

South Portland City Council
Position Paper of the Interim City Manager

Subject:

ORDER #74-16/17 – Authorizing the City’s participation in submitting an application for and accepting a 2017 Evidenced Based Impaired Driving grant in the amount of \$10,000 from the Maine Bureau of Highway Safety to be used by the Police Department. Passage requires majority vote.

Position:

Over the past several years, the City has received funding from the Maine Bureau of Highway Safety under its Evidence Based Impaired Driving High Visibility Enforcement Program Grant. This grant is being offered again this year. The applications were due on October 11, 2016 and we are eligible to receive \$10,000.

Participation in the grant requires two national impaired driving crackdowns which are scheduled for December 15, 2016 through December 31, 2016 and August 18, 2017 through September 3, 2017 as well as the flexibility to schedule other overtime details. The in-kind match for this grant is covered by the project director’s time to manage the grant and provide documentation to the Bureau of Highway Safety.

This order is brought forward to authorize the submittal of the application and acceptance of these funds.

Requested Action:

Council passage of ORDER #74-16/17.



Interim City Manager



POLICE DEPARTMENT

EDWARD J. GOOGINS
CHIEF OF POLICE

AMY J. BERRY
DEPUTY CHIEF

To: Don Gerrish, Interim City Manager
From: Edward J. Googins, Police Chief
Date: October 12, 2016
Ref: 2017 Evidence Based Impaired Driving High Visibility Enforcement Grant

The Maine Bureau of Highway Safety has requested applications for sub-grant funding from full-time law enforcement departments to participate in the 2017 Evidence Based Impaired Driving High Visibility Enforcement Program. Applications were due October 11, 2016. We have participated in programs such as this for many years. This grant program is designed to decrease alcohol impaired driving fatalities by 5.9% from the 2014 baseline year average of 40 to 37 by December 31, 2017. To help meet this goal, the grant allows the flexibility to schedule overtime details during periods when OUI is determined to be a problem in our jurisdiction.

The 2017 Evidence Based Impaired Driving High Visibility Enforcement Grant begins on October 1, 2016 and ends on September 15, 2017.

We have submitted a request for \$10,000 which will fund approximately 222 hours of detail coverage including benefits. There is an in-kind match requirement for this grant which will be covered by the project director's time to manage the grant and provide documentation to the Bureau of Highway Safety as well as a value for enforcement actions taken during the details.

Please schedule this item for Council action.



CITY OF SOUTH PORTLAND

THOMAS E. BLAKE
Mayor

DON H. GERRISH
Interim City Manager

EMILY F. SCULLY
City Clerk

SALLY J. DAGGETT
Jensen Baird Gardner & Henry

IN CITY COUNCIL

ORDER #74-16/17

District One
CLAUDE V. Z. MORGAN

District Two
PATRICIA A. SMITH

District Three
EBEN C. ROSE

District Four
LINDA C. COHEN

District Five
BRAD FOX

At Large
MAXINE R. BEECHER

At Large
THOMAS E. BLAKE

ORDERED, that the City Manager be and hereby is authorized to submit an application to the Maine Bureau of Highway Safety for a 2017 Evidenced Based Impaired Driving Grant; and

BE IT FURTHER ORDERED, that the City Council hereby accepts a 2017 Evidenced Based Impaired Driving Grant from the Maine Bureau of Highway Safety in the amount of ten thousand dollars (\$10,000) to be used by the Police Department for OUI enforcement details.

Said amount shall be credited to the FY17 Evidenced Based Impaired Driving Grant Account # 202341-441001-17639.

Fiscal Note: \$10,000 - Revenue

November 7, 2016



**SUBGRANT APPLICATION
FOR
HIGHWAY SAFETY
FEDERAL NHTSA FUNDS**

Lauren V. Stewart, Director
Maine Bureau of Highway Safety
45 Commerce Drive, Suite 1
164 State House Station
Augusta, ME 04333
Phone: 207-626-3840
Fax: 207-287-3042
www.maine.gov/dps/bhs

1. Grant Title	2017 Evidence Based Impaired Driving High Visibility Enforcement
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2. Applicant Information	Applicant Agency	Address To Mail Checks
Name	South Portland Police Department	South Portland Police Department
Address Line 1	30 Anthoine Street	30 Anthoine Street
Address Line 2		
City and Zip Code	South Portland, Maine, 04106	South Portland, Maine 04106
Federal Employer Number	01-6000036	
DUNS Number	037710373	
State of ME Vendor Code		

