

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

Study Session Worksheet

Presentation Date: 9/17/2013 **Approx Start Time:** 10:30 **Approx Length:** 30 Minutes

Presentation Title: Safe Communities 2013-14 Grant Application

Department: Department of Transportation and Development

Presenters: Joseph Marek

Other Invitees: Patty McMillan, Mike Bezner

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

Approval for DTD to apply for Safe Communities funding from the Oregon Department of Transportation – Transportation Safety Division (ODOT-TSD).

EXECUTIVE SUMMARY:

The Clackamas County Safe Communities program has been active since its formation in October of 2005. Grant funds from ODOT-TSD have supported the program each year of operation. This year, \$68,000 of grant funds are available to carry out the Safe Communities mission of reducing fatal and injury crashes in Clackamas County as well as the mission of the adopted Transportation Safety Action Plan which identifies a goal of "a 50 percent reduction in fatal and serious injury crashes by 2022." All work utilizes a 5E approach (Education, Enforcement, Engineering, Emergency Medical Services and Evaluation). Grant funds are available October 1, 2013 through September 30, 2014. The Safe Communities Grant helps with programs related to safety and is part of the broader program which utilizes funds from Justice Court and a small amount of Road Fund for traffic safety related efforts.

FINANCIAL IMPLICATIONS (current year and ongoing):

The proposed \$68,000 grant has a 25% match (\$17,000) which is met with staff and volunteer time. Receipt of the grant would not create any additional staff or program costs. If the grant were not received, there would be less work and effort put towards the safety goals.

LEGAL/POLICY REQUIREMENTS:

The grant adheres to Agreements and Assurances stipulating the conditions under which the funds will be utilized (attached).

PUBLIC/GOVERNMENTAL PARTICIPATION:

This program enjoys a high degree of governmental and public participation including Commissioner Bernard as a member of the Safe Communities Advisory Board and volunteers who contribute their time at activities such as Safety Street year after year. The coalition helping with the Safe Communities Program is large and includes many public and private entities including the CCSO, Risk Management, the Office of Children and Families, Clackamas County Public Health, Lake Oswego PD, CCFD#1, Milwaukie PD, Oregon City School District, North Clackamas School District, Oregon Trail School District, Oregon Impact, OHSU and AMR.

OPTIONS:

1. Approve DTD staff to apply for grant funds in the amount of \$68,000.
2. Do not pursue grant funding.

RECOMMENDATION:

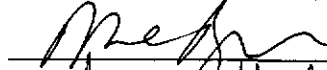
Staff recommends Board approval for DTD to apply for the 2013-14 ODOT-TSD – Safe Communities grant in the amount of \$68,000.

ATTACHMENTS:

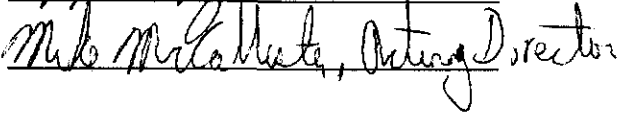
Safe Communities 2013-14 Grant Application
Assurances and Agreement Form

SUBMITTED BY:

Division Director/Head Approval



Department Director/Head Approval



County Administrator Approval

For information on this issue or copies of attachments,
please contact Patty McMillan @ 503-742-4661



OREGON DEPARTMENT OF TRANSPORTATION
Transportation Safety Division

GRANT PROJECT APPLICATION

Project No: SA-14-25-08

Project Name: CLACKAMAS COUNTY SAFE COMMUNITY

Answer each question in the boxes provided. Answer each question completely and according to the instructions in *Italics*. All fields are required.

I. Project Description

As a result of the strong support from ODOT-TSD, the Clackamas Safe Communities Program (CSCP) has continued to incrementally grow since its formation in 2005. Rooted in a 5E approach to safety including Education, Emergency Medical Services, Enforcement, Engineering and Evaluation, the mission to reduce injuries and fatalities in Clackamas County has continued. Oversight of the CSCP continues to be the Safe Communities Advisory Board with quarterly meetings and monthly meetings of the Safe Communities Working Group to focus on implementation level work. Adoption of the County's first Transportation Safety Action Plan (TSAP) in November of 2012 has added new and more urgent focus to the CSCP goal of "reducing injuries and fatalities in Clackamas County." The goal of the TSAP is for "a 50 percent reduction in fatal and serious injury crashes in the next ten years," putting achievement of the goal in 2022.

An important program shift occurring during this grant cycle is the new growing partnership with Clackamas County Public Health. As the CSCP has expanded, we have seen increasing synergies and interest from Public Health related to safety. Inclusion of the health component is *very important, especially as we consider TSAP implementation and the recognition that the driver is the sole cause factor in 57 percent of vehicle crashes and a factor in 93 percent of all vehicle crashes.* As we partner with Public Health, we also can help with multiple health issues including those related to transportation and even those not related, such as falls, which have surpassed transportation as the number one cause of unintentional injuries, primarily of very young and older persons.

Another new component with Public Health is the creation of a Safety Culture, first internal to the County and then external. The foundational elements are being put in place as part of the grant for this year. The Safety Culture campaign, "Drive to Zero," is being developed, refined

and outreached as part of the grant proposal. A key focus will be the top three crash cause factors identified in our TSAP: aggressive driving, young drivers, and roadway departure (lane departure) crashes. Outreach will be developed and tested internally at the County and refined and presented to the public later in the grant year. In addition, a Safety Culture Workgroup will be formed as part of a Leadership Academy for outstanding County employees which will conclude in early November.

