MAINE

BUREAU OF HIGHWAY SAFETY

GRANTS MANAGEMENT MANUAL

FFY2026

This manual establishes consistent program and project management procedures for the Maine Bureau of Highway Safety office, staff and sub-recipients (agencies / organizations receiving grant funds from the Bureau) to guide the administration of the state's highway safety program in compliance with National Highway Traffic Safety Administration and OMB guidelines. Best practice requires the Maine Bureau of Highway Safety to generate and maintain a Grants Management Manual that documents standard operating procedures and the management of the highway safety program. This manual contains a written record of current approved administrative and financial procedures; however, it does not specifically address all regulations. Periodic changes and additions to the manual may be necessary to meet changing federal and state law along with improving program management and fiscal procedures. When an agency or organization accepts federal traffic safety funds, it also agrees to fully comply with all requirements in this manual and any periodic changes that may be made during the grant period.

Maine Department of Public Safety

Bureau of Highway Safety (MeBHS)

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Maine's Bureau of Highway Safety (MeBHS) office website offers a comprehensive resource service that serves as an information hub for all traffic safety initiatives including campaign reporting, training, and educational programs. All the forms needed for a reimbursement request are available for download.

Email address to submit **grant applications, reimbursement requests and progress reports**:

bhsgrant.mdps@maine.gov

Definitions

ASSISTANCE LISTING NUMBER (ALN)	Assistance listings are detailed public descriptions of federal programs that provide grants, loans, scholarships, insurance, and other types of assistance awards. You may browse assistance listings across all government agencies to learn about potential funding sources.
ANNUAL GRANT APPLICATON (AGA)	The State's annual grant application provides project level information on the State's highway safety program and demonstrates alignment with the State's most recent triennial HSP.
AMENDMENT/GRANT REVISION/GRANT ADJUSTMENT	A formal change to an award and/or contract based on a modification request when a specific term of the original contract changes. Amendments are required when program activities and scope change; when a project period changes; or if an award increase or decrease is requested.
BUDGET CATEGORY	Broad grouping of budgetary expenses such as personnel costs, travel, commodities, etc.
BUY AMERICA ACT	This act prohibits the MeBHS from using highway safety grant funds to purchase products unless they are produced in the United States. This prohibition also applies to steel, iron, and all manufactured products, unless the Secretary of Transportation has determined that it is appropriate to waive the Buy America Act requirement.
CFR	Code of Federal Regulations- a listing of general and permanent rules published in the Federal Register by the Executive Branch of the federal government and federal agencies.
CLAIM	Expenditures incurred in support of approved grant activities that a subrecipient may submit for reimbursement.
CONTRACT AGREEMENT	Binding document between the MeBHS and a subrecipient, vendor or other organization outlining the terms and conditions of receiving federal highway safety grant funds.
CPS	Child Passenger Safety- activities addressing the safety of children riding in motor vehicles who are under the age of 13 years old.

EQUIPMENT AND CAPITAL PURCHASES	Non-expendable, tangible property having a useful life of more than one year and an acquisition cost of $10,000 or more that is used only for traffic safety programs and/or law enforcement purposes.
EQUIPMENT INVENTORY CONTROL REPORT	Documentation of status, serial number, grant name, location, and other requirements for all equipment purchases made with federal grant funds.
FAST ACT FINAL RULE	Title 23 Code of Federal Regulations (CFR) Part 1300 - UNIFORM PROCEDURES FOR STATE HIGHWAY SAFETY GRANT PROGRAMS.
FFATA	Federal Funding Accountability and Transparency Act, requires subrecipients to annually report each action that obligates $30,000 or more in federal funds.
FHWA	Federal Highway Administration
FINAL PROGRESS REPORT	Final report submitted by subrecipient following completion of the grant period, includes a narrative and details the effectiveness of the highway safety project based on the subrecipient's original goals and objectives.
GMIS	MeBHS grant tracking and reporting system which is referred to as the grants management information system throughout this manual.
GRANTOR	The pass-through state agency that awards federal highway safety grant funds.
GRANT ORIENTATION WORKSHOP	Training for all subrecipients or potential subrecipients regarding the grant management process.
HIGHWAY SAFETY COORDINATOR (HSC)	MeBHS staff member responsible for the effective administration of grants and statewide highway safety programs.
HVE GRANT	High Visibility Enforcement. This is a grant awarded to a law enforcement agency to focus efforts on a specific traffic safety issue such as speeding, occupant protection or impaired driving; highly visible enforcement is coupled with a publicity strategy designed to educate the public and promote voluntary compliance with the law.

IIJA-BIL FINAL RULE	The Infrastructure Investment and Jobs Act (IIJA), aka Bipartisan Infrastructure Law (BIL), was signed into law by President Biden on November 15, 2021. The law authorizes $1.2 trillion for transportation and infrastructure spending with $550 billion of that figure going toward "new" investments and programs. Title 23 CFR Part 1300 – Uniform Procedures for Sate Highway Safety Grant Programs.
LEL	Law Enforcement Liaison. A law enforcement individual that provides law enforcement expertise to the MeBHS and subrecipients. This expertise is applied for enforcement grant site selection, appropriate grant strategies and countermeasures, and grant development. The LEL also conducts networking activities for local, county, and state law enforcement officials, the MeBHS, and the Regional Office of the NHTSA. The LEL reports to the MeBHS.
MCOPA	Maine Chiefs of Police Association
MEBHS	Maine Bureau of Highway Safety. Maine's lead traffic safety organization tasked with addressing, managing, and implementing the State of Maine's behavioral highway safety program.
MTSC	Maine Transportation Safety Coalition
NHTSA	National Highway Traffic Safety Administration. This is the federal agency responsible for administering the national highway traffic safety grant program funded by federal legislation.
OP	Occupant Protection, seat belt and child safety seat programs.
OUI	Operating Under the Influence. This includes alcohol and drugs.
PD	Police Department.
PROJECT DIRECTOR	Individual within a local or state agency or organization responsible for establishing and maintaining procedures within their agency to ensure effective administration of the MeBHS approved grant. The project director interfaces with the MeBHS HSC.
PSA	Public Service Announcement. Public interest messages disseminated by the media to raise awareness and change public attitudes and behavior towards a social issue.
REIMBURSEMENT REQUEST & EXPENDITURE REPORT	A subrecipient must submit this document to request reimbursement for funds expended on an authorized project.