3. Contact Information	Individual Who Has Legal Authority to Sign this Sub-Grant Application
Name	Edward Googins
Title	Chief
Address Line 1	South Portland Police Department
Address Line 2	30 Anthoine Street
City and Zip Code	South Portland, Maine 04106
Direct Telephone Number	207-799-5511
Fax Number	207-799-9728
E-Mail Address	egoogins@southportland.org

4. Contact Information	Project Director	Financial Officer
Name	Thomas Simonds	Greg L'Heureux
Title	Lieutenant	Finance Director
Address Line 1	South Portland Police Department	South Portland City Hall
Address Line 2	30 Anthoine Street	25 Cottage Road
City and Zip Code	South Portland, Maine 04106	South Portland, Maine 04106
Direct Telephone Number	207-799-5511 x77431	207-767-7613
Fax Number	207-799-4810	207-767-7620
E-Mail Address	thomsi@southportland.org	glheureux@southportland.org
Other Contacts Involved:		

5. Project Period	October 1st, 2016 – September 15th, 2017
6. Population of "Project Area"	
7. Congressional District Served	<input type="checkbox"/> 1 st <input type="checkbox"/> 2 nd <input type="checkbox"/> Both

8. Project Description Summary: The 2017 Impaired Driving High Visibility Enforcement project is designed to decrease alcohol impaired driving fatalities by 5.9% from the 2014 baseline year average of 40 to 37 by December 31, 2017.

9. Budget Summary (Use Totals from Budget Worksheet, p. 23)

	Federal	Match	Total
Personal Services		Match provided by MeBHS	

10. Any agency (i.e. police department, school, hospital, county) receiving a grant must have a written seat belt policy.

Does your agency have a seat belt use policy? Yes No

11. Any agency (i.e. police department, school, hospital, county) receiving a grant must meet the requirements of the Department of Public Safety’s civil rights discrimination policies; see Page 5 of application for policy requirements.

Does your agency meet the Dept. of Public Safety civil rights discrimination policies’ requirements?
 Yes No

12. I, the undersigned, for and on behalf of the named applicant agency, do herewith apply for this sub-grant and agree to all conditions, terms and certifications and certify our compliance with requirements outlined elsewhere in this application. This must be the person listed in Section 3 on Page 1.



Legal Authority Signature:

Date:

DO NOT WRITE BELOW THIS LINE – FOR OFFICE USE ONLY

STD. AREA:	PSP #: 2017-17AL	TASK:
SUB-GRANT #:	COORDINATOR:	BHS TYPE: Highway Safety

IS THIS A <input type="checkbox"/> NEW <input type="checkbox"/> REVISED <input type="checkbox"/> CONTINUATION		PRIOR SUB-GRANT #:	
UNIT OF GOVERNMENT:		SUB-GRANT TYPE:	
IF UNIT OF GOVERNMENT, WHAT DEPT?			
FUND s.	FY 201 = \$	P/T % =	PROGRAM =
FUND s.	FY 201 = \$	P/T % =	PROGRAM =
TOTAL FEDERAL AWARD = \$			
FAIN :		CFDA : 20.6	NHTSA
FAIN :		CFDA : 20.6	NHTSA
FEDERAL AWARD DATE :			

NOTICE OF AWARD: The above sub-grant was approved by the Bureau of Highway Safety on:

Signed: _____
 Lauren V. Stewart, Director

NOTICE OF DENIAL: The above sub-grant was denied by the Bureau of Highway Safety on:

Signed: _____
 Lauren V. Stewart, Director

CONDITIONS/COMMENTS: NON R&D GRANT; OTHER TERMS AND CONDITIONS APPLY.

CONTRACT TERMS AND CONDITIONS

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

1. Property and Equipment

- a) **Maintenance and Inventory:** The Agency shall maintain and inventory all property and equipment purchased under this contract and makes that inventory available for periodic inspection by the Bureau.
- b) **Utilization:** The property and equipment purchased under this contract must be utilized by the Agency for the sole purpose of furthering the traffic safety efforts of the Agency for the entire useful life of the property or equipment.
- c) **Non-expendable Property:** Non-expendable property is defined as property or equipment having a value of \$5,000 or more with a life expectancy of more than one year. Non-expendable property purchased under this contract cannot be sold, traded, or disposed of in any manner without the expressed written permission of the Bureau. Equipment with a value greater than \$4,999.00 cannot be purchased without special permission in writing from the Bureau.

