

INDIAN HIGHWAY SAFETY PROGRAM

**FY 2010
PROPOSAL GUIDE**

BUREAU OF INDIAN AFFAIRS

Last Updated: March 2009

INDIAN HIGHWAY SAFETY PROGRAM

PROPOSAL GUIDE PACKET

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January 2009

Dear Tribal Leader:

The Highway Safety Act of 1966, U.S.C. Title 23, Section 402, provides U.S. Department of Transportation funding to assist Indian tribes in financing highway traffic safety projects. These projects are designed to reduce the high number of traffic crashes and their resulting fatalities, injuries and property damage within Indian communities.

Please also note the following:

1. Deadline Date of May 1, 2009. We will not accept proposals that are received after this date. Applications should be submitted directly to this office at the address noted on this letterhead. **Late delivery of mail due to any circumstances will not affect this policy.**
2. Please provide name and telephone number of the person knowledgeable of the proposal being submitted and who will be able to respond to any questions we may have on the proposal during rating/ranking process.
3. A Tribal Resolution must accompany your proposal.
4. A copy of your Tribal Indirect Cost Rate must accompany your proposal

A complete Proposal Guide is provided to assist you in the preparation of your Tribe's application; please review carefully. The Indian Highway Safety Program staff is available for any assistance you may require.

Sincerely,

Paul J. Holley
Program Administrator

PURPOSE

This packet has been prepared by the Indian Highway Safety office to provide guidance in conforming to the fiscal and technical requirements of the National Highway Traffic Safety Administration (NHTSA) and the Bureau of Indian Affairs Indian Highway Safety Program (IHSP).

All federally recognized tribal governments are encouraged to take an active part in the Indian Highway Safety Program by applying for a grant that meets the requirements as specified in this packet. Please contact the following staff whenever information or assistance is needed. The Indian Highway Safety Office is open Monday – Friday, 7:00am to 4:30p.m. M.S.T.

Paul J. Holley, Administrator, Indian Highway Safety Program

Patricia Abeyta, Program Coordinator, Indian Highway Safety Program

Telephone:

(505) 563-5371

Fax: (505) 563-5375

Mailing Address:

DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
Indian Highway Safety Program
1011 Indian School Road, NW – Suite 331
Albuquerque, NM 87104

Location:

BUREAU OF INDIAN AFFAIRS
Indian Highway Safety Program
1011 Indian School Road, NW – Suite 331
Albuquerque, NM 87104

AUTHORITY

National Highway Safety Act, Chapter 4, Title 23 U.S.C.

The National Highway Safety Act resulted from national concern about the high number of traffic crashes which results in injuries and fatalities. The Act and subsequent amendments make it clear that cooperative efforts at all levels of government are believed to be vital in reducing fatalities and injuries on highways.

Section 402(a) of the Act requires, as a condition to a state securing benefits available under the Act, that each state develop a comprehensive highway safety program structured in accordance with uniform traffic safety standards promulgated by the U.S. Department of Transportation Secretary.

Projects under the National Highway Safety Act are funded through grants from NHTSA. Federal funds are authorized under the Act to assist state and political subdivisions in conducting highway safety programs approved by the respective governor and the U.S. Secretary of Transportation.

For purposes of the Highway Safety Act, Section 402 Program, Indian Country is collectively referred to as "Indian State", and the Secretary of the Interior as "Governor" of the Indian State. Therefore, the BIA Indian Highway Safety Program office is the "Governor's Office of Highway Safety".

GUIDELINES

Federal funds allocated to finance tribal highway safety projects are intended to **supplement** and not to substitute for ongoing state or local program expenditures. The program should be designed to help eliminate a deficiency in an applicant tribe's program or to expand an existing program.

Highway Safety Act funds **cannot** be used for the construction, design, or maintenance of highways or for highway construction research projects. Funds may be used for Program Implementation. Program implementation can mean putting new programs into use and the training required for their use.

Program grants are funded in the form of reimbursements. Reimbursements are made by the National Highway Traffic Safety Administration (NHTSA) for the written claim submitted to the BIA IHSP by the Tribe **each month.**

Listed below are guidelines to help determine what is allowable under federal 402 funding. These funding criteria supplement the provisions of 2 CFR 225, 49 CFR Part 18, OMB Circular A-133 and the Highway Safety Grant Funding Policy for NHTSA/FHWA Field Administered Grants.