RFP	Request for Proposal. This is a document that outlines funding availability to address a priority highway safety program area as outlined in the THSP and AGA.
PROGRESS REPORT	Report describing tasks or activities the subrecipient has undertaken to accomplish grant objectives and progress made in addressing their goal.
SD/SO	Sheriff's Department/Sheriff's Office.
SUPPORTING DOCUMENTATION	Documentation that supports claimed reimbursement such as reports, invoices, timesheets, copies of checks, etc.
SFST	Standardized Field Sobriety Test, composed of three field sobriety tests law enforcement officials use to detect impaired drivers.
SUBRECIPIENT	Local or state agency or organization receiving a highway safety grant from MeBHS.
TA	Travel Authorization, required for all travel oversight associated with a grant.
UNIFORM GUIDANCE	Title 2 Code of Federal Regulations (CFR) part 200 - UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS
UNIQUE ENTITY ID	A unique alpha-numeric character number issued by the federal government used to identify your organization to track how federal monies are allocated. The Unique Entity Identifier replaced the DUNS number in FFY2022.

Highway Safety Program

The Maine Bureau of Highway Safety (MeBHS) is Maine's lead traffic safety organization. Located within the Maine Department of Public Safety in Augusta, the MeBHS is tasked with the responsibility of planning and implementing a comprehensive highway safety program that utilizes NHTSA State and Community Highway Safety Grant funds.

In addition to administering grant funds, the MeBHS is also responsible for managing Maine's Implied Consent/Duty to Submit Program, the Maine Driving Dynamics (Driver Improvement) Program, and the Federal Fatal Analysis Reporting System (FARS) program.

The goal of these programs is to eliminate death, serious injury and property damage resulting from motor vehicle crashes so that all roadway users arrive at their destination safely. The MeBHS partners with many stakeholders including law enforcement, government agencies, hospitals, universities, and non- profits to address Maine's highway safety needs at the state and community level through the use of Federal Highway Safety Grant Program funds.

Development of the Triennial Highway Safety Plan (THSP)

Problem Identification and Program Areas:

A "traffic safety problem" is an identifiable group of road users, such as drivers, pedestrians, bicyclists, motorcyclists, vehicle operators or roadways that present statistically higher in crash experience than is normally expected. Data analysis is essential to understanding the five W's (who, what, when, where, and why) of crashes. The MeBHS reviews local municipal, county, and state crash and injury data to identify roadway users such as motorists, pedestrians, bicyclists, and teens, for example – with a statistically higher crash rate. This data, combined with citation, licensing, vehicle miles traveled, and other demographic information is analyzed to help the MeBHS, and its partners understand what is contributing to crashes and the resulting injuries and fatalities on Maine roadways. Traffic safety enforcement grants are awarded based on problem identification.

The Maine Strategic Highway Safety Plan (SHSP) serves as an umbrella document for the THSP. The focus areas identified, and the strategies outlined in the SHSP will help the State of Maine attain the goal of *"Driving Toward Zero Deaths."*

The Maine AGA projects are consistent with objectives listed in the THSP, SHSP and the latest version of the NHTSA publication *Countermeasures That Work.*

Project Development

The process for selecting state and local safety projects occurs in many ways, and some during Maine's Strategic Highway Safety Planning Committee meetings, various task force meetings, and the Maine Transportation Safety Coalition meetings. Stakeholders include representatives from state and local governments, regional and municipal planning organizations, law enforcement, EMS, courts, licensing, highway planners,

engineers, health services and social services. In addition, the MeBHS staff meets regularly with representatives of the Maine Chiefs of Police Association, other community stakeholders, and highway safety partners to help determine the greatest traffic safety needs. All grant applications are reviewed and rated in an evidence-based environment.

Priority is given to applications that demonstrate a highway safety problem as identified in the SHSP, THSP, Traffic Records Strategic Plan, Impaired Driving Strategic Plan, Occupant Protection Strategic Plan, and by NHTSA. The application must outline a clear plan employing proven countermeasures linked to measurable objectives. All approved grant- funded projects are included in the annual AGA that is submitted to NHTSA by August 1st.

The following table details the timeline of the grant (AGA) *application* process:

Month	Activity
January - April	• Obtain input and project ideas for future THSP, AGA planning and problem identification processes. • MeBHS announces upcoming grant application process. • Initiate and attend highway safety partnership meetings. • Begin and continue conducting Public Participation and Engagement Sessions with identified underserved or over-represented communities.
May – July	• Grant project proposals due and future projects agreed upon and incorporated into the MeBHS application to NHTSA. • THSP due to NHTSA by July 1st of every 3 years. • THSP amendments/updates/adjustments to NHTSA on July 1st. • MeBHS AGA due to NHTSA annually on August 1st.
August – September	• MeBHS THSP reviewed and approved by NHTSA. • MeBHS AGA reviewed and approved by NHTA. • Grant contracts are drafted in preparation of the Federal Fiscal Year that starts October 1. • Subrecipients notified of project acceptance by MeBHS.
October – December	• Federal Fiscal Year begins, and grant contracts awarded. • Prior Federal Fiscal Year ends, and financial close-out of prior grant programs begins. • Annual Report due to NHTSA 120 days after end of FFY • Financial FFY close out due 120 days after end of FFY.

Once the MeBHS application period has closed, potential projects are sorted according to the focus area most closely fitting the project. The MeBHS staff develops priority and funding recommendations using the criterion for assessing each project's potential in an evidence- based environment to:

- Eliminate traffic deaths and serious injuries;
- Improve the operation of an important traffic safety system;
- Integrate as part of a community-wide crash elimination project; and,

- Increase the coordination of efforts between several traffic safety agencies.

The MeBHS staff also evaluates past agency performance when recommending funding for future projects.

Approved grant-funded projects are included in the annual AGA. The AGA is submitted to NHTSA by August 1. NHTSA reviews and approves the AGA. Work associated with the grant awards cannot begin until after October 1, which is the start of the Federal Fiscal Year, and approval of the MeBHS contract.

Grant Orientation Workshop, Pre-Grant Conference and Contract

Grant Orientation Workshop

The MeBHS conducts a new subrecipient orientation workshop shortly after the start of the new grant period, typically in Late June. Attendance is mandatory for all subrecipients receiving grants from MeBHS. The MeBHS staff will review the subrecipients' responsibilities and procedures, including any changes mandated by state and/or federal law, occurring since the previous orientation. In addition to the orientation, this manual is available to assist subrecipients in the submission of progress reports and reimbursement requests to assist with fiscal and program management requirements of the contract agreement.

Grant Contract

If any aspect of the project changes between award notification and contract preparation, the subrecipient is asked to make revisions and submit to the MeBHS. Once the grant application is finalized, the MeBHS sends an award package to the subrecipient's project director. The package includes a cover letter with detailed instructions, the grant contract agreement, and supplemental forms.

Following receipt of the award package, the subrecipient must return the signed grant contract agreement and supplemental contract forms with signatures to the MeBHS. If multiple copies of the grant agreement are required, the authorizing agency representative must sign all copies. Once these documents are returned to the MeBHS, the contract is signed. The original copies are retained at the MeBHS, and copies are sent to the legal authority and project director. The signature of the authorizing agency official indicates the subrecipient agrees to comply with the requirements outlined in the grant contract agreement. The subrecipient may not proceed with any expenditure of funds associated with the grant until the project director receives a signed grant approval letter from the MeBHS Director.