2. Public Information Campaigns, Promotional Materials, Reports: All public information media, promotional campaigns, public information and educational materials, reports, papers, publications, or other items developed using grant funds must be reviewed and approved by the Bureau ***BEFORE*** final production and release. This includes: brochures, posters, pamphlets, or other media messages. If items are not pre-approved, the Bureau may not reimburse those costs.

All promotional items and educational materials produced or purchased using funds from this contract must also be preapproved by the Bureau in the original grant application. Any such items approved must contain this statement: "Funded by a grant from the Maine Bureau of Highway Safety".

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

3. Reimbursement

- a) **General:** Payments, based upon actual allowable costs, may be made upon receipt of an itemized cash request form from the Agency. The itemized cash request shall be supported by documentation of costs as prescribed by the Bureau. **Each cash request form shall be submitted to the Bureau no later than fifteen (15) days after the end of each month or quarter of the approved grant period and shall represent costs incurred ONLY in that month or quarter period.**
- b) **Approval:** The Bureau shall approve the itemized cash request prior to payment.
- c) **Back to Back Details: (FOR LAW ENFORCEMENT)** The Bureau will ***NOT*** reimburse an officer conducting back to back details unless separated by at least a ***two*** hour break period.
- d) **Unapproved Costs:** **Any rejected or unaccepted costs shall be borne by the Agency.** The Agency agrees that in the event the Bureau determines that, due to Federal or State regulations, grant funds must be refunded, the Agency will reimburse the Bureau a sum of money equal to the amount of Federal and State participation in the rejected costs. Vehicle use and gas are not expenses to be added into the flat rate of an officer.
- e) **Final Reimbursement Claims:** **Final reimbursement claims must be received by the Bureau of Highway Safety within 15 days following the close of the approved grant period unless otherwise stated or approved in the grant application. Project costs not claimed by this date are subject to reimbursement denial.**

- f) **Expending Funds Under This Grant:** Under no circumstances will reimbursement be made for costs incurred prior to the contract effective date or after the contract end date.

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

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

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

7. Quarterly Reports Are Required: (See calendar for due dates, if applicable)

- a) **Cash Request:** Only complete “Personal Services” with the total request for reimbursement. The Bureau must receive with an original signature from the “Legal Authority” Personnel noted on the application.
- b) **Financial Report:** Complete and provide the Bureau with an original signature from the “Finance Director” noted on the grant. (Does not need to be the agencies financial director.)
- c) **OUI Law Enforcement Detail Sheets:** These sheets are to be signed by the project director and reflect the Financial Report. Copies of all Summonses need to be attached to detail sheets.
- d) **Progress Reports:** Unless otherwise directed, the Agency must submit a Progress Report to the Bureau, on forms provided by the Bureau, which reflect the status of project implementation and attainment of stated goals with EACH Cash Request.
- e) **Final Progress Report:** **A Final Progress Report must be submitted to the Bureau within fifteen (15) days of completion of the project unless otherwise noted**, on forms provided by the Bureau, unless otherwise directed. **If the Agency fails to submit a Final Progress Report or submits an incomplete Final Progress Report, the Agency will be subject to having cost reimbursement requests withheld.** Once a Final Progress Report that substantiates adequate progress is received, cost reimbursement requests may be processed.

8. Travel: The Bureau will follow the guidelines for in and out of state travel as put forth in the State Administrative and Accounting Manual for approving travel for individuals in an Agency as part of an approved subgrant award. The State travel policy can be found within www.maine.gov.

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

FOR LAW ENFORCEMENT GRANTS, please note: The Bureau will not reimburse an agency for any traffic details with zero contacts and when an officer is pulled from a detail to conduct complaints unrelated to the grant.

10. Records Access and Retention: The Agency shall provide all information and reports required by the regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Bureau, the State, or NHTSA, as appropriate, to be pertinent to ascertain compliance with such regulations, orders and instructions. Furthermore, the Agency shall maintain such materials during the contract period, and for three (3) years from the date of final payment from the Bureau, for such inspection and audit. Where any information required of the Agency is in the exclusive possession of another who fails or refuses to furnish this information, The Agency shall so certify to the Bureau, State, or NHTSA, as appropriate, and shall set forth what efforts it has made to obtain the information.