Data driven actions are an important component of our program and our efforts towards broad safety data integration will continue. The merging and query capabilities of multiple safety data sets, including crash data and 9-1-1 data, will expand to add other data sets covering multiple years and modules. In addition, further crash statistical analyses will be completed, as will the foundational work for integration of the Highway Safety Manual into both our roadway safety work and development review.

Some of the most crucial work performed through the grant is the education and outreach component. Personal relationships and interactions with persons of all ages are extremely important. Hands-on programs such as "Posters and Coasters" at Rex Putnam High School, in partnership with the Clackamas County Office of Children and Families, integrate the newer concepts of Positive Community Norming, a program mandated by the Oregon Health Authority as part of its Drug and Alcohol Prevention Program. As a result of legislative action (HB2264), new opportunities to improve Driver Education (DE) will occur, offering reduced fees for low income students beginning in 2014. Our young driver education programs will also focus on distracted driving in support of SB9, which addresses increased fines for texting while driving. This is an important safety area, especially since we know that 10 percent of fatalities of drivers 25 years of age and younger are attributed to distracted driving per NHTSA data.

Outreach via safety events such as the Clackamas County Fair and other community based events will continue, as will the utilization of volunteers to help with these events throughout the County. Through the support of ODOT and our partners, the CSCP continues to be a vibrant and dynamic program. The continued support will help us continue to grow and build a culture of safety and a resulting decrease in the number of fatal and serious injury crashes in Clackamas County.

II. Problem Statement

- A. Describe the problem(s) this project will try to impact:
(Describe the problem(s) you intend to impact with this grant.)

During this grant cycle, the problems which will be addressed include integration of data from different sources, diverse safety message education and exposure through enhancement of relationships, alcohol use through traffic enforcement, and the development of a safety culture through enhanced partnerships with Clackamas County Public Health.

Given the diversity of terrain and the mix of urban and rural areas within the large 1,879 square mile County, data analysis and data diversity are very important to help us better understand the nature of crashes and what countermeasures will benefit the most. In addition, there are many data sets that offer information beyond the crash cause and help identify societal norms and those cultures and behaviors which lead to risk taking and crashes. Exploring crash factors beyond the roadway may give us additional insight to improve safety throughout our community. Building on data sets that we are familiar with, we can broaden our analyses to include the human behavior cause factor. Not forgetting the importance of engineering, a goal for this year involves beginning to incorporate more elements of the Highway Safety Manual into our data analysis for our roadways and examining how safety can be better incorporated into the development review process.

Recognizing that the driver is a factor in such a high percentage of crashes is steering us to develop a safety culture within the County, both as part of the government structure and for our citizens. Partnership with Public Health will be enhanced as part of this year's proposed grant as we develop our Safety Culture campaign, "Drive to Zero." Drive to Zero will serve as our call to action and we hope for a vigorous outreach once we have vetted it with County employees using the philosophy that our own house should be in order before we take this to the public.

Related to relationships, education continues to serve as a foundational element of the CSCP through outreach to schools, summer programs, local colleges, and at risk populations. These efforts not only give us the opportunity to educate our young citizens, but these relationships help us better understand the challenges facing different segments of our community, so we can shape our program to better address their needs.

In a balanced approach to reductions in fatal and injury crashes, enforcement continues to serve an important role both a prevention

standpoint in terms of citations and also as an educational mechanism. The CCSO, OLCC and local police agencies are good partners for various projects. In particular for this grant, OLCC enforcement is proposed to address underage alcohol sales and some CCSO overtime enforcement is proposed.

The goals for the 2013-14 grant are ambitious but we believe that they are achievable and are very important to pursue as we strive to implement our TSAP.

- B. Provide summary data about the problem(s):
(Give summary data regarding the problem as it exists in your jurisdiction.)

From 2008-11, Clackamas County saw a reduction in speed related fatalities of 6.3%, while Multnomah and Washington counties saw dramatically greater reductions of 35% and 58% respectively.

Clackamas saw a reduction of fatal crashes from 2008-10 (30, 29 and 21 respectively). In 2011, fatal crashes surged to 32 with 12 of those alcohol related.

From 2008-11, Clackamas had the greatest increase in Region 1 in bicyclist and pedestrian fatalities at 52% (Mult Co. 9% reduction, Wash. Co. 0% change).

As mentioned, the top three crash factors in the county are: aggressive driving, young driver and roadway departure crashes. For the time period 2005-09, aggressive driving was attributed to 44% of fatal and incapacitating (F/I) crashes, youth drivers were involved in 62% of F/I crashes and roadway departure were 47% of F/I crashes (as more than one factor can be attributed to a crash the total exceeds 100%)

- C. List current activities and associated agencies already involved in solving the problem(s):
(Include all related activities and agencies involved. If you have a current project, list the objectives of that project and progress in achieving them.)