Grant Requirements

Reimbursement of expended funds by the subrecipient is contingent upon the subrecipient complying with all requirements in the grant agreement and the appropriation of sufficient funds by the federal government and the state highway safety program. The MeBHS doesn't guarantee the availability of federal highway safety funds for subsequent years funding.

Once a grant has been awarded and becomes effective, the MeBHS reimburses the subrecipient for expenditures related to approved activities that have already occurred. The objectives outlined in the grant should be accomplished during the grant period and within the approved budget. If purchases are approved, it is required that purchases occur early in the grant period for maximum benefit and for use during the grant funded activities. *Only costs incurred within the approved grant period that do not exceed the federally obligated funds as indicated in the grant agreement are reimbursed*.

Federal and State Regulations Governing MeBHS Grants

The expenses and costs eligible for reimbursement under the MeBHS program are those stipulated in the approved grant budget and grant contract. To be allowable, costs must be necessary, reasonable, allocable, and expended according to the appropriate federal and state statutes or grant regulations. Grant management rules require the MeBHS to monitor subrecipients to ensure compliance with applicable federal requirements and cost principles.

The Office of Management and Budget (OMB) 2CFR Part 200, Uniform Guidance for Federal Awards, is the federal administrative regulation under which the MeBHS grants operate. It is referred to as *Uniform Guidance*. Agencies receiving highway safety funds must adhere to these requirements. At minimum, the MeBHS adheres to the requirements of 2CFR Part 200. In some cases, such as the due date for subrecipient final progress reports and reimbursement requests, the MeBHS may be more restrictive to allow time for submission of reports, which include subrecipient information, to NHTSA. If there are any questions associated with due dates please contact your HSC.

Audits

Audits are conducted to determine the fiscal integrity of financial transactions and reports, as well as compliance with laws, regulations, and administrative requirements. If a subrecipient or its parent agency expends over $1,000,000 in federal funds from any source, a single audit procedure is required by the Single Audit Act for State and Local Agencies, 1996 Amendments, Public Law 104-156. The audit requirements are found in 2CFR Part 200, Audit Subpart F.

Federal Funding Accountability and Transparency Act

Passed by Congress in 2006, the Federal Funding Accountability and Transparency Act (FFATA) requires subrecipients to report each action (sub-award and executive compensation) that obligates $30,000 or more in federal funds. The subrecipient is exempt from this requirement if, during the previous tax year, its gross income from all sources was less than $300,000. The FFATA information is gathered on the *Federal Spending Transparency Act Checklist* form.

Subrecipient Responsibilities and Procedures

When an agency or organization accepts federal highway safety funds, it also agrees to fully comply with all requirements in this manual and any periodic changes that may be made during the grant period. The project director will be notified in writing of any changes.

It is critical that the project director has knowledge of the federal regulations outlined in 2 CRF Part 200 and the certifications and assurances included in Appendix "A" of this manual. The Governor is the responsible official for the administration of Maine's highway safety program through the MeBHS (which has adequate powers and is equipped and organized to carry out the program) and must assure compliance with applicable statutes, regulations, certifications and assurances. By accepting federal highway safety funds and entering into an agreement, a subrecipient agency or organization is also bound by these statutes, regulations, certifications and assurances.

For HVE grants, the MeBHS requires that subrecipients participate in NHTSA reporting campaigns emphasizing HVE (i.e., *Click It or Ticket*, *Drive Sober or Get Pulled Over,*) and any MeBHS meetings held during each quarter of the 12-month grant period. Additionally, HVE subrecipients must also submit statistics within two weeks following the conclusion of each NHTSA HVE reporting campaign to MeBHS.

Financial Management

The project director is responsible for establishing and maintaining procedures within their agency to ensure the effective administration of the grant agreement, including the timely completion of the grant objectives and proper record keeping. A Highway Safety Coordinator is assigned to every grant and works with the project director and agency designated staff throughout the course of the grant period.

The project director and subrecipient financial director must ensure the agency's accounting system conforms to generally accepted accounting principles. A separate account or fund must be established for each highway safety grant. It's strongly recommended that copies of all financial records pertaining to a grant be stored in a grant file (hard copy, electronic or both) maintained by the project director. This will make it easier to submit reimbursement requests, complete progress reports, respond to questions, and locate reference documents. This recommended practice will also aid in the on-site monitoring.

The grant file should also include a copy of the subrecipient's internal purchasing policies and procedures. At a minimum, the policies must meet state standards; they may not be less stringent. If no written policies exist, the subrecipient is subject to the state's purchasing guidelines for cities and towns, counties, and states.

Financial Reporting

To receive reimbursement of authorized federal grant fund expenditures, a subrecipient must submit accurate, current, and complete financial information as required in the agreement between MeBHS and the subrecipient. All authorized federal funds must be

acquired, and the work performed during the Federal Fiscal Year. The Federal Fiscal Year starts October 1 and ends September 30. Only activities incurring during the current Federal Fiscal Year may be claimed for reimbursement.

Subrecipients must maintain records identifying the source (federal, state, and/or local) and application of funds for each budget line item. Subrecipients are responsible for tracking reimbursement by Assistance Listing Number coding provided by the MeBHS, and for the Single Audit process.

Internal Controls

A subrecipient must maintain effective control and accountability for all funds, property, and other assets. Additionally, the subrecipient must adequately safeguard all assets and ensure they're used only for traffic safety-related purposes.

Allowable Costs

The MeBHS uses the cost principles outlined in 2 CFR Part 200 to determine necessary, reasonable, allocable, and allowable costs.

The use of federal grant funds to purchase equipment and cover personnel and non-personnel costs (including overtime) are allowable within federal and state rules and regulations. Costs associated with training personnel for highway safety purposes are allowable if the training supports the objectives outlined in the THSP and AGA. Funds may not be used to cover salary costs associated with subrecipient employee attendance at training or employee's replacement while in training unless that employee's salary is MeBHS grant-funded or approval in writing by the MeBHS Director.

Federal grant funds may also be used for travel costs and per diem associated with attendance for both in-state and out-of-state highway safety-related meetings, conferences, seminars, workshops, and trainings where technical information is presented. The subrecipient should retain records documenting the meeting's purpose and all associated costs. For travel that is included in the approved grant budget, the subrecipient must follow state travel regulations. For travel not included in the grant budget, a written, detailed request for financial support must be submitted to the MeBHS in advance of the subrecipient's travel dates. Once approved, state travel regulations apply. Travel and per diem reimbursement are detailed in Appendix "B".

At MeBHS's discretion, costs are allowable for highway safety consultant services provided by universities, public agencies, non-government organizations, and individuals for state or local highway safety support services or products consistent with 2CFR Part 200. Prior written approval by the MeBHS Director and adherence to state procurement procedures are required.