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

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

12. Cancellation, Termination, or Suspension of Contract

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

13. Completion Date: Unless otherwise authorized in writing by the Bureau, the Agency shall commence, carry on, and complete the project as described in the approved Highway Safety Grant Award or Contract by September 30th of the Federal fiscal year for which it was approved. **The Agency cannot incur costs after September 30th of the Federal fiscal year for which the project was approved. By federal statute, the Bureau cannot and will not reimburse the Agency for costs incurred on or after October 1, of the following Federal fiscal year.**

14. Single Audit: All non-Federal entities that expend \$750,000.00 or more of federal awards during the non-federal entity's fiscal year are required to obtain an annual single audit in accordance with 2 CFR Part 200.514 Scope of Audit except when it elects to have a program specific audit conducted in accordance with 200.507. Entities expending less than \$750,000 in a year are exempt from Federal audit requirements except as noted in 200.503, but must make records available for review or audit by Federal agencies or pass-through

entities (non-Federal entities from whom they receive Federal funds), if requested. Grantees are required to **notify the Bureau** when an audit occurs and results in a finding of Federal funds awarded by the Bureau.

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

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

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

GOALS & OBJECTIVE

Primary Goal: To reduce impaired driving related fatalities by 5.9% from the 2013 baseline year average of 40 to 37 by December 31, 2017.

Agency Goal: Reduce the frequency of impaired driving related motor vehicle crashes, injuries, and fatalities through the development of a comprehensive program of aggressive, consistent traffic enforcement and public educational outreach.



****Taking into consideration the amount of funds your department is requesting and the number of details planned, how many OUI summons do you think these details should produce? 16**

Activities (Objectives): There are various means of achieving the stated high visibility impaired driving enforcement goal, which may include a combination of the following:

- Review of historical crash data (i.e., Maine Department of Transportation (MDOT), or Maine Crash Reporting System (MCRS)) for incident and frequency; selecting and targeting high crash/volume areas
- Assigning high visibility overtime detail patrols for the sole purpose of OUI enforcement
- Setting parameters for consistency in issuance of warnings or citations (i.e., consideration of school zones, construction zones, residential areas, and highway corridors).
- Requiring documentation of all stops and actions (i.e., verbal and/or written warnings, and citations) taken during funded detail
- Promoting public awareness (i.e., handouts, newspaper announcements, and varied social media outlets).
- Law enforcement agency collaboration with district attorney’s office to promote consistent prosecution of disputed impaired driving cases.



Your Agency Goal: To maintain a high visibility enforcement pattern in areas of higher risk impairment, during times of higher risk, in order to provide consistent enforcement, achieve voluntary compliance and maintain our level of OUI fatalities at zero. We hope to show a continuing decrease in OUI offenses and alcohol-related crashes.	
	Target Date
Activities to Achieve Objective	Responsible Person/Group
	J F M A M J J A S O N D
Review of historical crash data (i.e., Maine Department of Transportation (MDOT), or Maine Crash Reporting System (MCRS)) for incident and frequency; selecting	OUI Grant Coordinator
	X X X X X X X X X

and targeting high incidence areas													
Activities to Achieve Objective													
Setting parameters for consistency in issuance of warnings or citations (i.e., consideration of school zones, construction zones, residential areas, and highway corridors).	OUI Grant Coordinator/Supervisors				X	X	X	X	X	X			
Requiring documentation of all stops and actions (i.e., warnings, citations, and arrests) taken during funded detail	OUI Grant Coordinator/Supervisors				X	X	X	X	X	X			
Assigning high visibility overtime detail patrols for the sole purpose of impaired driving enforcement	OUI Grant Coordinator			X	X	X	X	X	X	X			
Promoting public awareness (i.e., handouts, newspaper announcements, and varied social media outlets).	OUI Grant Coordinator – Community Response unit			X	X	X	X	X	X	X			
Law enforcement agency collaboration with district attorney’s office to promote consistent prosecution of disputed impaired driving cases.	OUI Grant Coordinator – Court Officer	X	X	X	X	X	X	X	X	X	X	X	X
Attend the 2016 Impaired Driving Summit. (Not mandatory and will NOT be an allowable overtime reimbursement).					X								
ADDITIONAL AGENCY OBJECTIVES:													

