State highway safety planning process, including:
 - Participation in the National high-visibility law enforcement mobilizations as identified annually in the NHTSA Communications Calendar, including not less than 3 mobilization campaigns in each fiscal year to –
 - Reduce alcohol-impaired or drug-impaired operation of motor vehicles; and
 - Increase use of seat belts by occupants of motor vehicles;
 - Sustained enforcement of statutes addressing impaired driving, occupant protection, and driving in excess of posted speed limits;

- An annual Statewide seat belt use survey in accordance with 23 CFR part 1340 for the measurement of State seat belt use rates, except for the Secretary of Interior on behalf of Indian tribes;
 - Development of Statewide data systems to provide timely and effective data analysis to support allocation of highway safety resources;
 - Coordination of Highway Safety Plan, data collection, and information systems with the State strategic highway safety plan, as defined in 23 U.S.C. 148(a). (23 U.S.C. 402(b)(1)(F))
8. The State will actively encourage all relevant law enforcement agencies in the State to follow the guidelines established for vehicular pursuits issued by the International Association of Chiefs of Police that are currently in effect. (23 U.S.C. 402(j))
9. The State will not expend Section 402 funds to carry out a program to purchase, operate, or maintain an automated traffic enforcement system. (23 U.S.C. 402(c)(4))

I understand that my statements in support of the State's application for Federal grant funds are statements upon which the Federal Government will rely in determining qualification for grant funds, and that knowing misstatements may be subject to civil or criminal penalties under 18 U.S.C. 1001. I sign these Certifications and Assurances based on personal knowledge, and after appropriate inquiry.

ADA Highlights – Title II State and Local Government Services

I. Who is covered by Title II of the ADA

- The title II regulation covers “public entities.”
- “Public entities” include any State or local government and any of its departments, agencies, or other instrumentalities.
- All activities, services, and programs of public entities are covered, including activities of State legislatures and courts, town meetings, police and fire departments, motor vehicle licensing, and employment.

Unlike section 504 of the Rehabilitation Act of 1973, which only covers programs receiving Federal financial assistance, title II extends to all activities of State and local governments whether or not they receive Federal funds.

- Private entities that operate public accommodations, such as hotels, restaurants, theaters, retail stores, dry cleaners, doctors’ offices, amusement parks, and bowling alleys, are not covered by title II but are covered by title III of the ADA and the Department’s regulation implementing title III.
- Public transportation services operated by State and local governments are covered by regulations of the Department of Transportation.

DOT’s regulations establish specific requirements for transportation vehicles and facilities, including a requirement that all new busses must be equipped to provide services to people who use wheelchairs.

II. Overview of Requirements

- State and local governments –

May not refuse to allow a person with a disability to participate in a service, program, or activity simply because the person has a disability.

For example, a city may not refuse to allow a person with epilepsy to use parks and recreational facilities.

Must provide programs and services in an integrated setting, unless separate or different measures are necessary to ensure equal opportunity.

Must eliminate unnecessary eligibility standards or rules that deny individuals with disabilities an equal opportunity to enjoy their services, programs or activities unless “necessary” for the provisions of the service, program or activity.

Requirements that tend to screen out individuals with disabilities, such as requiring a driver’s license as the only acceptable means of identification, are also prohibited.

Safety requirements that are necessary for the safe operation of the program in question, such as requirements for eligibility for drivers’ licenses, may be imposed if they are based on actual risks and not on mere speculation, stereotypes, or generalizations about individuals with disabilities.

Are required to make reasonable modifications in policies, practices, and procedures that deny equal access to individuals with disabilities, unless a fundamental alteration in the program would result.

For example, a city office building would be required to make an exception to a rule prohibiting animals in public areas in order to admit guide dogs and other service animals assisting individuals with disabilities.

Must furnish auxiliary aids and services when necessary to ensure effective communication, unless an undue burden or fundamental alteration would result.