If a subrecipient has a question about whether an item or activity meets the provisions outlined in the grant contract, the project director should contact their HSC for clarification **prior** to purchasing the item or engaging in the activity.

Indirect & Direct Costs

The total cost of the grant agreement with a subrecipient is the sum of the allowable direct costs and approved allocable indirect costs. A cost is determined to be reasonable if it is of a type generally recognized as ordinary and necessary for the performance of the subrecipient's work. Direct and indirect cost categories can be confusing. For that reason, it is best to consult with MeBHS staff who are familiar with 2 CFR Part 200 and can provide answers to subrecipient questions.

Indirect costs

Indirect costs represent the expenses of doing business that are not readily identified with a particular grant, contract, project function or activity, but are necessary for the general operation of the organization and the conduct of the work activities it performs. In theory, costs like heat, lights, accounting, and personnel could be charged directly to a specific project if meters could record minutes in a cross-cutting manner to the specific project; however, this is not practical. Therefore, indirect cost rates are sometimes used to distribute these "overhead" costs to projects.

Indirect costs are determined using one of three methods:

Method 1:

Utilizing a federally negotiated indirect cost rate (IDCR). If a federally established IDCR is used, the indirect costs must be documented by a federal cognizant agency approval letter and included in the grant file. The MeBHS may not force or entice the subrecipient to accept a lower rate. If a subrecipient has a federally negotiated IDCR and requests that rate, the MeBHS may not request or require the subrecipient to offer a lower or zero IDCR. If a non- Federal agency or subrecipient voluntarily chooses to waive indirect costs or charge less than the full rate, it is allowable.

Method 2:

Use of the de minimis indirect cost rate of 15% if a negotiated indirect cost rate has never been established; or

Method 3:

A subrecipient that does not have, or ever had, a federally established IDCR and does not elect a de minimis rate of 15%, may negotiate an indirect rate with the MeBHS. It is important to understand the MeBHS is responsible for negotiating and/or monitoring the subrecipient's indirect costs. The MeBHS Fiscal Manager is responsible for maintaining documentation for all approved indirect cost rates. The MeBHS is responsible for approving indirect cost rates for subrecipients based on an indirect cost proposal submitted by the latter that must:

- Identify all the work activities and associated costs carried on by the subrecipient within a base time period. All activities must be included regardless of the source of funds used to pay for them.

- Classify the work activities and their associated costs as either direct or indirect.
- Eliminate from indirect costs capital expenditures and those stipulated as unallowable by 2 CFR Part 200.

Direct costs

Direct costs are those that can be readily and easily identified as required to fulfill the terms of the grant, contract, project, function, or activity during a base time period such as:

1. Salaries or wages (including vacations, holidays, sick leave, and other excused absences) for employees working specifically on a project.
2. Other employee fringe benefits allocable for direct labor employees.
3. Consultant services contracted to accomplish specific work on a specific project.
4. Travel of (direct labor) employees.
5. Materials, supplies and equipment purchased directly for use on a specific project.
6. Communication costs such as telephone calls or mailing services identifiable with a specific award or activity.

Staffing for HVE Crash Reduction Overtime Patrols

HVE Crash Reduction Overtime Patrols shall only be staffed with one officer/deputy/trooper per vehicle unless otherwise approved by the MeBHS. Certain programs allow for additional staffing to benefit activities conducted. Please refer to the subgrant application/contract for further details.

Federal Expenditure Match

Federal grants administered by the Bureau of Highway Safety 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 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).**

Grant Modifications and Amendments

A subrecipient may request, or the MeBHS may recommend, a revision that modifies the original budget, goals, objectives, tasks or other section of the signed grant agreement. All subrecipient revision requests must be fully detailed and justified**. If the request by the subrecipient calls for a change to the goals, objectives, tasks or an approved budgeted line item, it is a modification. Any requested change requested by the subrecipient of a budget category or if a specific term or the scope of the original contract changes, an amendment is required.**

For a subrecipient to initiate a request, the project director must complete the *Subgrant Program Revision Request* form and submit to their HSC. Their Highway Safety Coordinator will then review the request, and if no additional information is needed, submit it to the MeBHS Director for approval. Once approved, the project director will receive written confirmation from the MeBHS along with a new contract for signature. Once the new contract is signed, the subrecipient may begin spending funds associated with the modification. If the request is denied, the project director will be notified in writing and the subrecipient may continue to spend funds as allocated in the originally approved grant agreement.

If the request (recommendation) is initiated by the MeBHS for *any* line-item increase or transfer of more than 20%, the MeBHS will create an amendment to the grant agreement and send it to the project director for review and signature. Once the project director returns the signed amendment to their HSC, it is forwarded to the MeBHS Director for approval and signature.

The modification request, whether initiated by the subrecipient or MeBHS, will remain pending until the amendment and new contract is signed by both the subrecipient and MeBHS. Once approved and signed, the project director will receive written confirmation from the MeBHS, and at that time the subrecipient may begin spending funds associated with the amendment. If the request from the subrecipient is denied, the project director will be notified in writing and the subrecipient may continue to spend funds as allocated in its original approved grant agreement. No costs may be incurred against the budget line that is being amended until the subrecipient receives written notice of approval and a new contract is signed. A grant modification that requires an amendment may not be allowed in the fourth quarter.

Reimbursement Request – Submission

Subrecipients must submit their reimbursement request using the *Reimbursement Request/Expenditure Report* form. The reimbursement request must be submitted quarterly by the 15th of the following month. Please refer to your contract agreement for your agency's specific reporting requirements. A final reimbursement request is due by October 15th. Extensions may be granted on a case-by-case basis. Request for extensions must be in writing and received prior to October 15th. Extensions must detail the reason for delay and request date of remittance (not to exceed 30 days). The HSO Director will approve or disapprove requests in writing. If no cost has been incurred (zero claim) only a Progress Report needs to be submitted. The Progress Report would simply state no activities took place. MeBHS cannot process a reimbursement package until **both** the Reimbursement Request/Expenditure

Report and Progress Report forms are received and approved. *On-time submission of the reimbursement claims package is mandatory and critical for timely reimbursement payments* and is also critical since the MeBHS is responsible for the ongoing monitoring of all grant-funded projects.

HVE subrecipients must identify a contact person who will, at minimum, report the following data within two weeks following the conclusion of an HVE activity conducted in support of a NTHSA campaign:

- Number of OUI arrests (including felony, and drug).
- Number of seat belt violations.
- Number of child safety seat violations.
- Speeding citations and warnings.
- Suspended license arrests.
- Uninsured motorist citations.
- Reckless driving citations.

Only items listed in the approved grant are eligible for reimbursement. Personnel expenses for overtime are allowable for hourly and non-exempt salaried employees and these overtime activities must be within the scope of the grant. Overtime may also be allowed for fully funded grant positions that require duties beyond the regularly scheduled work week; however, written approval from the MeBHS is required prior to the overtime being worked.

