

INDIAN HIGHWAY SAFETY PROGRAM

**FY 2009
PROPOSAL GUIDE**

BUREAU OF INDIAN AFFAIRS

INDIAN HIGHWAY SAFETY PROGRAM

PROPOSAL GUIDE PACKET

TABLE OF CONTENTS

PURPOSE	4
AUTHORITY	5
PROJECT PROPOSAL PROCESS	11
PROPOSAL PACKAGE CONTENT	12
FUNDING CRITERIA	13

January 2008

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, 2008. 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. Drug-Free Certification must accompany your proposal.
4. Tribal Resolution 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).

The procedures outlined in this guide are based on the requirements of the Highway Safety Act of 1966 (United States Code, Title 23, Section 402) and subsequent amendments and administrative orders issued by NHTSA.

All tribal governments are encouraged to take an active part in the Indian Highway Safety Program. 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 high traffic crashes 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 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 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 for the written claim made by the applicant **each month.**

Listed below are guidelines to help determine what is allowable under federal 402 funding. These funding criteria supplement the provisions of OMB Circular A-133 and A-102.

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
- (2) 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 in (7) 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

Those tribes whose law enforcement is under the jurisdiction of Public Law 280 & BIA operated programs **are not** eligible for funding assistance for police officer salaries and equipment.

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.

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
- C. Traffic Records

Included are other fundable program areas:

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

III. Limitations and Conditions

- 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.

B. Equipment

1. Costs for purchases of major equipment and replacement 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 shall be completed by the end of the second quarter 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 major multi-purpose equipment is to be purchased, costs must be factored, based on utilization for highway safety purposes. This is in accordance with 49 CFR Part 18.32 subsection C.1.

C. Equipment Purchases not allowed

1. Equipment/Facilities
 - a) Police officer equipment - uniforms, weapons, handguns, shotguns, mace, batons, riot helmets, bulletproof vests and ammunition **are not allowable**.
 - b) Portable scales - including costs associated with transportation and use of portable scales.
 - c) Costs for large computer systems are not allowable. (ADP, Main Frame, LAN)
 - d) Costs for commercial lease or purchase of motorcycles are not allowable.

- e) Costs of safety belts and air bags/automatic restraints are not allowable.
- f) Costs for speed measuring devices – except for enforcement purposes and related project evaluation are not allowable i.e. speed trailers.

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.

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. Purchase of television and radio time only. The Governor's Office of Highway Safety and NHTSA must review scripts and television materials, printed material, brochures and bumper stickers before funds are obligated. A statement of restrictions will be provided by NHTSA.

H. Sub-contractors

The Governor's Office of the 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, proposals must be submitted no later than May 1.

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 (See Traffic Data Summary).
- C. Drug Certification Form.
- D. A Tribal Resolution authorizing entry into an agreement with the Indian Highway Safety Program.
- E. Each proposal must contain measurable goals, ie: a significant increase in seatbelt use rates, a decrease in alcohol related crashes, increased arrest index, etc.

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 - Description of the Tribal reservation including, but not limited to, 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).

Problem:

Identify the problem or deficiency that the proposed project is intended to correct.

Attempt to Solve Problem:

Describe past efforts to resolve the problem, if any, and include reasons why the efforts have been unsuccessful.

Project Objectives:

State the objectives of the project in terms of the goals to be reached in expanding or modifying present activities or creating new programs to reduce traffic crashes. Objectives should be:

- A. Stated in **measurable terms** directly related to the identified problem. A description of how baseline statistics were compiled to establish the measurable goals. Seat belt surveys and when done, traffic crash statistics and arrest index.
- B. Concise and deal with a specific item. Show percentage of increase or decrease expected from the project. (A **decrease** in arrests **is not** a good measurable goal)
- C. Realistic with a reasonable probability of achievement.
- D. Related to a specific time frame within the federal fiscal year.

Method of Procedure:

Explain how you propose to solve the problem and meet objectives. Provide a description of the work to be done in the project and the method of doing the work. Include time frame and benchmarks and how project will track **measurable goals and time lines**.

The description should be detailed for proper evaluation. If you do not know how you would solve the problem, say so. It may be possible to provide funds to develop a work plan designed to solve your problem.

Time Required:

Estimate the total time required to complete the project within the grant year including any time required for start-up, bench marks and time lines.

Cost Estimate:

Estimate total cost for project completion in detail including salary, etc. A complete **detailed budget must** accompany the proposal.

II. TRAFFIC DATA SUMMARY

This form provides a statistical database to evaluate the need and potential effectiveness of the proposed project. Instructions for the preparation of the form are below.

- A. All traffic violations issued by law enforcement agencies within the boundaries of the reservation.
- D. A conviction rate of the previous federal fiscal year(s).
- E. Motor vehicle crashes and the number resulting in injury or fatality.

FUNDING CRITERIA

IMPAIRED DRIVING:

1. Salary. Full-time salary for DWI enforcement officer(s); overtime salary for regular officers working DWI traffic on weekends and after regular shifts. The rate of pay must be based on locality pay for equivalent positions.
2. Training. DWI enforcement (SFST) for police officers; training for court personnel in adjudicating DWI cases (judges, prosecutors). See Condition B.
3. Equipment. Alcohol breath testers (portable included). See Condition A.
4. Education. Alcohol (traffic safety) education in local community and schools. Education film rental, pamphlets, posters and other educational material. Part-time salary may be available as well as consultant fees.

5. 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.

6. Limited Indirect Cost is Allowable. **15% Maximum**.

- CONDITION:**
- 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.

OCCUPANT PROTECTION:

- 1. Equipment. Child safety seats, freight and storage costs.
- 2. Promotional Material. Film rental, pamphlets, posters, duplicating cost, postage and telephone expenses. Prior approval of purchases must be obtained.
- 3. Salary. Salary is not allowable for a car seat loaner program. However, part-time salary is allowable for a community-wide safety belt emphasis program.

- CONDITION:**
- A. Training (OPUE) must be NHTSA approved or equivalent.

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.