This list includes current efforts and efforts completed in recent years. Current efforts/plans are listed first:

Transportation Safety Action Plan Implementation/Outreach (CSCP/CCTSC/CCDTD)
Safety Street (CSCP/Lake Oswego Parks & Rec/Hoodland Fire, Estacada Fire, CCFD#1, City of Damascus and Milwaukie – First Friday Community Event)
Enhanced Enforcement Patrols (CCSO/Oregon Impact, County Prevention Coalition, OLCC, Lake Oswego Police Department)
Providing safety education at area Safety Fairs (CCTSC/CSCP)
Web Service/You Tube/Facebook outreach (CSCP/CCSO/CCDTD)
Data Gathering and Integration (CSCP/CCSO/CCOM/AMR/GIS)
Providing public service announcements for safety related matters such as School zones/work zones/speed/distracted (CSCP/CCTSC/CCSO/Univision)
Traffic Calming-moveable radar signs-yard signs (CCDTD, CSCP)
Town Hall Meetings for Reducing Youth Drug/Alcohol Usage (County Prevention Coalition/CSCP/Vibrant Futures Prevention Coalition)
School Education Programs (CSCP, Think First, County Prevention Coalition/Oregon Impact/Vibrant Futures/Molalla – Oregon City – Rex Putman High Schools)
Driver Education Presentations (CSCP/Driver Education Program/LaSalle High School)
Media Tile Messaging Program (CCSO/CSCP)
Vehicle Wrap Program (LINCC, CSCP, DTD, County Admin/Dog Services/Transportation Reaching People)
Child safety seat checks (Clackamas Healthy Start/ACTS Oregon/Safe Kids)
Helmet Fitting/Education (OHSU Think First/CCSO)
DUII simulations/15-Minute Program (Prevention Coalitions /AMR/Oregon Impact/School Admin)
Constructing traffic safety projects (CCDTD)
Traffic/Pedestrian/Helmet use enforcement (CCSO/Wilsonville PD)
Traffic Law Education (CSCP/CCFD#1/CCTSC/CCSO)
Internal Safety Culture Workgroup (CSCP/Leadership Academy staff/CCDTD)
Drive to Zero – Safe Driving Campaign (CSCP/CCSO/Prevention Coalitions)

CSCP=Clackamas Safe Communities Program
CCTSC=Clackamas County Traffic Safety Commission
CCDTD=Clackamas County Dept. of Transportation & Development
CCSO=Clackamas County Sheriff's Office
CCFD#1=Clackamas County Fire District #1
AMR=American Medical Response

III. Objectives

(Describe quantifiable products or outcomes that address those problems identified in Section II that should result from the proposed activities. Normally at least three very specific objectives should be given and each should include beginning and ending date.

The following are examples:

"To increase safety belt usage in (funded jurisdiction) from 85% to 90% by September 30, 2004, with the use rate determined by conducting observed use surveys."

"To reduce nighttime fatal and injury crashes occurring in (funded jurisdiction) by 20% from 60, the average for the 1998-2001 period, to 48 during the 12-month period starting October 1, 2003, and ending September 30, 2004."

"To provide intensive probation supervision to a minimum of 30 additional persons convicted of DUII in (funded jurisdiction) by making at least three face-to-face contacts with each person weekly from October 1, 2003, through September 30, 2004."

"To complete an evaluation by July 1, 2004, to determine if using photo radar will lead to a significant reduction in fatal and injury traffic crashes in that location."

| | Start Date | End Date | Objective |
|----|-------------------|-----------------|---|
| 1. | 10/1/2013 | 9/30/2014 | Work on and outreach of the TSAP with public and private stakeholders. |
| 2. | 10/1/2013 | 9/30/2014 | Continue educational activities including in-school, driver education and safety fairs. Outreach driver education opportunities. Work with students on projects such as Posters and Coasters. Manage Safety Street at the County fair. Bring Safety Street to local safety fairs, community events and camps. |
| 3. | 10/1/2013 | 9/30/2014 | Work with OLCC, the Prevention Coalition and law enforcement on enhanced patrol including alcohol compliance details and other enforcement partnerships. |
| 4. | 10/1/2013 | 9/30/2014 | Explore opportunities for broad safety messaging including, but not limited to: vehicle wraps, PSAs and message boards. Work on messaging to diverse populations within the county. |
| 5. | 10/1/2013 | 9/30/2014 | Refine the data tool for ease of navigation and additional dataset integration as possible. Collect 2012 crash data for trending and analysis. Work on crash data projects using the HSM. |

| | | | |
|-----|-----------|-----------|--|
| 6. | 10/1/2013 | 9/30/2014 | Continue work to establish a "Safety Culture" work group in the county and outreach the "Drive to Zero" program to internal staff establishing an internal safety culture for Clackamas County employees. |
| 7. | 10/1/2013 | 9/30/2014 | Based upon opportunities, partnerships and funding, staff will select from the TSAP action items from the Engineering category for implementation. Examine ways to integrate the When possible, integration the HSM into road evaluations and development review. |
| 8. | 10/1/2013 | 9/30/2014 | Assist ODOT with creation of a "how to" guide for other agencies to create a plan as needed. |
| 9. | 10/1/2013 | 9/30/2014 | Build stronger working relationships with public health organizations on a county and state-wide level. As possible, team with the Oregon Health Authority on prevention programs such as the "mORe" program using new concepts such as Positive Community Norming (PCN). Link transportation and other critical health issues to public health. |
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IV. Proposed Activities

A. Major Activities

(List major activities to be carried out to achieve objectives stated in Section III above. List the start and end date for each activity, and include in your description what will be done, who will do it, and who will be affected.)

