



AGENDA ITEM NO. 13

CITY OF HAWTHORNE CITY COUNCIL AGENDA BILL

For the meeting of: August 28, 2018
Originating Department: Police Department

City Manager: Arnold Shadbeh

Chief of Police: **Robert Fager**

SUBJECT:

Resolution No. 8023, a Resolution of the City Council of the City of Hawthorne, California, Authorizing, Approving, & Ratifying the Acceptance of the FY '18-19 State of California Office of Traffic Safety 'Ride to Live Motorcycle Education Grant,' Grant Number MC19001.

RECOMMENDED MOTION:

Approve Resolution No. 8023

NOTICING PROCEDURES:

A notice was not required to be posted or published.

FISCAL IMPACT:

The Police Department will receive grant funding in the amount of \$100,000.00.

SUMMARY REPORT:

The State of California, announced the availability of funds that will be awarded through the Federal Fiscal year 2018 Office of Traffic Safety Ride to Live Motorcycle Education Grant (RTL). The goal of our proposed program is to conduct motorcycle safety classes to the general public. These classes are an eight-hour, hands-on motorcycle class taught by sworn motorcycle officer-

instructors during the grant period (October 2018 – September 2019). Hawthorne PD will also use a portion of the grant award to enhance the overall education effect and promote high visibility by maintaining the RidetoLive.com website and social media outlets.

During the grant period, the Hawthorne Police Department will actively promote the safety classes in an effort to reach as many motorcycle riders as possible. This is a concerted effort to help reduce the number of motorcyclists injured or killed in traffic collisions.

Upon approval of the grant award, the City of Hawthorne will receive \$100,000.00. The grant is financed entirely by OTS funds and does not require a cash or in-kind match. In no case may these funds be commingled with any other funds, even other federal funds, nor may funds be used to supplant expenses for which the City of Hawthorne has already appropriated funds.

ATTACHMENT(S):

1. Resolution No. 8023
2. Grant #MC19001 Agreement

RESOLUTION NO. 8023

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA AUTHORIZING, APPROVING & RATIFYING THE SUBMITTAL OF THE FY '18-19 STATE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY RIDE TO LIVE MOTORCYCLE EDUCATION GRANT NUMBER MC19001.

WHEREAS, the City of Hawthorne is eligible for a Federal allocation of funds from Ride to Live Motorcycle Education Grant through the State of California Office of Traffic Safety in the amount of \$100,000.00; and

WHEREAS, the City may receive \$100,000.00 of grant funding to use for programs detailed in the OTS application, including teaching motorcycle safety courses to the general public which will enhance the service to the local community; and

WHEREAS, the City Council of the City of Hawthorne recognizes the need and benefit to the City of Hawthorne residents and to the community as a whole.

THEREFORE LET IT BE RESOLVED, by the City Council of the City of Hawthorne as follows:

Section 1. The City Council finds that all of the facts set forth in the recitals of this Resolution are true and correct.

Section 2. The City Council authorizes, approves and ratifies the submittal of the Office of Traffic Safety Ride to Live Motorcycle Education Grant Program. The City Manager or the Chief of Police is further authorized to execute the documents necessary to receive grant funding through the Office of Traffic Safety and administer such grant on behalf of the City of Hawthorne, subject to minor clerical changes by the City Attorney.

Section 3. This authorization is effective until rescinded by the City Council of the City of Hawthorne.

PASSED, APPROVED and ADOPTED this 28th day of August, 2018.