I. General Requirements

With the enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), the BIA Indian Highway Safety Program, is required, in order to receive funds for the Indian Highway Safety Program, to certify, on behalf of the Tribes, that the program will meet certain conditions and comply with all applicable rules and regulations for administering a highway safety program. In addition to program oversight and technical assistance, the BIA must certify that it will implement the following activities in support of national highway safety goals:

- a. Participate in the national law enforcement mobilizations
- b. Encourage sustained enforcement of impaired driving, occupant protection and speeding
- c. Conduct an annual safety belt survey in accordance with criteria established by the Secretary to measure safety belt usage rates.
- d. Develop data systems to provide timely and effective data analysis to support allocation of highway traffic safety resources

In order to comply with the provisions of SAFETEA-LU and the State Certifications and Assurances, the BIA Indian Highway Safety Program will allocate funds on behalf of the Tribes to implement the provisions listed above. Copies of the State Certifications and

Assurances are available upon request or at http://www.nhtsa.dot.gov/nhtsa/whatsup/tea21/GrantMan/HTML/StateCertifications_8-05.html

All tribes participating in federal grant processes must comply with the Single Audit Act of 1984, Public Law 98-502. The Indian Highway Safety Program will review a copy of the independent audit for any findings related to the highway safety program funds.

The Buy American Act applies to the 402 programs when total costs of hardware or materials in a single project agreement exceed \$500.00 in federal funds. Equipment purchases of \$5,000.00 or more require prior approval from the BIA Highway Safety Office and NHTSA.

All tribes requesting 402 funds must provide in each proposal measurable goals and objectives; i.e., to raise seat belt use rates by a certain percentage, to increase child safety seat use rates, decrease alcohol related traffic crashes by increased enforcement and increased arrests, etc. Tribes must have a baseline number to show that efforts toward the goals and objectives are being accomplished and to what extent.

Tribes are required to report and voucher each month of the program year. Vouchers will not be processed without a written narrative report of activities.

II. NHTSA Priority Program Areas

Pursuant to the NHTSA guidelines and local priorities, programs designed to address problems in any of the following highway safety program areas are eligible for NHTSA federal funding: The **priority areas** are as follows:

- A. Impaired Driving
- B. Occupant Protection (seat belt and child safety seat educational and enforcement)
- C. Traffic Records (automated data collection)

Included are other fundable program areas:

- A. Police Traffic Services
- B. Emergency Medical Services
- C. Safe Communities

III. Limitations, Allowable and Unallowable Costs

- A. **Facilities**
 - 1. Cost of land is not allowable.

2. Cost of construction or reconstruction of driving ranges, towers and skid pads are not allowable.
3. Costs are not allowable for construction, rehabilitation, remodeling, or for office furnishing and fixtures for tribal, local, BIA and/or private buildings or structures.
4. Costs for guard rails, sign supports and utility poles and unallowable.
5. Costs for highway construction, maintenance, or design are unallowable.

B. Equipment Purchases not allowed by either NHTSA and/or the BIA IHSP

1. Equipment/Facilities
 - a) Police officer equipment - uniforms, weapons, handguns, shotguns, mace, batons, riot helmets, bulletproof vests and ammunition **are not allowable**.
 - b) Fixed and portable scales - including costs associated with transportation and use of portable scales.
 - c) Costs for commercial lease or purchase of motorcycles are not allowable.
 - f) Costs for speed measuring devices – except for enforcement purposes and related project evaluation are not allowable i.e. speed trailers.

C. Equipment

All equipment must be necessary to the project being proposed.

1. Costs for purchases of major equipment having a cost of \$5,000.00 or more are only allowable through **prior approval of the NHTSA Region VI Administrator**. All equipment purchases must be completed by March 31 of the project year. Requests for equipment purchases made after the close of the second quarter shall be rejected. Equipment purchased with a cost exceeding \$5,000.00, using grant funds shall be maintained in a tribal inventory and an annual report of the use of the equipment shall be submitted to the Indian Highway Safety Program for a period of three years.
2. Where multi-purpose equipment is to be purchased, costs must be proportioned, based on utilization for highway safety purposes. This is in

accordance with 49 CFR Part 18.32 subsection C.1.