| | Start Date | End Date | Activity |
|----|------------|-----------|--|
| 1. | 10/1/2013 | 9/30/2014 | The TSAP received a NACO award in June 2013 which enhanced its outreach. Staff will work to leverage this momentum within the industry and at the local level with continued outreach. |

| | | | |
|----|-----------|-----------|---|
| 2. | 10/1/2013 | 9/30/2014 | Provide education at local high schools including the Poster and Coaster project asking students to create safe driving messages, slogans or videos. Oregon City High School has already scheduled classes and Rex Putnam High School is scheduled to repeat the pilot Posters and Coasters started in spring 2013. Lake Oswego PD has expressed an interest in Posters and Coasters at one of the high schools in their area and will work with school administration to support safe driving projects. Manager Safety Street at the county fair and outreach the driving course at local fairs, events and camps. |
| 3. | 10/1/2013 | 9/30/2014 | Coordinate and/or fund alcohol compliance details at the Clackamas County Sheriff's Office or city Police Departments. Lake Oswego Police Department has expressed an interest in the operations after working with Safe Communities on details for the first time in summer 2013. Lake Os. Staff is meeting with the new Chief of Oregon City PD in September to determine their interest in compliance operations or other safety details. Staff will communicate with law enforcement agencies about other methods of partnerships and enforcement activities. |
| 4. | 10/1/2013 | 9/30/2014 | Staff will work to outreach existing vehicle wraps, as well as, investigate opportunities for additional wraps. As messages from the Poster and Coaster project become available, staff will work to outreach these messages within the school and to the community at large, if feasible. Staff will continue to build relationships with media (i.e. Univision) and social agencies (i.e. Hispanic Interagency Network) representatives serving diverse populations to bring safety messages to those audiences. |

| | | | |
|----|-----------|-----------|--|
| 5. | 10/1/2013 | 9/30/2014 | Data tool refinement will address nomenclature and code issues related to the divergent datasets. This work should be complete by Jan 2014. Other work includes display and query issues for ease of navigation and should be complete by spring 2014. ODOT 2012 data may be integrated by summer 2014 dependent on GIS staff time and other display issues being resolved. Staff will seek consultant services for crash data analysis. We will examine how to integrate the HSM into roadway evaluations and development review. |
| 6. | 10/1/2013 | 9/30/2014 | Members of the leadership academy have been meeting regularly to create a safety culture workgroup. The workgroup should be established late 2013. Staff will coordinate with this new group to implement the Drive to Zero safe driving campaign for internal staff and create a safety culture within the county. Initial DTZ outreach will commence in spring 2014. This may include participation in the countywide health fair, emails and articles in employee newsletters/bulletins. |
| 7. | 10/1/2013 | 9/30/2014 | Staff will meet with Road Department and Maintenance Division managers to work on implementation of engineering line items from the TSAP utilizing the HSM whenever possible. Many of the countermeasures listed in the document are dependent on staff from these agencies. Initial planning meetings will take place in 1 st Q and it is expected that the majority of countermeasures will be planned for 3 rd Q as work related to rumble strips, buttons etc most often occurs during favorable weather conditions. |
| 8. | 10/1/2013 | 9/30/2014 | ODOT has expressed an interest in staff assisting in the creation of a "how to" guide for other state entities to create a TSAP within their jurisdiction and SC staff will assist in whatever manner possible. Staff will communicate with ODOT reps monthly to determine how to proceed with this process. |

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| 9. | 3/1/2014 | 9/30/2014 | Staff welcomed county public health manger, Paul Lewis, to the Advisory Board in spring 2013. He will begin to attend meetings and advise on coordination between crashes and other risk issues to public health. Staff may investigate adding a health representative to the Work Group. Staff will issue a proclamation linking crashes and public health to the Board in fall 2014. Staff will engage in OHA programs such as the "mORe" campaign using PCN whenever possible. |
|----|----------|-----------|---|

Plans for sharing the project activities with others:

| |
|---|
| <p>Project activities will be shared in the following manners:</p> <ul style="list-style-type: none"> • On the Safe Communities website. • In articles and press releases. • At events such as safety fair, town halls and community gatherings. • At County Commissioners study session and business meetings. • Staff will outreach program activities during meetings with partner agencies, coalitions and community partners. • At monthly TSC meetings. |
|---|

B. Coordination

(List the groups and agencies with which you will be cooperating to complete the activities of the project. Explain how you will be working together. In those projects not requiring the involvement of other agencies, a statement justifying the ability of the applicant to carry out the project independently should be included.)

Is coordination with outside agencies or groups required? If **yes**, check here: x

1) If you checked the box above, please fill in the following. Otherwise skip to item 2) below:

Name/role of groups and agencies involved:

| |
|--|
| See attached for name/role of agencies involved. |
|--|

2) Fill this if you did not check the box above:

Ability to complete the project independently:

C. Continuation

Plans to continue the project activities after funding ceases:

Funds from the Justice Court will be used to continue the project activities after funding ceases.

V. Evaluation Plan

A. Evaluation Questions

(You will be reporting on your objectives in your Project Evaluation. At a minimum each objective should be rephrased as an evaluation question. For example, what percentage of the public in (funded jurisdiction) wears a safety belt? What percentage increase is this? Add questions that demonstrate expected or potential impact of the project on the state or jurisdiction's traffic safety environment. Avoid yes/no evaluation questions.)