Agencies receiving reimbursement for overtime may be required to submit their departmental overtime policy to verify what constitutes a regularly scheduled work week or bi-weekly schedule and when hours become overtime. In order to ensure compliance with 2 CFR Part 200, the MeBHS will only reimburse overtime costs at a rate of time and a half.

Overtime cannot be claimed for attending training, conducting educational events (such as school assemblies), being in court, or for exempt salaried positions except with the MeBHS Director's written approval.

If the reimbursement request includes reimbursement for overtime, the subrecipient must also submit an approved timesheet and/or a payroll summary. The rate of pay listed on both the timesheet and payroll summary must match. The timesheet and/or payroll summary must include: the number of regular hours worked, the employee's hourly base and overtime pay rate, the number of overtime hours worked with a detailed explanation (i.e., 6 hours for MeBHS Impaired Driving Enforcement, 3 hours for MeBHS sobriety checkpoint, etc.), and start and end times. The MeBHS has an approved activity sheet that will be used by all agencies to document overtime activity. Certain additional expenses incurred as a result of HVE overtime may be reimbursable. Please contact your Highway Safety Coordinator for details regarding reimbursement of these additional expenses.

Subrecipients requesting reimbursement for non-personnel items, such as travel, supplies, equipment purchase, or professional fees must show these requests as separate line items in the reimbursement claims package. Claims with travel expenses for mileage must include a print-out from a reputable mapping database. Claims for equipment purchases (items costing $10,000 or more) must have prior written approval from the MeBHS Director before the purchase is made.

Progress Reports

As part of the monthly or quarterly (time period outlined in contract agreement) reimbursement request, subrecipients must submit progress reports using the MeBHS prescribed form. Reimbursement requests will not be processed until the progress report has been reviewed and approved. If the agency is not requesting reimbursement of funds during the agreed period, a progress report showing "no activity this period" must be submitted.

The progress report should describe any tasks or activities undertaken during the period to accomplish the objectives outlined in the grant along with progress made in addressing the problem statement. The subrecipient is encouraged to include copies or provide links to press clippings and printed materials such as flyers or press releases that support the activities described in the progress report.

A Highway Safety Coordinator will review the progress report, paying particular attention to whether a subrecipient is making satisfactory progress in achieving the grant objectives in a timely manner based on the schedule of tasks. If deficiencies are identified, the HSC will notify the subrecipient's project director. The notification will describe the deficiency and will request the project director provide changes and/or updates. Changes/updates must be made, submitted, and approved before the reimbursement request will be processed.

Final Progress Report

Subrecipients must submit a final progress report on the *Narrative Progress Report* form no later than October 15th. The MeBHS will not process a final reimbursement claim until the final progress report is reviewed and approved. Extensions may be granted on a case-by- case basis.

The MeBHS reviews the final progress report to determine the effectiveness of a subrecipient's highway safety project. It is critical to note that MeBHS takes past performance into consideration when identifying/approving grant requests in future years. The MeBHS may also share this information with NHTSA via the state's annual report; therefore, it is important that subrecipients pay particular attention to the final report details.

Audit Reporting

If a subrecipient or its parent agency expends over $1,000,000 in federal funds from any source, a single audit procedure is required. 2 CFR Part 200, Audit Subpart F details audit

requirements for agencies receiving grants. The audit report must cover the entire grant period and be sent to the MeBHS within 30 days after publication.

Personnel Certification (if applicable)

Full or part-time salaried positions funded through a highway safety grant must be certified. This certification must indicate what percentage of the subrecipient employee's time was spent working on grant-related duties and be signed by the employee or supervisor having first-hand knowledge of the work the employee performed.

Lobbying Certification

By signing the Agreement for Services with the MeBHS, the subrecipient certifies to the best of its knowledge and belief that:

a. No federally appropriated funds have been paid or will be paid, by or on behalf of the subrecipient, to any person for influencing or attempting to influence an officer or employee of an 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.

b. If any funds other than federally 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 contract, grant, loan, or cooperative agreement, the subrecipient shall complete and submit the "Disclosure of Lobbying Activities" form in accordance with its instructions.

c. The subrecipient shall require the certification language be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants and contracts under grants, loans, and cooperative agreements) and that all sub- recipients shall certify and disclose accordingly.

Title VI (Non-Discrimination)

Through its financial assistance programs, the U.S. government seeks to improve the status of disadvantaged and minority businesses and citizens and provide fairness in the areas of employment and contracting. Title VI of the Civil Rights Act of 1964 and Section 405 of the Rehabilitation Act of 1973, as amended, prohibit discrimination on the grounds of race, color, national origin, handicap, or gender in the provision of services, programs, or personnel transactions. Agencies receiving federal grant funds, including subrecipients of the MeBHS, must fully comply with the provisions of Title VI and 49 CFR Parts 21 and 27, and make reference to these mandates in all contracts or subcontracts.

Monitoring

MeBHS staff must maintain regular contact via telephone, email or other written correspondence, and on-site visits with subrecipients throughout the course of the grant year to ensure compliance with applicable requirements and cost principles. This monitoring includes not only the review and approval of claims and progress/final reports, but also ongoing outreach to subrecipients through desk monitoring and/or on-site visits.

The intent of this outreach is to develop a proactive relationship with the subrecipient, address grant management-related questions, provide technical assistance, and identify and help address problems or concerns. A record of monitoring is made on the *Program and Financial Monitoring Report*.

On-Site and Desk Monitoring (Programmatic and Financial)

The MeBHS visits every subrecipient that has been awarded a grant of $10,000 or more at least once during the grant year to conduct a systematic and comprehensive programmatic and financial assessment. This visit is designed to be instructive, not disruptive, and to foster information exchange and partnership. The subrecipient will be notified in advance of any on-site visit and will be provided with an equipment list to be reviewed. An unscheduled monitoring visit will occur if the agency receives a letter which issues a finding after the annual on-site visit, or if there is concern the agency's project is showing signs of significant weakness.

During the programmatic portion of the visit, goals, objectives, and tasks are reviewed to determine if the project is being implemented as outlined in accordance with the grant agreement. This assessment is also used to determine if the subrecipient has satisfied special conditions and is adhering to contract terms and conditions.

The financial review includes an examination of agency and grant-specific financial documents and issues related to the project implementation and performance.

While on-site, the HSC completes the *Program and Financial Monitoring Report*. Once completed, the form is reviewed and approved by the MeBHS Director. If necessary, an additional on-site visit may be scheduled to monitor efforts made to implement corrective actions.

Agencies receiving less than $10,000 will receive desk or phone monitoring with the results recorded on the *Program and Financial Monitoring Report*. The Program Manager will contact the agency to schedule a suitable time to have a conference call. A brief follow-up letter is sent to the agency summarizing the monitoring conference conversation. In rare instances, an on- site visit may be required instead of telephone conference if the agency's project shows significant weakness or non-compliance.