- d) **Other.** How will the match be provided?
- i. **Cash or in-kind**
 - ii. **Project Director's Time**
 - iii. **OUI Summonses**
 - iv. **Gas Mileage for the vehicles**

See Attachment 1

PROBLEM IDENTIFICATION AND ENFORCEMENT PLAN

1. Explain the impaired driving problem in your jurisdiction. Be specific and include data to support the stated impaired driving problem (crash reports, injury reports, fatality information). Include the total OUI citations your department issued in 2014 and 2015.

See Attachment 2

2. How many alcohol crashes occurred in your jurisdiction that your department handled in 2014 and 2015?

Data provided at the last MEBHS meeting shows 37 impaired driving crashes.

3. Explain your department's past performance in a Bureau of Highway Safety impaired driving enforcement program (if applicable), including number of vehicle stops and summonses written.

See Attachment 3

4. How many of your officers have completed the OUI/SFST/DRE course?

We currently have seven officers who have completed the DRE course. We have 40 officers that have completed at least the basic OUI/SFST course.

5. How many officers will be assigned per cruiser for OUI patrols if you receive a sub-grant from the Bureau of Highway Safety? If the agency plans to have other officers from other area departments assist when needed please include.

We will use a one officer per cruiser patrol and enforcement format

6. Please explain the earned media sources you plan to use to highlight your enforcement efforts. Samples of earned media sources include, but are not limited to: local TV stations, press releases to TV and newspapers, website postings, and NHTSA campaign planner resources.
See Attachment 4

<p align="center">OUI ENFORCEMENT CALENDAR Details must be targeted at specific locations and time periods. DETAILS CANNOT BE LONGER THAN 6 HOURS</p>						
<p align="center">October 2016</p>						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

30	31					
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November 2016

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			



**** National "Drive Sober or Get Pulled Over" Campaign
Schedule as many details/checkpoints as the team can between
December 15, 2016 to December 31, 2016**

Please indicate in the calendar what type of enforcement the department chooses.

December 2016						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15 Driver Sober Enforcement Starts	16 2100-0300	17 2100-0300
18	19	20	21 2100-0300	22 2100-0300	23 2100-0300	24

25	26	27 2100-0300	28 2100-0300	29 2100-0300	30 2100-0300	31 Drive Sober Enforcement Ends

OUI ENFORCEMENT CALENDAR
Details must be targeted at specific locations and time periods.
DETAILS CANNOT BE LONGER THAN 6 HOURS

January 2017

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28

29	30	31
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February						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25

26	27	28				
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March						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17 2100-0300	18 2100-0300
19	20	21	22	23	24	25

26	27	28	29	30	31	
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April						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22

23	24	25	26	27	28	29
30						

May						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26 2100-0300	27 2100-0300

28	29	30	31			
2100-0300						

June						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
					2300-0300	2300-0300
4	5	6	7	8	9	10
					2300-0300	2300-0300
11	12	13	14	15	16	17

18	19	20	21	22	23	24
25	26	27	28	29	30	

July						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1 2300-0300
2 2300-0300	3 2300-0300	4	5	6	7 2300-0300	8 2300-0300
9	10	11	12	13	14 2300-0300	15 2300-0300

16	17	18	19	20	21 2300-0300	22 2300-0300
23	24	25	26	27	28 2300-0300	29 2300-0300
30	31					



**** National "Drive Sober or Get Pulled Over" Campaign
Schedule as many details/checkpoints as the team can between
August 18, 2017 to September 3rd, 2017**

Please indicate in the calendar what type of enforcement the department chooses.

August

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3	4	5
6	7	8	9	10	11 2100-0300	12 2100-0300

13	14	15	16	17	18 Drive Sober Enforcement Campaign Starts 2100-0300	19 2100-0300
20	21	22	23	24	25 2100-0300	26 2100-0300
27	28	29	30 2100-0300	31 2100-0300		

September						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1 2100-0300	2 2100-0300
3 DS Campaign Ends	4	5	6	7	8 2100-0300	9 2100-0300

10	11	12	13	14	15 Grant Ends Last Cash Request Due No Later Than SEPT 15, 2017	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30 Last Cash Request Due No Later Than SEPT 30, 2017

***Any activities completed after September 15th, 2017 at 2359 will not be reimbursed.**

*** Final cash requests that are received after September 30th, 2017 may not be eligible for any reimbursement.**

 **Budget Worksheet**

MeBHS will provide the match, which will be calculated at a later date.