D. Allowable equipment purchases

1. Equipment

- a) Costs of breath testing devices are allowable, providing the device appears on the NHTSA Conforming Products List (CPL) for this type of equipment.
- b) Police traffic radar - cost is allowable subject to the following:
 - 1) Devices must appear on the NHTSA Conforming Products List (CPL) when published in the Federal Register.
 - 2) Operators must be trained using the NHTSA radar operators training program or an approved equivalent.
 - 3) The police agency must implement a comprehensive radar operator and equipment certification program with periodic recertification once every one to three years.
- c) Costs for child restraint devices are allowable if they are in compliance with NHTSA performance standards.
- d) In car video equipment

E. Travel

Except as separately approved by NHTSA, cost for international travel is not allowable.

F. Training

- 1) The cost of training is allowable using a curriculum developed or endorsed by DOT/NHTSA or the equivalent thereof. This **does not** include Basic Police Academy Training.
- 2) Costs **are not** allowable to pay for the employee's salary while pursuing training, or to pay the salary of the employee's replacement, except where the employee's salary is supported with 402 funds under an approved project.

G. Public Communications

Costs to purchase program-advertising space are allowable but must be approved in advance. A plan for the purchase must be included that details the costs, dates, audience, ratings, etc. More guidance and information can be obtained from the BIA Indian Highway Safety Program. The BIA IHSP and NHTSA must review scripts and television materials. The BIA IHSP shall review and approve printed material, brochures and bumper stickers before funds are obligated. .

H. Sub-contractors

The BIA Indian Highway Safety Program, prior to execution, must review all contracts between a grantee and sub-contractor.

PROJECT PROPOSAL PROCESS

I. Proposal Submission Requirements

Agencies desiring funding assistance for a highway safety project must submit a proposal to the Indian Highway Safety Program Office. Project proposals may be submitted at any time. However, to be considered for funding in the next federal fiscal year beginning October 1, 2009, proposals must be submitted no later than May 1, 2009.

The proposal package shall include:

- A. Complete detailed itemized budget.
- B. A summary of citations and crash data in the jurisdiction for the previous three years in order to justify the project being proposed.
- C. A Tribal Resolution authorizing entry into an agreement with the Indian Highway Safety Program.
- D. Each proposal must contain measurable goals, i.e.: an increase in seatbelt use rates, a decrease in alcohol related crashes, increased arrest index, etc.
- E. A copy of the Tribe's Indirect Costs Rate

II. Proposal Review

The Indian Highway Safety Program and a selection committee will review all proposals meeting the requirements of the Act. It will be determined if the data covering the three preceding years indicate a significant problem; if the proposed countermeasures address the problem; will it be able to fund the program as federal assistance declines; **and, how does the Tribe intend to continue the program following termination of federal funding support?**

III. Proposal Disposition

An applicant whose project is selected for funding will be notified in writing. Applicants submitting proposals that do not meet requirements will be notified.

PROPOSAL PACKAGE CONTENT

I. PROJECT PROPOSAL OUTLINE

Background:

- A. General Characteristics – Brief description of the Tribal reservation including information on population, area, population pattern, topography and climate.
- B. Streets and Highways - A description and listing of all roadway mileage within the Tribe's jurisdiction, (if applicable to the project for which funds are being sought).
- C. Current level of traffic enforcement which should include total number of police officers, how much time is spent working traffic, etc.

Problem Identification:

The problem identification section of the proposal should lay out the traffic safety problem of the Tribe. This section should include data to support the problem. At a minimum this section should include crash data and should be able to answer the following questions:

- 1. What the problem is
- 2. Who it affects (young people, men more than women, older people, etc)
- 3. Where the problem is (rural areas vs. urban areas)
- 4. When the problem is its worse (days, nights, weekends, etc)
- 5. How it affects the Tribe (financially – IHS costs, mortality rates, etc)
- 6. Why the problem is happening (too many bars, lack of court support, etc)

The problem identification section should clearly identify the problem or deficiency that the proposed project is intended to correct.

TOTAL POSSIBLE POINTS FOR PROBLEM IDENTIFICATION: 40

Attempts to Solve the Problem/Countermeasures:

This section should describe past efforts your Tribe has used to try to resolve the problem, if any, and include reasons why the efforts have been unsuccessful. It should also provide information on how the project you propose will address the problem identified. Your proposal should, in this section include the overall project goal, performance measures and strategies that will be used to accomplish the performance measures.