| Evaluation Question | |
|---------------------|--|
| 1. | Has the TSAP been outreached to private and public stakeholders? |
| 2. | Have educational presentations taken place at local high schools? Is the Posters and Coasters program underway at high schools? Have driver education presentations taken place? Has driver education opportunities taken place? Has staff supported safety fairs? Has Safety Street taken place at the county fair and outreached to local partners to use at fairs, camp and community events? |
| 3. | Have compliance details taken place? Has staff coordinated with law enforcement, the OLCC and Prevention Agencies on the details? Have compliance rates improved? Have other law enforcement partnerships been developed? Have other enforcement activities taken place? |
| 4. | Have the existing vehicle wraps been outreached to the public? Has a new wrap been researched? Have messages from the Posters and Coasters project been outreached? Has staff worked with representatives from public and private agencies focused on divergent populations to outreach messages to non-English speaking populations? |

| | |
|-----|--|
| 5. | Have datasets been reviewed to address coding and/or nomenclature issues? Have display and navigation issues been addressed? Has new data such as the ODOT 2012 data been integrated? Has the HSM been integrated when possible? Have consulting services been secured to collect, analyze and trend datasets? |
| 6. | Has a safety culture workgroup been created? Is the group meeting regularly? Has the Drive to Zero campaign been implemented? Has an internal safety culture been developed within the county? |
| 7. | Have meetings taken place with Road and/or Maintenance managers to discuss engineering countermeasures? Has a plan been developed to implement countermeasures such as rumble strips and buttons? Have engineering countermeasures been put in place using the HSM whenever possible? |
| 8. | Has work on a "How to" guide taken place? Has staff contacted ODOT reps on a monthly basis to communicate on this project? |
| 9. | Has a public health staff person joined the Work Group? Has a proclamation gone to the Board? Has staff engaged with county and state health programs such as the mORe campaign using PCN? |
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B. Data Requirements

1. Data to be collected: The Data Table presented as Exhibit A will be submitted with required quarterly reports.
2. Data System

Describe how the data will be collected, stored, and tabulated:

GIS staff is using ODOT and 9-1-1 data on development of the data integration tool. Staff collects monthly OLCC "point of last sale" data and has records tabulated for the last 5 years. These records are used by county prevention coalitions. Staff also receives results from the compliance operations from local law enforcement and/or OLCC staff. This data is also use by prevention coalitions to focus on areas of need. The state provides data via the Wellness Survey (in school survey) and through the Oregon Health Authority – Trauma Registry which is used to trend the rates of unintentional injury cause factors. Staff also receives AMR transport data which identifies arrival/departure and time to transport data.

C. Evaluation Design

Describe how the data will be analyzed:

The data will be analyzed using the data integration tool. This tool is still under refinement so other methods will also be used such as: internal staff and consultants.
The remaining data sources as listed above are used as needed to identify risk behaviors in schools (Wellness Survey), responder time on scene and associated costs (9-1-1 and AMR) and vendors complying to alcohol sales laws.

D. Project Evaluation Preparation

A Project Evaluation Report will be submitted to TSD following the requirements given in the Agreements and Assurances.

VI. Grant Project Budget Summary

A. List of major budget items:

Contract services for data collection/refinement and analysis.
(\$20,000)
Contract services for Drive to Zero and TSAP materials (\$10,000)
Data integration tool work by County GIS (\$5,000)

B. Budget Allotment

The agency named in this document hereby applies for \$68,000.00 in Transportation Safety funds to be matched with \$17,000 (25%) in funds from DTD to carry out a traffic safety project described in this document.

VII. Budget and Cost Sharing

(Complete Form 737-1003 Budget and Cost Sharing. You may attach one page to explain specific requests. If you are applying for a multiple-year grant, you must include a separate budget for each year for which you are requesting funding.)

VIII. Exhibits

- A. Exhibit A: Data Table
(To be developed at a later date.)
- B. Exhibit B: Job Descriptions
(Provide copy of job descriptions of all positions assigned to the project 500 hours or more paid with grant funds.)
- C. Exhibit C: Contracts or Service Agreements
(Provide signed copies of any contracts or other service agreements that are entered into by the grantee as part of this project. These shall be reviewed by TSD to determine whether the work to be accomplished is consistent with the objectives of the project. All contracts awarded by the grantee shall include the provision that any subcontracts include all provisions stated in the Agreements and Assurances.)

IX. Agreements and Assurances

(READ, sign and attach to the grant project application.)

X. Approval Signatures

I have read and understand the Agreements and Assurances stipulating the conditions under which the funds for which are being applied will be available and can be utilized.

The agency named in this document is prepared to become a recipient of the funds should the grant funds be awarded.

A. Agency Information

Agency Name*: Clackamas Co. Dept. of
Transportation Development
Street Address: 150 Beaver Creek Road
City: Oregon City
State: OR
Zip: 97045

B. Project Director

| | | | |
|-----------------|-----------------------------------|------------|-----------------------------|
| First Name: | Joseph | Last Name: | Marek |
| Title: | Traffic Engineering Supervisor | Email: | joem@co.clackamas. or.us |
| Phone: | (503) 742-4705 | Fax: | (503) 472-4659 |
| Street Address: | 150 Beaver Creek Road | | |
| City: | Oregon City | | |
| State: | OR | | |
| Zip: | 97045 | | |

Signature: _____ Date: _____

C. Authorizing Official of Agency Completing Application

| | | | |
|-----------------|------------------------------|------------|-----------------------------|
| First Name: | <u>Mike</u> | Last Name: | <u>Bezner</u> |
| Title: | <u>Manager of DTD</u> | Email: | <u>MikeBez@Clackamas.us</u> |
| Phone: | <u>(503) 742-4651</u> | Fax: | <u>(503) 742-4659</u> |
| Street Address: | <u>150 Beaver Creek Road</u> | | |
| City: | <u>Oregon City</u> | | |
| State: | <u>OR</u> | | |
| Zip: | <u>97045</u> | | |

Signature: _____ Date: _____

*Non-profit agencies must submit proof of exempt status under Code Sec. 501(c)(3)

Mail signed copies to: Oregon Dept. of Transportation
Transportation Safety Division, MS 3
4040 Fairview Industrial Drive SE
Salem, OR 97302-1142

Email completed electronic copy to your TSD Program Manager.