**ALEX VARGAS, Mayor
City of Hawthorne, California**

ATTEST:

**Monica Dicrisci, Acting City Clerk
City of Hawthorne, California**

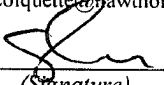
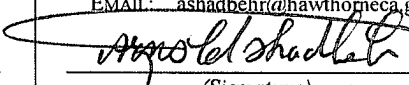
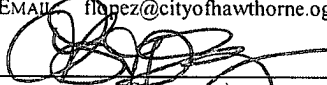
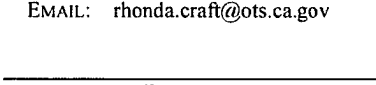
APPROVED AS TO FORM


**RUSSELL MIYAHIRA, City Attorney
City of Hawthorne, California**

Exhibit “A”

State of California – Office of Traffic Safety
GRANT AGREEMENT

GRANT NUMBER
MC19001

1. GRANT TITLE Ride to Live Motorcycle Education Training	
2. NAME OF AGENCY Hawthorne	3. Grant Period From: 10/01/2018 To: 09/30/2019
4. AGENCY UNIT TO ADMINISTER GRANT Hawthorne Police Department	
5. GRANT DESCRIPTION Ride to Live is an innovative and proven program designed to reduce death and injury resulting from motorcycle collisions. Ride to Live is a free, 8 hour, hands on motorcycle class put on by sworn motorcycle instructors/officers of the Hawthorne Police Department. The course begins with low speed handling and maneuvering of the motorcycle and gradually moves up to higher speed emergency braking, counter-steering, obstacle avoidance, and curve negotiation. Ninety-five percent of the class is hands on instruction with skills taught and demonstrated by motor officers, but then actually performed in a controlled manner by the students.	
6. Federal Funds Allocated Under This Agreement Shall Not Exceed: \$100,000.00	
7. TERMS AND CONDITIONS: The parties agree to comply with the terms and conditions of the following which are by this reference made a part of the Agreement: <ul style="list-style-type: none">• Schedule A – Problem Statement, Goals and Objectives and Method of Procedure• Schedule B – Detailed Budget Estimate and Sub-Budget Estimate (if applicable)• Schedule B-1 – Budget Narrative and Sub-Budget Narrative (if applicable)• Exhibit A – Certifications and Assurances• Exhibit B* – OTS Grant Program Manual <p>*Items shown with an asterisk (*), are hereby incorporated by reference and made a part of this agreement as if attached hereto.</p> <p>These documents can be viewed at the OTS home web page under Grants: www.ots.ca.gov.</p> <p>We, the officials named below, hereby swear under penalty of perjury under the laws of the State of California that we are duly authorized to legally bind the Grant recipient to the above described Grant terms and conditions.</p> <p>IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.</p>	
8. Approval Signatures	
A. GRANT DIRECTOR NAME: Stephen Colquette TITLE: Lieutenant - Traffic Bureau Commander ADDRESS: 12501 S. Hawthorne Blvd. Hawthorne, CA 90250 EMAIL: scolquette@hawthorneca.gov  (Signature) 8/14/18 (Date)	B. AUTHORIZING OFFICIAL OF AGENCY NAME: Arnold Shadbehr TITLE: City Manager ADDRESS: 4455 W. 126th Street Hawthorne, CA 90250-4421 EMAIL: ashadbehr@hawthorneca.gov  (Signature) 8/14/18 (Date)
C. FISCAL OR ACCOUNTING OFFICIAL NAME: Felice Lopez TITLE: Acting City Finance Director ADDRESS: 4455 W. 126th Street Hawthorne, CA 90250 EMAIL: flopez@cityofhawthorne.org  (Signature) 8/14/18 (Date)	D. AUTHORIZING OFFICIAL OF OFFICE OF TRAFFIC SAFETY NAME: Rhonda L. Craft TITLE: Director ADDRESS: 2208 Kausen Drive, Suite 300 Elk Grove, CA 95758 EMAIL: rhonda.craft@ots.ca.gov  (Signature) (Date)
E. ACCOUNTING OFFICER OF OFFICE OF TRAFFIC SAFETY NAME: Carolyn Vu ADDRESS: 2208 Kausen Drive, Suite 300 Elk Grove, CA 95758	9. DUNS INFORMATION DUNS #: 089043202 REGISTERED ADDRESS: 12501 S. Hawthorne Blvd. Hawthorne, CA 90250 CITY: Hawthorne ZIP+4: 90250-4404