Equipment

Equipment is any nonexpendable, tangible, personal property having a useful life of more than one year and an acquisition cost of $10,000 or more. All equipment purchased using federal highway safety funds requires prior written approval from NHTSA, which is handled by the MeBHS during the grant application process. The agency follows the provisions of 2 CFR Part 200. Equipment purchased with grant funds must be used for traffic safety purposes. Non- authorized use of equipment is grounds for refunding a portion of the equipment value to the MeBHS. All equipment purchased with grant funds must comply with the Buy America Act. Additional guidance is available from the Highway Safety Coordinator and NHTSA.

Equipment must be tracked for its useful life and that inventory is checked during the monitoring process. If the equipment is destroyed or no longer used for its intended purpose during its useful life, the project director must notify their HSC. With the MeBHS's guidance, the project director must determine the equipment's fair market value and give credit to an active grant, transfer, or dispose of the equipment. After disposing of any grant-purchased equipment (whether destroyed or no longer having a useful life), the subrecipient's agency or organization must make available all records pertaining to this equipment.

Equipment Inventory

Equipment must be inventoried annually during the equipment's useful life following the initial year of purchase. Once a subrecipient submits a reimbursement request for equipment purchased using grant funds, the equipment information is entered into a MeBHS tracking system. During an on- site visit, the HSC will ensure the equipment is available and being used for highway safety purposes.

Purchasing Requirements and Property Management

Rules and definitions for the purchase of equipment, supplies, and other materials and their management are governed by the State of Maine. A subrecipient must follow these rules unless its governing agency or organization has its own policies and procedures and can make them readily available for inspection by the MeBHS. An agency's policies and procedures must, at a minimum, be as stringent as Maine's regulations.

Supplies

Any item with an acquisition cost of less than $10,000 is a supply and may be purchased using highway safety grant funds with prior approval from MeBHS. The purchase of supplies does not require NHTSA pre-approval. However, supplies purchased with grant funds must be used for traffic safety and/or enforcement purposes only. Non-authorized use of supplies is grounds for refunding a portion of the value to the MeBHS. Consult the Highway Safety Coordinator for guidance on allowable supplies.

Public Information and Education (PI&E)

Educational and Promotional Materials

Safety Items for Public Distribution: The purchase of safety items for *public distribution* does not fall under the definition of equipment. However, NHTSA has determined child safety seats restraints, and other similar items whose ***sole purpose*** is to improve highway safety are allowable purchases under the Section 402 program for distribution to members of the public, ***provided*** these items are ***specifically*** identified in a project agreement and based on problem identification, just as required by equipment purchases. The project may not be limited to distribution of the items but must also contain specific performance criteria justifying the safety benefit (e.g., reach a targeted population, number of items for distribution, method of distribution, and educational component).

Educational Materials: There is a difference between *"educational materials"* whose purpose is to convey substantive information about highway safety, and *"promotional items"* whose purpose is to generate goodwill or to incentivize behavior. The former category is an allowable expense, while the latter is not. Paper, pamphlets, flash drives, CD-ROMs, and similar media that contain educational materials are allowable because their purpose is to contain and convey substantive educational information and not merely a slogan.

- Examples of allowable educational materials include:
  - Traffic-safety-themed coloring book given to children at a school event, state fair, etc.
  - A pamphlet including statistical information such as "X number of people lose their lives every year when not wearing a seatbelt" and safety tips distributed at a state fair.
  - A flash drive containing information about the dangers of texting and driving (e.g., statistics, ideas to prevent texting while driving).
  - A CD-ROM or flash drive containing training or conference materials given to attendees at a highway safety conference hosted by MeBHS or subgrantee.

Promotional Materials: Promotional materials are not allowable costs. 2 CFR 200 makes clear that no promotional materials or memorabilia are allowable costs under Federal grants. Use of NHTSA grant funds to purchase promotional materials or memorabilia is prohibited and could result in the requirement to repay the misused funds. NHTSA grant funds are intended to promote safety and to educate the public about traffic safety, not to provide items to individuals or groups through widespread distribution. Other funding sources (State of Maine or private) may be used to purchase and distribute promotional materials.

- **Examples of <u>unallowable</u> promotional materials or memorabilia are:**
    - Bumper stickers, and/or texting thumb bands given to the public at a state fair.
    - Keychains and/or pens given to groups at a training event.
    - Shirts for volunteers at a state fair or car seat installation center
    - Shirts for Law Enforcement Liaisons.
    - Shirts or hats worn by participants in a press event.
    - Challenge coins, when ordered in bulk and kept on hand.

<u>Advertising and Public Relations</u>

Advertising media intended to reach a large audience such as television or radio ads, ads on social media, signs, banners, and posters are allowable costs.

Illustrative examples of allowable advertising media include:

- Banners or posters featuring the *Click It or Ticket* campaign for use at events.
- A "U Text, U Drive, U Pay" banner displayed at a school.
- A television advertisement about the dangers of impaired driving.
- Posters displayed in bars that say; "Report every drunk driver immediately."
- A yard sign telling drivers to "Watch for Motorcycles."

Public relations costs that are allowable include:

- Public relations and outreach that support program and projects identified in the Highway Safety Plan.
- Costs associated with communicating with the public and press pertaining to specific activities or accomplishments which result from the performance of a specific highway safety program.
- Costs associated with conducting general liaison with news media and government public relations officers, to the extent these activities are limited to the communication and liaison necessary to keep the public informed on matters of public concern, such as notices of funding opportunities, financial matters, etc.

Non-Compliance and Termination

The MeBHS will impose sanctions in the event of noncompliance or violation of any grant provision by the subrecipient agency. Appropriate sanctions may include, but are not limited to, withholding payments, suspension, or termination of a portion or the entire grant. The MeBHS will provide notice to the subrecipient as outlined in the "Terms and Conditions" of the grant agreement.

Non-compliance issues include, but are not limited to, using federal highway safety grant funds to:

- Purchase equipment and/or supplies that are not used in support

of the activities/services agreed to in the approved grant.

- Influence or lobbying of local, state, and federal officials (elected and non-elected) and others who may have control over the distribution of grant funds or activities associated with a grant.
- Pay for an activity specifically designed to urge or influence a state or local elected official to favor or oppose the adoption of pending legislation.
- Replace routine and/or existing state or local expenditures (i.e., salaries, supplies, materials) that constitute general expenses required to carry out the overall responsibilities of state, local, or federally recognized Indian tribal government.
- Knowingly enter into an agreement with a person or entity that is barred, suspended, declared ineligible, or voluntarily excluded from participating in the Section 402 program, unless otherwise authorized by NHTSA.
- The purchase of alcoholic beverages, including for controlled settings where law enforcement officers are trained to detect impairment.
- Pay for the cost of entertainment for amusement and social purposes (i.e., sports/show tickets, meals, lodging, rentals, and transportation).