ODOT GRANT BUDGET AND COST SHARING

Project No.: SA-14-25-08
 Project Name: CLACKAMAS COUNTY SAFE COMMUNITY
 Agency: Clackamas Co. Dept. of Transportation Development

Project Period: 10/01/13 (From) 09/30/14 (To)

(Office Use Only)

Grant Adjustment #: 0
 Grant Adjust. Effective Date: _____
 Project Yr. (1-2-3, Ongoing): _____

This form should include all budget information. If additional information is required for clarity, please include on a separate page referencing appropriate budget item.

1. Personnel Costs*

| A. Staff assigned and estimated hours: | Hours | Rate | Total Cost |
|--|---------------|-----------------------|-------------------|
| Eng Match - McMillan | 2,000.00 @ \$ | 39.00 /hr = \$ | 78,000.00 |
| Eng Match - Marek | 250.00 @ \$ | 120.00 /hr = \$ | 30,000.00 |
| | 0.00 @ \$ | - /hr = \$ | - |
| | 0.00 @ \$ | - /hr = \$ | - |
| | 0.00 @ \$ | - /hr = \$ | - |
| | 0.00 @ \$ | - /hr = \$ | - |
| | 0.00 @ \$ | - /hr = \$ | - |
| | | Staff Subtotal | 108,000.00 |

| B. Overtime | Hours | Rate | Total Cost |
|-------------|------------|--------------------------|-----------------|
| | 50.00 @ \$ | 65.00 /hr = \$ | 3,250.00 |
| | 0.00 @ \$ | - /hr = \$ | - |
| | | Overtime Subtotal | 3,250.00 |

| C. Volunteer Time | Hours | Rate | Total Cost |
|-------------------|-------------|---------------------------|-----------------|
| Volunteer Time | 500.00 @ \$ | 18.00 /hr = \$ | 9,000.00 |
| | 0.00 @ \$ | - /hr = \$ | - |
| | | Volunteer Subtotal | 9,000.00 |

2. Personnel Benefits

| A. | Unit Cost | # of Units | Total Cost |
|----|-----------|--------------------------|------------|
| | \$ - @ | 0 = \$ | - |
| B. | \$ - @ | 0 = \$ | - |
| | | Benefits Subtotal | - |

3. Equipment

| A. | Unit Cost | # of Units | Total Cost |
|----|-----------|---------------------------|------------|
| | \$ - @ | 0 = \$ | - |
| B. | \$ - @ | 0 = \$ | - |
| C. | \$ - @ | 0 = \$ | - |
| D. | \$ - @ | 0 = \$ | - |
| | | Equipment Subtotal | - |

4. Materials/Printing

| A. Brochures/Signs/Posters | Unit Cost | # of Units | Total Cost |
|----------------------------|-----------|---------------------------|-----------------|
| | \$ - @ | 0 = \$ | 3,750.00 |
| B. | \$ - @ | 0 = \$ | - |
| C. | \$ - @ | 0 = \$ | - |
| | | Materials Subtotal | 3,750.00 |

5. Overhead/Indirect Costs

| A. | Unit Cost | # of Units | Total Cost |
|----|-----------|--------------------------|------------|
| | \$ - @ | 0 = \$ | - |
| B. | \$ - @ | 0 = \$ | - |
| | | Overhead Subtotal | - |

| TSD FUNDS | MATCH | TOTAL |
|------------|--------------|--------------|
| | | |
| \$0.00 | \$108,000.00 | \$108,000.00 |
| \$3,250.00 | \$0.00 | \$3,250.00 |
| \$0.00 | \$9,000.00 | \$9,000.00 |
| \$0.00 | \$0.00 | \$0.00 |
| \$0.00 | \$0.00 | \$0.00 |
| \$3,750.00 | \$0.00 | \$3,750.00 |
| \$0.00 | \$0.00 | \$0.00 |

Project Number: CLACKAMAS COUNTY SAFE

ODOT GRANT BUDGET AND COST SHARING

| 6. Other Project Costs | | | | |
|--|-----------|------------|------------|-----------|
| A. Travel In-State | Unit Cost | # of Units | Total Cost | |
| | \$ - @ | 0 = | \$ | 500.00 |
| B. Travel Out-of-State (specify)***: | | | | |
| | \$ - @ | 0 = | \$ | - |
| C. Office Expenses (supplies, photocopy, telephone, postage) | | | | |
| | \$ - @ | 0 = | \$ | - |
| D. Other Costs (specify): | | | | |
| 1.) Safety Street | \$ - @ | 0 = | \$ | 250.00 |
| 2.) Reflectors (or safety gear) for ed | \$ - @ | 0 = | \$ | 4,000.00 |
| 3.) Messaging Projects | \$ - @ | 0 = | \$ | 6,000.00 |
| 4.) | \$ - @ | 0 = | \$ | - |
| 5.) | \$ - @ | 0 = | \$ | - |
| Other Project Costs Subtotal | | | \$ | 10,250.00 |

| 7. Consultation/Contractual Services ** | | | | |
|---|-----------|------------|------------|-----------|
| A. Data Integration Project (GIS) | Unit Cost | # of Units | Total Cost | |
| | \$ - @ | 0 = | \$ | 5,000.00 |
| B. TSAP Outreach | | | | |
| | | | \$ | 10,000.00 |
| C. Crash Analysis/HSM Integration Project | | | | |
| | \$ - @ | 0 = | \$ | 25,000.00 |
| Consultation/Contractual Services Total | | | \$ | 40,000.00 |

| 8. Mini-Grants *** | | | TSD | Match | |
|-----------------------|----|----|-----|-------|---|
| A. | \$ | - | \$ | - | |
| B. | \$ | - | \$ | - | |
| C. | \$ | - | \$ | - | |
| D. | \$ | - | \$ | - | |
| E. | \$ | - | \$ | - | |
| F. | \$ | - | \$ | - | |
| G. | \$ | - | \$ | - | |
| H. | \$ | - | \$ | - | |
| Mini-Grants Subtotals | | \$ | - | \$ | - |