May provide special benefits, beyond those required by the regulation, to individuals with disabilities.

May not place special charges on individuals with disabilities to cover the costs of measures necessary to ensure nondiscriminatory treatment, such as making modifications required to provide program accessibility or providing qualified interpreters.

Shall operate their programs so that, when viewed in their entirety, they are readily accessible to and usable by individuals with disabilities.

III. “Qualified Individuals with Disabilities”

- Title II of the Americans with Disabilities Act provides comprehensive civil rights protections for “qualified individuals with disabilities”.
- An “individual with a disability” is a person who –

Has a physical or mental impairment that substantially limits a “major life activity”, or

Has a record of such an impairment, or

Is regarded as having such an impairment.

- Examples of physical or mental impairments include, but are not limited to, such contagious and non-contagious diseases and conditions as orthopedic, visual, speech, and hearing impairments; cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism. Homosexuality and bisexuality are not physical or mental impairments under the ADA.
- “Major life activities” include functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
- Individuals who currently engage in the illegal use of drugs are not protected by the ADA when an action is taken on the basis of their current illegal use of drugs.
- “Qualified” individuals.

A “qualified” individual with a disability is one who meets the essential eligibility requirements for the program or activity offered by a public entity.

The “essential eligibility requirements” will depend on the type of service or activity involved. For some activities, such as where the public entity provides information to anyone who requests it, the “essential eligibility requirements” would be minimal.

IV. Program Access

- State and local governments –

Must ensure that individuals with disabilities are not excluded from services, program, and activities because buildings are inaccessible.

Need not remove physical barriers, such as stairs, in all existing buildings, as long as they make their programs accessible to individuals who are unable to use an inaccessible existing facility.

Can provide the services, programs, and activities offered in the facility to individuals with disabilities through alternative methods, if physical barriers are not removed, such as – Relocating a service to an accessible facility, e.g., moving a public information office from the third floor to the first floor of a building.

Providing an aide or personal assistant to enable an individual with a disability to obtain the service.

Providing benefits or services at an individual’s home, or at an alternative accessible site.

May not carry an individual with a disability as a method of providing program access, except in “manifestly exceptional” circumstances.

Are not required to take any action that would result in a fundamental alteration in the nature of the service, program, or activity or in undue financial and administrative burdens. However, public entities must take any other action, if available, that would not result in a fundamental alteration or undue burdens but would ensure that individuals with disabilities receive the benefits or services.

V. Integrated Programs

- Integration of individuals with disabilities into the mainstream of society is fundamental to the purposes of the Americans with Disabilities Act.
- Public entities may not provide services or benefits to individuals with disabilities through programs that are separate or different, unless the separate programs are necessary to ensure that the benefits and services are equally effective.
- Even when separate programs are permitted, an individual with a disability still has the right to choose to participate in the regular program.

For example, it would not be a violation for a city to offer recreational programs specially designed for children with mobility impairments, but it would be a violation if the city refused to allow children with disabilities to participate in its other recreational programs.

- State and local governments may not require an individual with a disability to accept a special accommodation or benefits if the individual chooses not to accept it.

VI. Communications

- State and local governments must ensure effective communication with individuals with disabilities.
- Where necessary to ensure that communications with individuals with hearing, vision, or speech impairments are as effective as communications with others, the public entity must provide appropriate auxiliary aids.
- “Auxiliary aids” include such services or devices as qualified interpreters, assistive listening headsets, television captioning and decoders, telecommunications devices for deaf persons (TDD’s), videotext displays, readers, taped texts, Brailled materials, and large print materials.

A public entity may not charge an individual with a disability for the use of an auxiliary aid.

- Telephone emergency services, including 911 services, must provide direct access to individuals with speech or hearing impairments.
- Public entities are not required to provide auxiliary aids that would result in a fundamental alteration in the nature of the service, program, or activity or in undue financial and administrative burdens. However, public entities must still furnish another auxiliary aid, if available, that does not result in a fundamental alteration or undue burden.