Disputes and Disagreements

Any dispute, disagreement, or question of fact concerning a grant should be handled by the HSC assigned to that grant in consultation with the MeBHS Director. All final decisions will be in writing and distributed to all concerned parties as well as maintained in the grant file. The subrecipient may then proceed with the performance of the grant in accordance with that decision.

If a subrecipient disagrees with a decision made by the Highway Safety Coordinator, an appeal may be made to the MeBHS Director. The appeal must be made in writing within 30 days of the Highway Safety Coordinator's decision and sent to the MeBHS Director by certified mail. No legal action may be taken by the subrecipient without following this administrative process.

Frequently Asked Questions

Q: Can I apply for more than one grant, if it's in a different program area?

A: Yes. The MeBHS allows an agency to submit an application for more than one program area. For example, if your agency is seeking funds to combat impaired (OUI) driving and bolster seat belt (OP) use, you may submit applications for an OUI grant and an OP grant. If you are unsure which program area(s) to apply under, contact the MEBHS at 207-626-3840.

Q: I have never applied for a grant before and don't have local data or statistics. What should I do?

A: If you are applying for a grant to reduce motor vehicle crashes, your application should include at least three years of baseline data for your jurisdiction. If you work for a law enforcement agency, start your data search by consulting with your crash records coordinator or clerk. If no data or limited data is available, you can go to http://mdotapps.maine.gov/mainecrashpublic for crash data in your community or contact the MeBHS for guidance.

Q: Can the project director delegate their grant-related responsibilities to another agency employee?

A: The project director is the individual within a local or state agency or organization that is responsible for establishing and maintaining procedures to ensure effective administration of the approved grant. When applying for a grant, the subrecipient must designate a project director for that application. If your agency applies for additional grants, a different project director may be designated for each application. The agency must notify the HSC if the project director changes.

Q: Why does the HSC conduct an on-site monitoring visit?

A: Grant management rules require the MeBHS monitor subrecipients to ensure compliance with applicable requirements and cost principles. While the MeBHS staff will maintain regular contact with subrecipients throughout the course of the grant year, the MeBHS personally visits every subrecipient that receives a grant of $10,000 or more at least once during the grant year to conduct a systematic and comprehensive programmatic and financial assessment of their programs. The on-site visit is designed to be instructive, not disruptive and to foster information exchange and partnership. The programmatic aspects, such as the goals, objectives, and performance indicators, are reviewed to determine if the project is having an impact and if the project is being implemented according to schedule as well as outlined in the approved grant. The financial review includes an examination of agency and grant-specific financial documents and issues related to the implementation and performance of the project.

Q: How often am I required to submit reimbursement requests and progress reports, and once my agency submits a reimbursement request, how quickly will we receive payment?

A: The date(s) to submit reimbursement requests and progress reports will be identified in the grant solicitation. This decision is typically driven by resources and cash-flow. Subrecipients will either be required to submit reports on a monthly or quarterly basis. Please refer to your contract agreement to verify your agency's requirements. If your agency is required to submit reports monthly, then all paperwork must be submitted by the 15th of the following month. If the contract agreement requires your agency to submit reimbursement requests and progress reports on a quarterly basis, then the reporting schedule will be identified in the application/contract.

Q: What should be included in my agency's progress report?

A: Your agency's progress report should describe any tasks or activities undertaken during the reporting period to accomplish the objectives outlined in your grant, (i.e., conducted five saturation patrols lasting four hours each over the reporting period resulting in 20 impaired driving arrests, 200 speeding citations) along with progress made in addressing the problem statement (i.e., 1st quarter FY2023 crashes down by five compared to 1st quarter FY2022 as described in tasks). Include a tally of all arrests/summons/citations and warnings issued during the detail as well as copies of summons/citations issued for this area. You may also include copies or provide links to press clippings and printed materials (i.e., flyers and press releases) that support these activities. Progress reports may be submitted electronically.

Q: Must my agency submit a reimbursement request or progress report to MeBHS even if we haven't spent any grant funds?

A: Once the grant year begins, your agency is responsible for submitting reimbursement requests on a monthly or quarterly basis as described in the grant agreement. If no funds have been spent during that time period, a reimbursement request is not required but a progress report is. The progress report is required even if no progress has occurred during the reporting period. In this case, the progress report would state "no activity for this reporting period." (The MeBHS staff is responsible for the ongoing monitoring of all grant- funded projects. Consistent, on-time progress reporting reduces confusion and the potential for the MeBHS to question a subrecipient's reporting and/or claim status.)

Q: If my agency doesn't spend all its grant funds in the current year, what happens to the money?

A: Since grants are approved on an annual basis (October 1-September 30), approved funding that is not expended at the end of the 12-month period may not be carried over to the next fiscal year or to a new grant. Subrecipients are encouraged to plan ahead and carefully

monitor their expenditures throughout the grant period to ensure no funds remain unspent. All funds, even those remaining in the final grant reporting period, may only be used to purchase items listed in the grant and approved through the grant/contract process. If you believe your agency is unable to expend the funds as outlined in your approved grant, contact your HSC for assistance as soon as possible.

Q: What documentation is needed for overtime reimbursement?

A: To receive reimbursement for overtime, your agency's financial director must complete and submit an approved, signed and certified financial report including the officer's name, date worked, hours, overtime rate, fringe benefits, date paid, and total amount. Supporting documentation to verify information on the financial report must be included with all reimbursement requests.

Q: What is the difference between a budget modification and a budget amendment?

A: An agency may request a revision to the original budget outlined in their grant contract with the MeBHS once a grant is approved and awarded. If the revision calls for a line-item increase or transfer between major budget categories, then it can be approved with just a revision or modification. An amendment is a formal change to a contract based on a modification request. Amendments are required when a budget category changes or if a specific term of the original contract changes. Consult your HSC for further guidance.

Q: If I need to make a modification to my agency's grant, how long will the decision take, and if it's approved, when can we start spending funds?

A: The length of time varies. To initiate a modification, the project director must submit the Subgrant Program Revision Request form to their HSC. The Highway Safety Coordinator will review your request. If no additional information is needed, it will be submitted for final approval. Once approved, the agency receives written confirmation from the MeBHS, and at that time your agency may begin spending funds associated with the modification. If your request is denied, your agency will be notified in writing and may continue to spend funds as allocated in your original approved grant agreement.

If the request calls for any line-item increase or transfer, the MeBHS will create a contract amendment and send it to you for your review and signature. Once you return the signed contract amendment to your HSC, the modification request will remain pending until the amendment is approved by the MeBHS. Once approved, you'll receive confirmation, and at that time you may begin spending funds associated with the amendment. If your request is denied, you'll be notified and may continue to spend funds as allocated in your original approved grant.

No costs may be incurred against the budget line that is being amended until your agency receives written notice of approval. Grant modifications are not permitted in September or in the fourth quarter if an amendment to the contract is needed.

Q: May I purchase equipment with grant funds?