Personnel Services			
Item	Federal Funds	Match Funds	Total Budget
<p>We will conduct <u>222</u> hours of dedicated impaired driving enforcement during the days, times and locations detailed in our Plan.</p> <p>Requesting \$10,000 based upon 45.05/hour average OT+Benefit rate</p> <p>Match will be provided by MEBHS</p>	<p>10000</p>	<p>PROVIDE COPIES OF ALL OUI SUMMONSES WHEN SUBMITTING YOUR CASH REQUEST.</p> <p>THE SUMMONSES MAY BE USED TO DETERMINE REQUIRED MATCH AMOUNT.</p>	
Totals:	10000		

MATCH SOURCES

Complete the following sections detailing how your department will meet the match source requirements.

MATCH SOURCE ONE: Project Director Grant Management

“Project Director Grant Management” includes time spent preparing grant application, scheduling grant details, preparing grant paperwork, meeting with Bureau staff during monitoring visits, and any other time needed to oversee this grant.

Project Director:	Thomas Simonds
Project Director Title:	Lieutenant
Project Director’s Straight Pay Rate:	\$35.47
Anticipated Hours Needed to Manage Grant:	8hrs per month 12 months=96 hours

MATCH SOURCE TWO: OUI Summons

Departments are required to submit copies of OUI summons made during the enforcement details with cash reimbursement requests. The value of those OUI summons will be used toward the total match requirement.

POSSIBLE MATCH SOURCE THREE: Gas Mileage, Maintenances of Vehicles, etc. (Decided by each department).

Departments can provide match for gas mileage, maintenance, etc., for the use of the vehicles to complete details/checkpoints; provided those expenditures can be documented as true and accurate by supporting documents.

We will track mileage for each conducted detail.

APPLICATION CHECKLIST FOR IMPAIRED DRIVING
ENFORCEMENT GRANT

TO BE SUBMITTED WITH SUBGRANT APPLICATION PACKET

- All pages of Sub-grant Application –
Page 2 & 38 must be signed by the Agency’s CEO

- Enforcement Strategies- Narrative

- Enforcement Calendar- Completed

- Budget Worksheet- Completed

- Page 2 AND Page 38 “Compliance with ADA of 1990” Form
– signed by the Agency’s CEO

- Will your Project Director need training on what to complete and how to complete
documents for a reimbursement? no



Prepared by: Lt. Thomas Simonds _____
(Please Print Name)

Date: _____October 6, 2016_____

**APPENDIX A TO PART 1300 –
CERTIFICATIONS AND ASSURANCES
FOR HIGHWAY SAFETY GRANTS
(23 U.S.C. CHAPTER 4; SEC. 1906, PUB. L. 109-59,
AS AMENDED BY SEC. 4011, PUB. L. 114-94)**

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

GENERAL REQUIREMENTS

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

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

INTERGOVERNMENTAL REVIEW OF FEDERAL PROGRAMS

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

FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT (FFATA)

The State will comply with FFATA guidance, OMB Guidance on FFATA Subward 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;
- A unique identifier (DUNS);
- The names and total compensation of the five most highly compensated officers of the entity if:
 - (i) the entity in the preceding fiscal year received—
 - (I) 80 percent or more of its annual gross revenues in Federal awards;
 - (II) \$25,000,000 or more in annual gross revenues from Federal awards; and
 - (ii) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986;
- Other relevant information specified by OMB guidance.

NONDISCRIMINATION

(applies to subrecipients as well as States)

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

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

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

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

The State highway safety agency—

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

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

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

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

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

The State will provide a drug-free workplace by:

- a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- b. Establishing a drug-free awareness program to inform employees about:
 - o The dangers of drug abuse in the workplace.
 - o The grantee's policy of maintaining a drug-free workplace.
 - o Any available drug counseling, rehabilitation, and employee assistance programs.
 - o The penalties that may be imposed upon employees for drug violations occurring in the workplace.
 - o 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 –
 - o Abide by the terms of the statement.
 - o 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 –

- Taking appropriate personnel action against such an employee, up to and including termination.
 - Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.
- f. Making a good faith effort to continue to maintain a drug-free workplace through implementation of all of the paragraphs above.