TOTAL

COST SHARING BREAKDOWN

| | | | |
|---------------------------|----|------------|------|
| 1. TSD Funds | \$ | 68,000.00 | 37% |
| 2. Match: State | \$ | 117,000.00 | 63% |
| 3. Match: Local | | | |
| 4. Match: Other (specify) | | | |
| a.) | | | |
| b.) | | | |
| c.) | | | |
| 5. TOTAL COSTS | \$ | 185,000.00 | 100% |

| TSD FUNDS | MATCH | TOTAL |
|-------------|--------------|--------------|
| \$500.00 | \$0.00 | \$500.00 |
| \$0.00 | \$0.00 | \$0.00 |
| \$0.00 | \$0.00 | \$0.00 |
| \$250.00 | | |
| \$4,000.00 | | |
| \$6,000.00 | | |
| \$10,250.00 | \$0.00 | \$10,250.00 |
| \$40,000.00 | \$0.00 | \$40,000.00 |
| \$0.00 | \$0.00 | \$0.00 |
| \$68,000.00 | \$117,000.00 | \$174,750.00 |

Budget Comments:

* Job descriptions for all positions assigned to grant for 500 hours or more must be included in Exhibit B.

** TSD approval required prior to expenditures.

FFY Agreements and Assurances

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

Each fiscal year the State will sign these Certifications and Assurances that the State complies with all applicable Federal statutes, regulations, and directives in effect with respect to the periods for which it receives grant funding. Applicable provisions include, but not limited to, the following:

- 23 U.S.C. Chapter 4 - Highway Safety Act of 1966, as amended;
- 49 CFR Part 18 - Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments
- 23 CFR Chapter II - (§§1200, 1205, 1206, 1250, 1251, & 1252) Regulations governing highway safety programs
- NHTSA Order 462-6C - Matching Rates for State and Community Highway Safety Programs
- Highway Safety Grant Funding Policy for Field-Administered Grants

Certifications and Assurances

Section 402 Requirements (as amended by Pub. L. 112-141)

The Governor is responsible for the administration of the State highway safety program through a State highway safety agency which 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 USC 402(b) (1) (A));

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 USC 402(b) (1) (B));

At least 40 per cent of all Federal funds apportioned to this State under 23 USC 402 for this fiscal year will be expended by or for the benefit of the political subdivision of the State in carrying out local highway safety programs (23 USC 402(b) (1) (C)), unless this requirement is waived in writing;

This 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 USC 402(b) (1) (D));

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:

- National law enforcement mobilizations and high-visibility law enforcement mobilizations,
- Sustained enforcement of statutes addressing impaired driving, occupant protection, and driving in excess of posted speed limits,
- An annual statewide safety belt use survey in accordance with criteria established by the Secretary for the measurement of State safety belt use rates to ensure that the measurements are accurate and representative,
- Development of statewide data systems to provide timely and effective data analysis to support allocation of highway safety resources.
- Coordination of its highway safety plan, data collection, and information systems with the State strategic highway safety plan (as defined in section 148)(a)).

(23 USC 402 (b)(1)(F));

The State shall 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 USC 402 (j)).

Cash drawdowns will be initiated only when actually needed for disbursement. 49 CFR 18.20

Cash disbursements and balances will be reported in a timely manner as required by NHTSA. 49 CFR 18.21.

The same standards of timing and amount, including the reporting of cash disbursement and balances, will be imposed upon any secondary recipient organizations. 49 CFR 18.41.

Failure to adhere to these provisions may result in the termination of drawdown privileges.

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);

Equipment acquired under this agreement for use in highway safety program areas shall be used and kept in operation for highway safety purposes by the State; or the State, by formal agreement with appropriate officials of a political subdivision or State agency, shall cause such equipment to be used and

kept in operation for highway safety purposes (23 CFR 1200.21);

The State will comply with all applicable State procurement procedures and will maintain a financial management system that complies with the minimum requirements of 49 CFR 18.20;

Federal Funding Accountability and Transparency Act (FFATA)

The State will comply with FFATA guidance, OMB Guidance on FFATA Subaward and Executive Compensation Reporting August 27, 2010, (https://www.fsrs.gov/documents/OMB_Guidance_on_FFATA_Subaward_and_Executive_Compensation_Reporting_08272010.pdf) by reporting to FSRS.gov for each sub-grant awarded:

- Name of the entity receiving the award;
- Amount of the award;
- Information on the award including transaction type, funding agency, the North American Industry Classification System code or Catalog of Federal Domestic Assistance number (where applicable), program source;
- Location of the entity receiving the award and the primary location of performance under the award, including the city, State, congressional district, and country; and an award title descriptive of the purpose of each funding action;
- A unique identifier (DUNS);
- The names and total compensation of the five most highly compensated officers of the entity if—of the entity receiving the award and of the parent entity of the recipient, should the entity be owned by another entity;

(i) the entity in the preceding fiscal year received
(I) 80 percent or more of its annual gross revenues in Federal awards; and (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.