10. PROJECTED EXPENDITURES						
FUND	CFDA	ITEM/APPROPRIATION	F.Y.	CHAPTER	STATUTE	PROJECTED EXPENDITURES
405f MC-19	20.616	0521-0890-101	2018	2018	29/18	\$100,000.00
				AGREEMENT TOTAL		\$100,000.00
<i>I CERTIFY upon my own personal knowledge that the budgeted funds for the current budget year are available for the period and purpose of the expenditure stated above.</i>				AMOUNT ENCUMBERED BY THIS DOCUMENT		
				\$100,000.00		
				PRIOR AMOUNT ENCUMBERED FOR THIS AGREEMENT		
OTS ACCOUNTING OFFICER'S SIGNATURE			DATE SIGNED	TOTAL AMOUNT ENCUMBERED TO DATE		
				\$100,000.00		

1. PROBLEM STATEMENT

Daytime traffic in Hawthorne is extremely heavy due to several reasons. Hawthorne Blvd is a major north/south thoroughfare that extends from the Palos Verdes Peninsula going into city of Inglewood where it becomes La Brea Avenue. The street is three and four lanes wide in both directions for most of the city. We have several other main streets that serve as major arteries throughout the South Bay and Los Angeles area including Crenshaw Blvd., El Segundo Blvd., Imperial Hwy., and Rosecrans Ave. All of these streets are heavily traveled during the day and into the evening hours.

We have at least two, large scale, commercial motorcycle shops (Eagle Riders and Del Amo Motorsports) operating inside, or very close to, the city of Hawthorne. There are also three smaller motorcycle shops within the city jurisdiction. These shops bring a regular flow of motorcycle traffic through the city. In particular, Eagle Riders is responsible for a considerable amount of motorcycle traffic as they are a motorcycle touring/rental company with a large number of tours coming and/or going on a regular basis. Eagle Riders also stores a large number of motorcycles at a facility within Hawthorne and are regularly shuttling motorcycles back and forth between the facility and their business. At least two of their employees have been involved in serious motorcycle collisions in Hawthorne within the past few years.

Our total motorcycle involved collisions over the past three (fiscal) years are as follows:

2015 - 24 total collisions resulting in 26 persons injured and 1 fatalities.

2016 - 21 total collisions resulting in 23 persons injured and 1 fatalities.

2017 - 19 total collisions resulting in 19 persons injured and 0 fatalities.

According to the 2013 OTS rankings we rank 11th out of 103 similar sized agencies in motorcycle victims killed or injured.

While our Community Affairs Unit, department website, Facebook and Twitter accounts allow us to reach out to the community in many ways, we are constantly seeking to expand our interaction with the community in as many positive ways as we can. When it comes to motorcycle safety, it is fairly safe to say that most (if not all) police departments use "enforcement" as their basic and most prevalent tool. If they do stray outside the standard enforcement corridor, the attempts to reduce death and injury resulting from motorcycle collisions is generally confined to lectures and/or public service announcements (if that).

The Hawthorne Police Department has taken a more proactive approach to this topic by actually engaging the motorcycling community with a new and ground breaking training program called "Ride to Live." Ride to Live is a free, hands on, riding course for the general public taught by Hawthorne Motor Officers. The curriculum is based on the detailed training and instruction officers receive at the law enforcement Motor Officers Training Course and Motor Officers Instructor Course. The course begins with low speed handling and maneuvering of the motorcycle and gradually moves up to higher speed emergency braking, counter-steering, obstacle avoidance and curve negotiation. Ninety-five percent of the class is hands on instruction with skills taught and demonstrated by Motor Officers, but then actually performed in a controlled manner by the students. Our 22 classes to date have included all types of riders, men and women, as young as 16 and as old as their late 70's, from fairly novice riders to riders with 40 years of riding experience. The main bulk of the training encompasses the following topics:

- Proper manipulation of clutch and throttle in order to work the "friction zone"
- Emergency braking
- Proper use of head and eyes when turning a motorcycle
- Precision maneuvering
- Counter-steering
- Obstacle / Collision avoidance
- Negotiating curves

Through a focused, real world, practical training program such as Ride to Live, the Hawthorne Police Department will be more successful in combating the death, injury and carnage associated with motorcycle collisions. This program has proven extremely popular, not to mention beneficial, in increasing the skill levels of the riding public and should be used as an example of a model program for OTS and other agencies looking to reduce motorcycle collisions.

PARTNERSHIP WITH TORRANCE PD:

As part of our continual effort to provide the best possible instruction possible, we have recently partnered with the Torrance Police Department. The participation of their motor officers has been a result of our attempt to improve our "Ride to Live" program. Their motor officers bring additional knowledge and experience to our classes. In addition, Torrance PD motor officers' involvement has been key in reducing the student-to-instructor ratio for each class. Their assistance, combined with our personnel, have provided us the opportunity to keep the instructor to student ratio at 3 to 1. Year to date, Torrance motor officers involvement have been non-grant funded.

The Hawthorne Police Department is looking to continue this partnership into the 2019 OTS Grant Year. Through this partnership, Hawthorne PD and Torrance PD plan on hosting Ride to Live classes in both the City of Hawthorne and the City of Torrance, which shall benefit the citizens of each city and expand the program's message on broader geographical scale. Additionally, the combined efforts of the Hawthorne Police Department and the Torrance Police Department should address the motorcycle and traffic safety issues affecting their respective cities (see City of Torrance problem statement below)

The City of Torrance is located within the South Bay region, which as a whole has a natural traffic congestion problem. The City of Torrance is situated along the coast with a small section of beach frontage property located between the Port of Los Angeles, Los Angeles International Airport, and the rest of the L.A. basin. Out of the 15+ cities that make up the South Bay, Torrance is the largest in both population and size. Although the city has a nighttime population of approximately 150,000 residents, this number increases to nearly a quarter million people during peak daytime hours. This is a result of the industrial makeup of Torrance which is home to a long list of macro businesses including the Del Amo Fashion Center, Honda National HQ, The Torrance Refinery (formally known as Exxon Mobil), Honeywell, Alcoa, and two large-scale hospital networks.

An inherent traffic issue exists due to the size and location of Torrance. First of all, there is very limited access to freeways which forces residents to drive for several miles on local roadways. Secondly, communities such as the Palos Verdes Peninsula (Est. population of 65,000) and the City of Redondo Beach (Est. population of 67,000) are situated "behind" Torrance. This requires the residents/visitors of those communities to traverse through the City of Torrance on a daily basis. The result is an overwhelming traffic congestion problem which continues to grow annually.

This traffic congestion does not come without consequences. Hundreds of citizens are injured in traffic collisions every year, with several resulting in deaths. Alcohol-impaired and drug-impaired driving remain consistent problems.

In 2017, the City of Torrance had 2,198 document traffic collisions. Of those, 1,010 were non-injury collisions, and 669 were injury collisions, which resulted in 903 victims being injured. We experienced a significant increase in fatal traffic collisions in 2017, having (14) fourteen fatal traffic collisions, resulting in (16) fatalities. Three (3) of the fatalities were the results of Hit & runs collisions, one involving an allegation of two racing vehicles.

2. PERFORMANCE MEASURES

A. Goals:

1. Reduce the number of persons killed in traffic collisions.
2. Reduce the number of persons injured in traffic collisions.
3. Reduce the number of persons injured in traffic collisions.
4. Reduce the number of persons killed in traffic collisions.
5. Reduce the number of motorcyclists injured in traffic collisions.
6. Reduce the number of motorcyclists killed in traffic collisions.