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

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

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

Certification for Contracts, Grants, Loans, and Cooperative Agreements

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

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

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who

fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

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

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

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

Instructions for Primary Certification (States)

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR Parts 180 and 1300.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary 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 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 participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms *covered transaction*, *debarment*, *suspension*, *ineligible*, *lower tier*, *participant*, *person*, *primary tier*, *principal*, and *voluntarily excluded*, as used in this clause, have the

meaning set out in the Definitions and coverage sections of 2 CFR Part 180. 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 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 NHTSA.

7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier 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 1300.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the list of Parties Excluded from Federal Procurement and Non-procurement Programs.

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

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, the department or agency may disallow costs, annul or terminate the transaction, issue a stop work order, debar or suspend you, or take other remedies as appropriate.

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

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

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;

- (b) Have not within a three-year period preceding this 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 record, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
- (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

(2) Where the prospective primary 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 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 1300.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this 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, debarment, suspension, ineligible, lower tier, participant, person, primary tier, principal, and voluntarily excluded*, as used in this clause, have the meanings set out in the Definition and Coverage sections of 2 CFR Part 180. 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 NHTSA.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier 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 1300.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs.

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

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, the department or agency with which this transaction originated may disallow costs, annul or terminate the transaction, issue a stop work order, debar or suspend you, or take other remedies as appropriate.

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 participation in this transaction by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

BUY AMERICA ACT

(applies to subrecipients as well as States)

The State and each subrecipient will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase only steel, iron and manufactured products produced in the United States with Federal funds, 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 to and approved by the Secretary of Transportation.

PROHIBITION ON USING GRANT FUNDS TO CHECK FOR HELMET USAGE
(applies to subrecipients as well as States)

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

POLICY ON SEAT BELT USE

In accordance with Executive Order 13043, Increasing Seat Belt Use in the United States, dated April 16, 1997, the Grantee is encouraged to adopt and enforce on-the-job seat belt use policies and programs for its employees when operating company-owned, rented, or personally-owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this Presidential initiative. For information on how to implement such a program, or statistics on the potential benefits and cost-savings to your company or organization, please visit the Buckle Up America section on NHTSA's website at www.nhtsa.dot.gov. Additional resources are available from the Network of Employers for Traffic Safety (NETS), a public-private partnership headquartered in the Washington, D.C. metropolitan area, and dedicated to improving the traffic safety practices of employers and employees. NETS is prepared to provide technical assistance, a simple, user-friendly program kit, and an award for achieving the President's goal of 90 percent seat belt use. NETS can be contacted at 1 (888) 221-0045 or visit its website at www.trafficsafety.org.

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 when on official Government business or when performing any work on or behalf of the Government. States are also encouraged to conduct workplace safety initiatives in a manner commensurate with the size of the business, such as establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving, and education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

SECTION 402 REQUIREMENTS

1. To the best of my personal knowledge, the information submitted in the Highway Safety Plan in support of the State's application for a grant under 23 U.S.C. 402 is accurate and complete.
2. The Governor is the responsible official for the administration of the State highway safety program, by appointing a Governor's Representative for Highway Safety who shall be responsible for a State highway safety agency that has adequate powers and is suitably