VII. New Construction and Alterations

- Public entities must ensure that newly constructed building and facilities are free of architectural and communication barriers that restrict access or use by individuals with disabilities.
- When a public entity undertakes alterations to an existing building, it must also ensure that the altered portions are accessible.
- The ADA does not require retrofitting of existing buildings to eliminate barriers, but does establish a high standard of accessibility for new buildings.

Public entities may choose between two technical standards for accessible design: The Uniform Federal Accessibility Standard (UFAS), established under the Architectural Barriers Act, or the Americans with Disability Act Accessibility Guidelines, adopted by the Department of Justice for places of public accommodation and commercial facilities covered by title III of the ADA.

The elevator exemption for small buildings under ADA Accessibility Guidelines would not apply to public entities covered by title II.

VIII. Enforcement

- Private parties may bring lawsuits to enforce their rights under title II of the ADA. The remedies available are the same as those provided under section 504 of the Rehabilitation Act of 1973. A reasonable attorney’s fee may be awarded to the prevailing party.
- Individuals may also file complaints with appropriate administrative agencies. The regulation designates eight Federal agencies to handle complaints filed under title II.

Complaints may be filed with any Federal agency that provides financial assistance to the program in question, or with the Department of Justice, which will refer the complaint to the appropriate agency.

IX. Complaints

- Any individual who believes that he or she is a victim of discrimination prohibited by the regulation may file a complaint. Complaints on behalf of classes of individuals are also permitted.
- Complaints should be in writing, signed by the complainant or an authorized representative, and should contain the complainant's name and address and describe the public entity's alleged discriminatory action.
- Complaints may be sent to –

Coordination and Review Section

Civil Rights Division

U.S. Department of Justice

P.O. Box 66118

Washington, DC 20035-6118

- Complaints may also be sent to agencies designated to process complaints under the regulation, or to agencies that provide Federal financial assistance to the program in question.

X. Designated Agencies

The following agencies are designated for enforcement of title II for components of State and local governments that exercise responsibilities, regulate, or administer services, programs, or activities in the following functional areas –

1. Department of Agriculture: Farming and raising of livestock, including extension services.
2. Department of Education: Education systems and institutions (other than health-related schools), and libraries.
3. Department of Health and Human Services: Schools of medicine, dentistry, nursing, and other health-related schools; health care and social service providers and institutions, including “grass-roots” and community services organizations and programs; and preschool and daycare programs.
4. Department of Housing and Urban Development: State and local public housing, and housing assistance and referral.
5. Department of Interior: Lands and natural resources, including parks and recreation, water and waste management, environmental protection, energy, historic and cultural preservation, and museums.
6. Department of Justice: Public safety, law enforcement, and the administration of justice, including courts and correctional institutions; commerce and industry, including banking and finance, consumer protection, and insurance; planning, development and regulation (unless otherwise assigned); State and local government support services; and all other government functions not assigned to other designated agencies.
7. Department of Labor: Labor and the work force.
8. Department of Transportation: Transportation, including highways, public transportation, traffic management (non-law enforcement), automobile licensing and inspection, and driver licensing.

XI. Technical Assistance

- The ADA requires that the Federal agencies responsible for issuing ADA regulations provide “technical assistance”.
- Technical assistance is the dissemination of information (either directly by the Department or through grants and contracts) to assist the public, including individuals protected by the ADA and entities covered by the ADA, in understanding the new law.
- Methods of providing information include, for example, audio-visual materials, pamphlets, manuals, electronic bulletin boards, checklists, and training.
- The Department issued for public comment on December 5, 1990, a government- wide plan for the provision of technical assistance.

The Department’s efforts focus on raising public awareness of the ADA by providing –

Fact sheets and pamphlets in accessible formats,

Speakers for workshops, seminars, classes, and conferences, An

ADA telephone information line, and

Access to ADA documents through an electronic bulletin board for users of personal computers.