B. Objectives:

1. Issue a press release announcing the kick-off of the grant by November 15. The kick-off press releases and media advisories, alerts, and materials must be emailed to the OTS Public Information Officer at pio@ots.ca.gov, and copied to your OTS Coordinator, for approval 14 days prior to the issuance date of the release.
2. Conduct free, Ride to Live basic classes spread throughout the grant year with the goal of

Target Number

10

hosting one class per month for 10 months of the year	
3. Continue active updates and maintenance of the www.ridetolive.com website so as to further the promote the program to the public and to promote educational goals of safe motorcycle riding. While this shall be done on a continual basis, this shall be reported on a quarterly basis.	4
4. Issue a press release announcing the kick-off of the Ride to Live grant by November 15. The kick-off press releases and media advisories, alerts, and materials must be emailed to the OTS Public Information Officer at pio@ots.ca.gov , and copied to your OTS Coordinator, for approval 14 days prior to the issuance date of the release.	1
5. Participate in Motorcycle Safety Awareness Month	1
3. METHOD OF PROCEDURE A. <u>Phase 1 – Program Preparation (1st Quarter of Grant Year)</u> <ul style="list-style-type: none"> • Develop operational plans to implement the “best practice” strategies outlined in the objectives section. • All training needed to implement the program should be conducted this quarter or as soon as classes are available. • In order to effectively continue to reach the public through the www.ridetolive.com website, an administrator will update, maintain, and/or develop the website as suitable to further goals of safe motorcycle handling. • Implementation of the grant activities will be accomplished by staffing Ride to Live classes with appropriate personnel to safely and effectively teach and manage the class. • Advertise Ride to Live class schedules through social media, department website, and other sources to allow time for participants to sign up. <u>Media Requirements</u> <ul style="list-style-type: none"> • Issue a press release announcing the kick-off of the grant by November 15, but no earlier than October 1. If unable to meet the November 15 date, communicate reasons to your OTS Coordinator. The kick-off press releases and any related media advisories, alerts, and materials must be emailed for approval to the OTS Public Information Officer at pio@ots.ca.gov, and copied to your OTS Coordinator, 14 days prior to the issuance date of the release. 	
B. <u>Phase 2 – Program Operations (Throughout Grant Year)</u> <ul style="list-style-type: none"> • Ongoing class recruitment and outreach <u>Media Requirements</u> <ul style="list-style-type: none"> • Send all grant-related activity press releases, media advisories, alerts and general public materials to the OTS Public Information Officer (PIO) at pio@ots.ca.gov, with a copy to your OTS Coordinator. The following requirements are for grant-related activities and are different from those regarding any grant kick-off release or announcement. • If an OTS-supplied, template-based press release is used, there is no need for pre-approval, however, the OTS PIO and Coordinator should be copied when at the same time as the release is distributed to the press. • If an OTS-supplied template is not used, or is substantially changed, a draft press release shall be sent to the OTS PIO for approval. Optimum lead-time would be 10 days prior to the release distribution date, but should be no less than 5 working days prior to the release distribution date. • Press releases reporting the immediate and time-valued results of grant activities such as enforcement operations are exempt from the recommended advance approval process, but still should be copied to the OTS PIO and Coordinator when the release is distributed to the press. • Activities such as warrant or probation sweeps and court stings that could be compromised by advanced publicity are exempt from pre-publicity, but are encouraged to offer embargoed media coverage and to report the results. • Use the following standard language in all press, media, and printed materials: Funding for this program was provided by a grant from the California Office of Traffic Safety, through the National Highway Traffic Safety Administration. • Email the OTS PIO at pio@ots.ca.gov and copy your OTS Coordinator at least 30 days in advance, a short description of any significant grant-related traffic safety event or program so OTS has sufficient notice to arrange for attendance and/or participation in the event. • Submit a draft or rough-cut of all printed or recorded material (brochures, posters, scripts, artwork, trailer graphics, etc.) to the OTS PIO at pio@ots.ca.gov and copy your OTS Coordinator for approval 14 days prior to the production or duplication. 	