EXAMPLE:

The goal of the XXX Tribe is to significantly reduce or eliminate the number of injuries and fatalities attributed to impaired driving on the XXX reservation.

In order to accomplish this goal we proposed the following performance measures:

Increase the number of dui arrest from the (year) number of XXX to XXX by the end of FY10.

Decrease the number of fatalities on the XXX reservation attributed to DUI from the (year) number of XXX to XXX by the end of FY10.

It is the intent of the XXX Tribe to use the following strategies to meet the performance measures and accomplish our overall goal:

1. Saturation patrols during high crash periods and in high crash locations
2. Check points during known period of increased drinking and driving
3. Provide educational presentations to high school age children

Your performance measures should be aggressive but attainable, realistic, time framed, and measurable. They must contain a base line number from which to measure progress. Since BIA IHSP projects are funded year to year, your time to complete the project should be October 1 – September 30.

TOTAL POSSIBLE POINTS FOR COUNTERMEASURES: 30

Evaluation

The proposal should provide a description of how progress will be evaluated. At the minimum, you must detail the data that you will provide for evaluation purposes. This section should also be able to answer the following questions:

1. How will you know if you have achieved your performance measures
2. What information will you collect to show that you achieved your performance measures
3. What information is needed in order to gauge success of this project?

TOTAL POSSIBLE POINTS FOR EVALUATION: 20

4.

Budget:

Estimate total cost for project completion in detail including salary, etc. A complete **detailed budget, broken down by cost categories, must** accompany the proposal. (i.e., Salaries, Fringe, Indirect Costs, Travel, Training, etc.)

II. TRAFFIC DATA SUMMARY

The BIA IHSP is a data driven/performance based program and as such, data is a critical part of the proposal. In the problem identification section, data must be provided in order to justify the project.

The following are examples of the type of data needed for different projects:

Impaired Driving Enforcement Projects

Crash data (broken down by alcohol involved vs. non alcohol involved, average BAC)

DUI citation information (number of DUI arrests made in the base line year)

More than one year can be used to show a trend

Conviction data (based on number of DUI arrests made)

Police Traffic Safety Projects

Number of traffic citations issued in the base line year and then a breakdown by citation types (speed, safety belts, alcohol, etc)

Crash data (breakdown by causes – speed, alcohol, reckless etc)

Traffic Records

Number of crashes (in the most recent year)

Average backlog time for entering crashes into a system

Type of system currently used

Number of citations (in the most recent year)

Occupant Protection

Date of last survey (child passenger safety or seat belts)

Rate based on last survey

Number of crashes where seat belts were/were not used)

Number of crashes involving children that were properly restrained/those not restrained

FUNDING CRITERIA

1. Salary. Full-time salary for enforcement officer(s); overtime salary for regular officers working traffic on weekends and after regular shifts. The rate of pay must be based on locality pay for equivalent positions.
2. Training. Traffic safety (CPS technician, OPUE, TOPS, DWI enforcement (SFST) for police officers; training for court personnel in adjudicating DWI cases (judges, prosecutors). See Condition B.
3. Equipment. Alcohol breath testers, radars, in car video cameras (portable included). See Condition A.
4. Vehicle Expenses. Rental/lease costs through GSA are allowable. Vehicle emergency equipment such as overhead lights, sirens, and communication, is not allowable. This must be an in-kind contribution by the Tribe or funded agency.
5. Equipment. Child safety seats, freight and storage costs.
6. Promotional Material. Film rental, pamphlets, posters, duplicating cost, postage and telephone expenses. Prior approval of purchases must be obtained.
7. Limited Indirect Cost is Allowable. **20% Maximum.**

CONDITIONS:

- A. Equipment purchased with 402 grants must be on NHTSA's most recent Conforming Products List.
- B. Training and curriculum must have NHTSA endorsement or equivalent thereof.
- C. Equipment cost of \$5,000. 00 or more require prior approval.

TRAFFIC RECORDS:

The approval of a record(s) project is subject to the following:

- A. The Tribe must submit all traffic crash reports/data to the BIA Indian Highway Safety Program.
- B. The Tribal/State crash report form must be compatible with BIA Indian Highway Safety Program records-keeping system.
- C. Computerized crash reports received from the Tribe must be maintained and available for crash-study purposes.