- The Department has established a comprehensive program of technical assistance relating to public accommodations and State and local governments.

Grants will be awarded for projects to inform individuals with disabilities and covered entities about their rights and responsibilities under the ADA and to facilitate voluntary compliance.

The Department will issue a technical assistance manual by January 26, 1992, for individuals or entities with rights or duties under the ADA.

For additional information, contact:

Office on the Americans with Disabilities Act

Civil Rights Division

U.S. Department of Justice

P.O. Box 66118

Washington, DC 20035-6118

(202) 514-0301 (voice)

(202) 514-0383 (TDD)

(202) 514-6193 (Electronic Bulletin Board).

This document may be made available in alternate formats.

Policy Guidance Concerning Recipients’ Responsibilities for Limited English Proficient Persons

The National Highway Traffic Safety Administration (NHTSA) is committed to working with its recipients of federal assistance to comply with all applicable Civil Rights mandates. To this end, the NHTSA Office of Civil Rights (OCR) reissued guidance provided by the U.S. Department of Transportation (DOT) entitled, “Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons” (DOT LEP Guidance), which was first reprinted in the Federal Register, December 14, 2005 (Volume 70, Number 239).

Each federal agency that extends federal financial assistance is required to issue guidance clarifying the obligation of their recipients to ensure meaningful access by LEP persons to their federally assisted programs and activities. As a result, the Maine Bureau of Highway Safety received this re-issuance, which will assist in complying with Title VI of the Civil Rights Act of 1964 (Title VI) and the regulations promulgated there under, as well as with Presidential Executive Order 13166, reprinted at 65 FR 50121 (August 16, 2000).

In furtherance of this compliance obligation, the NHTSA OCR is requested that each Governor's Representative distribute the DOT LEP Guidance to each of its sub-recipients of federal financial assistance. The obligations under Title VI do not cease with the NHTSA grantee; instead, this obligation extends to all levels of sub-recipients receiving the federal assistance.

The DOT LEP Guidance discusses the value and possible format of written language assistance plans, options for identifying language services and ensuring competency of interpretation and translation services, and examples of language access services "best practices" which have been implemented by DOT agencies and recipients. Additional guidance and other helpful materials, including examples of recently developed judicial policies and procedures on language assistance, are also available on the Department of Justice (DOJ) LEP website, www.lep.gov. Please do not hesitate in contacting Eugene Peterson, the NHTSA OCR Compliance Officer, at (202) 366-9976 if you have any questions regarding this re-issuance.

State of Maine Service Providers

Compliance with Americans with Disabilities Act of 1990

1. Is your agency/organization/business in compliance with the Americans with Disabilities Act requirements that mandate equal access to services, programs, and activities for individuals with disabilities?

☒ Yes

☐ No

2. Is your agency/organization/business in compliance with the Americans with Disabilities Act requirements that mandate equal access to services, programs, and activities for individuals with disabilities?

☒ Yes

☐ No

If no, please list anticipated modifications of policies, procedures and practices and dates of implementation. (Use additional sheets, if necessary).

3. Is your agency/organization/business in compliance with the Americans with Disabilities Act requirements of structural accessibility?

☒ Yes

☐ No

If no, please list the specific structural changes needed to make your service, programs and activities accessible to people with disabilities. Also, please list the dates by which these changes will be made. (Use additional sheets, if necessary).



Signature of Agency/Organization Director or Business Owner

9/5/2022

Date

Name and Address of Agency/Organization/Business:

Cape Elizabeth Police Department

325 Ocean House Rd

Cape Elizabeth 04107

Telephone/TDD Numbers:

207-767-3323 x 223

To assist you in completing this form, please refer to the following "Appendix N – ADA Highlights" and/or call DPS's ADA Coordinator at the Licensing and Inspection Unit – Fire at 207-624-8744

Please email this completed Application for Highway Safety Funds to:

bhsgrant.mdps@maine.gov

Submit