- Space permitting, include the OTS logo, on grant-funded print materials; consult your OTS Coordinator for specifics and format-appropriate logos.
- Contact the OTS PIO or your OTS Coordinator, sufficiently far enough in advance of need, for consultation when deviation from any of the above requirements might be contemplated.

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

- Invoice Claims (due January 30, April 30, July 30, and October 30)
- Quarterly Performance Reports (due January 30, April 30, July 30, and October 30)
 - Collect and report quarterly, appropriate data that supports the progress of goals and objectives.
 - Provide a brief list of activity conducted, procurement of grant-funded items, and significant media activities. Include status of grant-funded personnel, status of contracts, challenges, or special accomplishments.
 - Provide a brief summary of quarterly accomplishments and explanations for objectives not completed or plans for upcoming activities.
 - Collect, analyze and report statistical data relating to the grant goals and objectives.

4. METHOD OF EVALUATION

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

5. ADMINISTRATIVE SUPPORT

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

FUND NUMBER	CATALOG NUMBER (CFDA)	FUND DESCRIPTION	TOTAL AMOUNT
405f MC-19	20.616	Motorcyclist Safety Grants	\$100,000.00

COST CATEGORY	CFDA	TOTAL COST TO GRANT
A. PERSONNEL COSTS		
Positions and Salaries		
Full-Time		
Ride to Live	20.616	\$54,000.00
Benefits-OT @ 1.45%	20.616	\$783.00
Overtime		\$0.00
Part-Time		\$0.00
Category Sub-Total		\$54,783.00
B. TRAVEL EXPENSES		
In State Travel	20.616	\$2,497.00
		\$0.00
Category Sub-Total		\$2,497.00
C. CONTRACTUAL SERVICES		
Motorcycle Instructors	20.616	\$34,570.00
Category Sub-Total		\$34,570.00
D. EQUIPMENT		
		\$0.00
Category Sub-Total		\$0.00
E. OTHER DIRECT COSTS		
Training Meetings	20.616	\$5,000.00
Motorcycle Training Supplies	20.616	\$3,150.00
Category Sub-Total		\$8,150.00
F. INDIRECT COSTS		
		\$0.00
Category Sub-Total		\$0.00
GRANT TOTAL		\$100,000.00

BUDGET NARRATIVE	
PERSONNEL COSTS Ride to Live - "Ride to Live" Training - Overtime for grant funded law enforcement operations may be conducted by full time personnel such as Lieutenants, Sergeants, Officers, Motor Officers, Parking Enforcement Officers, Dispatchers, etc., depending on the titles used by the agency and the grantees overtime policy. Personnel will be deployed as needed to accomplish the grant goals and objectives. Total costs includes 8 personnel (to include Lieutenants, Sergeants, motor officers, and parking enforcement officers) x 9 hours (each class) = 72 hours per class. Overtime reimbursement will reflect actual costs of the personnel conducting the operations.	QUANTITY 10
Benefits-OT @ 1.45% - Medicare 1.45%.	10
TRAVEL EXPENSES In State Travel - Costs are included for appropriate staff to attend conferences and training events supporting the grant goals and objectives and/or traffic safety. Local mileage for grant activities and meetings is included. Anticipated travel may include (travel to the City of Gilroy, CA or alternate partner city to conduct one day Ride to Live Training). Costs may include two nights of hotel at \$140 per night and per diem for up to 5 officers. All conferences, seminars or training not specifically identified in the Budget Narrative must be approved by OTS. All travel claimed must be at the agency approved rate. Per Diem may not be claimed for meals provided at conferences when registration fees are paid with OTS grant funds.	1
CONTRACTUAL SERVICES Motorcycle Instructors - Torrance Police Department Contractual Services -Instruction may be conducted by Torrance Police Department personnel such as Lieutenants, Sergeants, and Motor Officers on Overtime. \$88 per hour x 392.8 hours= \$34,570.00 The Torrance Police Department shall be responsible for sending appropriate invoice to the City of Hawthorne for reimbursement after each class. Contractual Services shall reflect actual costs of Torrance PD personnel conducting the operation and not to exceed the budgeted line item.	10
EQUIPMENT -	
OTHER DIRECT COSTS Training Meetings - Meetings in which the purpose is the dissemination of the traffic safety related technical information. Costs may include rental of meeting facilities, transportation, and audio/visual equipment rental. Adequate records including receipts and/or agenda must be maintained to document that the primary purpose of the meeting was for the dissemination of the traffic safety technical information.	1
Motorcycle Training Supplies - Cost to include cones, barricades, delineators, and services of a street sweeper. The service of the street sweeper shall be used only for the training facility which will ensure a safe training site for riders/students and officers. Additional items may be purchased with the OTS approval.	1
INDIRECT COSTS -	
STATEMENTS/DISCLAIMERS	