A: Only if the **grant agreement includes an approved equipment request** can grant funds be used to purchase any equipment (defined as non-expendable, tangible property having a useful life of more than one year and an acquisition cost of $10,000 or more, only if the grant solicitation specifically allows equipment or supplies with approval from MeBHS), that is used only for traffic safety and/or law enforcement. Any item costing less than $10,000 is considered a supply and may be purchased using "non-personnel" grant funds. Non- expendable property purchased under a grant cannot be sold, traded, or disposed of in any manner without the expressed written permission of the MeBHS. No equipment or supply may be purchased without expressed written approval from the MeBHS. Equipment purchased for use towards the administration of a grant must be purchased at or near the beginning of the grant period.

Q: How long must I maintain and track equipment purchased with grant funds, and if the equipment is destroyed, must I report it?

A: All equipment purchased with grant funds must be tracked for its useful life. If the equipment is destroyed or is no longer deemed useful for its intended purpose, the agency must immediately notify their HSC. After disposing of any grant-purchased equipment (whether destroyed or no longer having a useful life), your agency should maintain all records pertaining to this equipment for an additional three years. See grant agreement or equipment section of this document for additional equipment information.

Q: Can my agency utilize a "detail rate" for grant-related activities?

A: In order to ensure compliance with 2 CFR Part 200, the MeBHS will only reimburse overtime costs at a rate of time and a half.

Q: Will the MeBHS reimburse departments for part-time or reserve officers participation in High Visibility Enforcement details?

A: High Visibility Enforcement grants are designed as overtime grants. Part-time and reserve officers do not meet the overtime qualifications and will not be reimbursed under these grants. Subrecipients may choose to use part-time and reserve officers to supplement their enforcement activities and use that toward match.

APPENDICES

Appendix A to Part 1300—Certifications and Assurances for Highway Safety Grants

[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: 2026

By submitting an application for Federal grant funds under 23 U.S.C. Chapter 4 or Section 1906, Public Law 109-59, as amended by Section 25024, Public Law 117-58, 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, Public Law 109-59, as amended by Sec. 25024, Public Law 117-58;
- 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.fsrs.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;
    - Unique entity identifier (generated by **SAM.gov**);
- 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 [and its subrecipients] 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);
- *49 CFR part 21* (entitled *Non-discrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964*);
- *28 CFR 50.3* (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);
- *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.

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

GENERAL ASSURANCES

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, for which the Recipient receives Federal financial assistance from DOT, including NHTSA."

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI of the Civil Rights Act of 1964 and other non-discrimination requirements (the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these nondiscrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

SPECIFIC ASSURANCES

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted Highway Safety Grant Program:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in § 21.23(b) and (e) of 49 CFR part 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Highway Safety Grant Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:
   "The [name of Recipient], in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."
3. The Recipient will insert the clauses of appendix A and E of this Assurance (also referred to as DOT Order 1050.2A) [1] in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of appendix B of DOT Order 1050.2A, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form of, or for the acquisition of, real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in appendix C and appendix D of this DOT Order 1050.2A, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
   a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
   b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or

structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:

   a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
   b. the period during which the Recipient retains ownership or possession of the property.

9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the State highway safety agency also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing NHTSA's access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by NHTSA. You must keep records, reports, and submit the material for review upon request to NHTSA, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The State highway safety agency gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Highway Safety Grant Program. This ASSURANCE is binding on the State highway safety agency, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Highway Safety Grant Program. The person(s) signing below is/are authorized to sign this ASSURANCE on behalf of the Recipient.

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-awards 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
(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.

CERTIFICATION ON CONFLICT OF INTEREST
(applies to subrecipients as well as States)

GENERAL REQUIREMENTS

No employee, officer, or agent of a State or its subrecipient who is authorized in an official capacity to negotiate, make, accept, or approve, or to take part in negotiating, making, accepting, or approving any subaward, including contracts or subcontracts, in connection with this grant shall have, directly or indirectly, any financial or personal interest in any such subaward. Such a financial or personal interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or personal interest in or a tangible personal benefit from an entity considered for a subaward. Based on this policy:

1. The recipient shall maintain a written code or standards of conduct that provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents.
    a. The code or standards shall provide that the recipient's officers, employees, or agents may neither solicit nor accept gratuities, favors, or anything of monetary value from present or potential subawardees, including contractors or parties to subcontracts.
    b. The code or standards shall establish penalties, sanctions, or other disciplinary actions for violations, as permitted by State or local law or regulations.
2. The recipient shall maintain responsibility to enforce the requirements of the written code or standards of conduct.

DISCLOSURE REQUIREMENTS

No State or its subrecipient, including its officers, employees, or agents, shall perform or continue to perform under a grant or cooperative agreement, whose objectivity may be impaired because of any related past, present, or currently planned interest, financial or otherwise, in

organizations regulated by NHTSA or in organizations whose interests may be substantially affected by NHTSA activities. Based on this policy:

1. The recipient shall disclose any conflict of interest identified as soon as reasonably possible, making an immediate and full disclosure in writing to NHTSA. The disclosure shall include a description of the action which the recipient has taken or proposes to take to avoid or mitigate such conflict.
2. NHTSA will review the disclosure and may require additional relevant information from the recipient. If a conflict of interest is found to exist, NHTSA may (a) terminate the award, or (b) determine that it is otherwise in the best interest of NHTSA to continue the award and include appropriate provisions to mitigate or avoid such conflict.
3. Conflicts of interest that require disclosure include all past, present, or currently planned organizational, financial, contractual, or other interest(s) with an organization regulated by NHTSA or with an organization whose interests may be substantially affected by NHTSA activities, and which are related to this award. The interest(s) that require disclosure include those of any recipient, affiliate, proposed consultant, proposed subcontractor, and key personnel of any of the above. Past interest shall be limited to within one year of the date of award. Key personnel shall include any person owning more than a 20 percent interest in a recipient, and the officers, employees or agents of a recipient who are responsible for making a decision or taking an action under an award where the decision or action can have an economic or other impact on the interests of a regulated or affected organization.

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 annual grant application 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. 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 on behalf 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 on behalf 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.)
4. 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))
5. As part of a comprehensive program, the State will support a data-based traffic safety enforcement program that fosters effective community collaboration to increase public safety, and data collection and analysis to ensure transparency, identify disparities in traffic enforcement, and inform traffic enforcement policies, procedures, and activities. (23 U.S.C. 402(b)(1)(E))
6. 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 triennial Highway Safety Plan, data collection, and information systems with the State strategic highway safety plan, as defined in 23 U.S.C. 148(a); and
- Participation in the Fatality Analysis Reporting System (FARS), except for American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, or the United States Virgin Islands

7. 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))
8. The State will not expend Section 402 funds to carry out a program to purchase, operate, or maintain an automated traffic enforcement system, except in a work zone or school zone. (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, Brailed 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.