- equipped and organized (as evidenced by appropriate oversight procedures governing such areas as procurement, financial administration, and the use, management, and disposition of equipment) to carry out the program. (23 U.S.C. 402(b)(1)(A))
3. The political subdivisions of this State are authorized, as part of the State highway safety program, to carry out within their jurisdictions local highway safety programs which have been approved by the Governor and are in accordance with the uniform guidelines promulgated by the Secretary of Transportation. (23 U.S.C. 402(b)(1)(B))
 4. At least 40 percent of all Federal funds apportioned to this State under 23 U.S.C. 402 for this fiscal year will be expended by or for the benefit of political subdivisions of the State in carrying out local highway safety programs (23 U.S.C. 402(b)(1)(C)) or 95 percent by and for the benefit of Indian tribes (23 U.S.C. 402(h)(2)), unless this requirement is waived in writing. (This provision is not applicable to the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.)
 5. The State's highway safety program provides adequate and reasonable access for the safe and convenient movement of physically handicapped persons, including those in wheelchairs, across curbs constructed or replaced on or after July 1, 1976, at all pedestrian crosswalks. (23 U.S.C. 402(b)(1)(D))
 6. The State will provide for an evidenced-based traffic safety enforcement program to prevent traffic violations, crashes, and crash fatalities and injuries in areas most at risk for such incidents. (23 U.S.C. 402(b)(1)(E))
 7. The State will implement activities in support of national highway safety goals to reduce motor vehicle related fatalities that also reflect the primary data-related crash factors within the State, as identified by the State highway safety planning process, including:
 - Participation in the National high-visibility law enforcement mobilizations as identified annually in the NHTSA Communications Calendar, including not less than 3 mobilization campaigns in each fiscal year to –
 - Reduce alcohol-impaired or drug-impaired operation of motor vehicles; and
 - Increase use of seatbelts by occupants of motor vehicles;
 - Submission of information regarding mobilization participation into the HVE Database;
 - Sustained enforcement of statutes addressing impaired driving, occupant protection, and driving in excess of posted speed limits;
 - An annual Statewide seat belt use survey in accordance with 23 CFR part 1340 for the measurement of State seat belt use rates, except for the Secretary of Interior on behalf of Indian tribes;
 - Development of Statewide data systems to provide timely and effective data analysis to support allocation of highway safety resources;
 - Coordination of Highway Safety Plan, data collection, and information systems with the State strategic highway safety plan, as defined in 23 U.S.C. 148(a). (23 U.S.C. 402(b)(1)(F))

8. The State will actively encourage all relevant law enforcement agencies in the State to follow the guidelines established for vehicular pursuits issued by the International Association of Chiefs of Police that are currently in effect. (23 U.S.C. 402(j))
9. The State will not expend Section 402 funds to carry out a program to purchase, operate, or maintain an automated traffic enforcement system. (23 U.S.C. 402(c)(4))

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

September 2016 Fast Act

State of Maine Service Providers
Compliance with Americans with Disabilities Act of 1990

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

Yes No

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

Yes No

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

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

Yes No

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



Signature of Agency/Organization Director or Business Owner

Date

Name and Address of Agency/Organization/Business:

Telephone/TDD Numbers:

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

Please return this completed form with your Application for Highway Safety Funds.

Appendix N
ADA Highlights – Title II
State and Local Government Services

I. Who is covered by Title II of the ADA

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

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

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

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

II. Overview of Requirements

- State and local governments –

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

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

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

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

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

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

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

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

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

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

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

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

III. “Qualified Individuals with Disabilities”

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

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

Has a record of such an impairment, or

Is regarded as having such an impairment.

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

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

The “essential eligibility requirements” will depend on the type of service or activity involved.

For some activities, such as where the public entity provides information to anyone who requests it, the “essential eligibility requirements” would be minimal.

IV. Program Access

- State and local governments –

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

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

Can provide the services, programs, and activities offered in the facility to individuals with disabilities through alternative methods, if physical barriers are not removed, such as –

Relocating a service to an accessible facility, e.g., moving a public information office from the third floor to the first floor of a building.

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

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

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

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

V. Integrated Programs

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

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

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

VI. Communications

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

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

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

VII. New Construction and Alterations

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

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

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

VIII. Enforcement

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

The regulation designates eight Federal agencies to handle complaints filed under title II.

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

IX. Complaints

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

Coordination and Review Section
Civil Rights Division
U.S. Department of Justice
P.O. Box 66118
Washington, DC 20035-6118

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

X. Designated Agencies

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

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

XI. Technical Assistance

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

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

Fact sheets and pamphlets in accessible formats,

Speakers for workshops, seminars, classes, and conferences,

An ADA telephone information line, and

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

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

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

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

For additional information, contact:

Office on the Americans with Disabilities Act
Civil Rights Division
U.S. Department of Justice
P.O. Box 66118
Washington, DC 20035-6118
(202) 514-0301 (voice)
(202) 514-0383 (TDD)
(202) 514-6193 (Electronic Bulletin Board).

This document may be made available in alternate formats.

Policy Guidance Concerning Recipients' Responsibilities to 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.