There will be no program income generated from this grant.

CERTIFICATIONS AND ASSURANCES
HIGHWAY SAFETY GRANTS

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

Failure to comply with applicable Federal statutes, regulations, and directives may subject Grantee Agency officials to civil or criminal penalties and/or place the State in a high-risk grantee status in accordance with 49 CFR §18.12.

The officials named on the grant agreement, certify by way of signature on the grant agreement signature page, that the Grantee Agency complies with all applicable Federal statutes, regulations, and directives and State rules, guidelines, policies and laws in effect with respect to the periods for which it receives grant funding. Applicable provisions include, but are not limited to, the following:

- 23 U.S.C. Chapter 4—Highway Safety Act of 1966, as amended
- 49 CFR Part 18—Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments
- 23 CFR Part 1300—Uniform Procedures for State Highway Safety Grant Programs

NONDISCRIMINATION

(applies to subrecipients as well as States)

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

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin) and 49 CFR part 21;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. 324 et seq.), and Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683 and 1685-1686) (prohibit discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. 794 et seq.), as amended, (prohibits discrimination on the basis of disability) and 49 CFR part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. 6101 et seq.), (prohibits discrimination on the basis of age);
- The Civil Rights Restoration Act of 1987, (Pub. L. 100-209), (broadens scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal aid recipients, subrecipients and contractors, whether such programs or activities are Federally-funded or not);
- Titles II and III of the Americans with Disabilities Act (42 U.S.C. 12131-12189) (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing) and 49 CFR parts 37 and 38;

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

The State highway safety agency—

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

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

- 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 sub agreement and in every solicitation for a subcontract or sub-agreement, that receives Federal funds under this program.

POLITICAL ACTIVITY (HATCH ACT)

(applies to subrecipients as well as States)

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

CERTIFICATION REGARDING FEDERAL LOBBYING

(applies to subrecipients as well as States)

Certification for Contracts, Grants, Loans, and Cooperative Agreements

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

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

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

RESTRICTION ON STATE LOBBYING

(applies to subrecipients as well as States)

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

CERTIFICATION REGARDING DEBARMENT AND SUSPENSION

(applies to subrecipients as well as States)

Instructions for Primary Tier Participant Certification (States)

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

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective primary tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary tier participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default or may pursue suspension or debarment.
4. The prospective primary tier participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary tier participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency may terminate the transaction for cause or default.

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

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

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

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

Instructions for Lower Tier Participant Certification

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

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

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

4. The terms covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded, as used in this clause, are defined in 2 CFR parts 180 and 1200.

You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.

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

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

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

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

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

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

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

BUY AMERICA ACT

(applies to subrecipients as well as States)

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

PROHIBITION ON USING GRANT FUNDS TO CHECK FOR HELMET USAGE

(applies to subrecipients as well as States)

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

LAW ENFORCEMENT AGENCIES

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