The State highway safety agency will comply with all Federal statutes and implementing regulations relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin (and 49 CFR Part 21); (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. (Revised 08/2/2012)

§§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794) and the Americans with Disabilities Act of 1990 (42 USC § 12101, et seq.; PL 101-336), which prohibits discrimination on the basis of disabilities (and 49 CFR Part 27); (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse of alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; The Civil Rights Restoration Act of 1987, which provides that any portion of a state or local entity receiving federal funds will obligate all programs or activities of that entity to comply with these civil rights laws; and, (k) the requirements of any other nondiscrimination statute(s) which may apply to the application.

The Drug-free Workplace Act of 1988 (41 U.S.C. 702);

The State will provide a drug-free workplace by:

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

2. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.
- e. Notifying the agency within ten days after receiving notice under subparagraph (d) (2) from an employee or otherwise receiving actual notice of such conviction.
- f. Taking one of the following actions, within 30 days of receiving notice under subparagraph (d) (2), with respect to any employee who is so convicted -
 1. Taking appropriate personnel action against such an employee, up to and including termination.
 2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.
- g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f) above.

Buy America Act

The State will comply with the provisions of the Buy America Act (49 U.S.C. 5323(j)) which contains the following requirements:

Only steel, iron and manufactured products produced in the United States may be purchased with Federal funds unless the Secretary of Transportation determines that such domestic purchases 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. Clear justification for the purchase of non-domestic items must be in the form of a waiver request submitted to and approved by the Secretary of Transportation.

Political Activity (Hatch Act)

The State will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

Certification Regarding Federal Lobbying

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

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

Instructions for Primary Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.

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.
 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*, *debarred*, *suspended*, *ineligible*, *lower tier covered transaction*, *participant*, *person*, *primary covered transaction*, *principal*, *proposal*, and *voluntarily excluded*, as used in this clause, have the meaning set out in the Definitions and coverage sections of 49 CFR Part 29. 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 the department or agency entering into this transaction.
 7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "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.
 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, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.
- 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.
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*, *debarred*, *suspended*, *ineligible*, *lower tier covered transaction*, *participant*, *person*, *primary covered transaction*, *principal*, *proposal*, and *voluntarily excluded*, as used in this clause, have the meanings set out in the Definition and Coverage sections of 49 CFR Part 29. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "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. (See below)
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, 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.

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.

Policy to Ban 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:

1. Adopt and enforce workplace safety policies to decrease crashes caused by distracted driving including policies to ban text messaging while driving—
 - a. Company-owned or –rented vehicles, or Government-owned, leased or rented vehicles; or
 - b. Privately-owned when on official Government business or when performing any work on or behalf of the Government.
2. Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as –
 - a. Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and

- b. Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

Environmental Impact

The Governor's Representative for Highway Safety has reviewed the State's Fiscal Year highway safety planning document and hereby declares that no significant environmental impact will result from implementing this Highway Safety Plan. If, under a future revision, this Plan will be modified in such a manner that a project would be instituted that could affect environmental quality to the extent that a review and statement would be necessary, this office is prepared to take the action necessary to comply with the National Environmental Policy Act of 1969 (42 USC 4321 et seq.) and the implementing regulations of the Council on Environmental Quality (40 CFR Parts 1500-1517).

Oregon General Grant Regulations

Any federal funds committed shall be subject to the continuation of funds made available to TSD by the National Highway Traffic Safety Administration (NHTSA) and the Federal Highway Administration (FHWA) by statute or administrative action. Projects are funded for the federal fiscal year, which is October 1 through September 30 or the state fiscal year, which is July 1 through June 30. Typical grants are for one year but may be continued for up to two additional years. Public information and education projects are continued indefinitely.

The grantee shall ensure compliance with 49 CFR Part 18.42 which addresses retention and access requirements for grant-related records. The State, the federal grantor agency and the Comptroller General of the United States, or any of their authorized representatives, shall have the right of access to any books, documents, papers or other records of the grantee which are pertinent to the grant. These records must be retained for a period of six years starting on the date the grantee submits its final request for reimbursement for this grant.

Any obligation of grant funds extends only to those costs incurred by the grantee after "Authorization to Proceed" for the particular part of the program involving costs.

Grant funds shall not be used for activities previously carried out with the grantee's own resources (supplanting).

Income earned through services conducted through the project should be used to offset the cost of the project and be included in the Budget and Cost Summary.

The grantee shall ensure that all grant-related expenditures are included as a part of entity-wide audits conducted in accordance with the Single Audit Act of 1984 (31 USC 7561-7). The grantee shall provide TSD a

copy of all Single Audit Reports covering the time period of the grant award as soon as they become available. Federal funds received have the following Catalog of Federal Domestic Assistance (CFDA) numbers: 20.205, Highway Planning and Construction, 20.600, State and Community Highway Safety; 20.601, Alcohol Impaired Driving Countermeasures Incentive Grants; 20.602, Occupant Protection Incentive Grants; 20.608, Minimum Penalties for Repeat Offenders for Driving While Intoxicated; 20.609, Safety Belt Performance Grants; 20.610, State Traffic Safety Information System Improvement Grants; 20.611, Incentive Grant Program to Prohibit Racial Profiling; 20.612, Incentive Grant Program to Increase Motorcyclist Safety; and 20.613, Child Safety and Child Booster Seats Incentive Grants.

The grantee shall reimburse TSD within 30 days for any ineligible or unauthorized expenditures as determined by a state or federal review for which grant funds have been claimed and payment received.

The grantee, its subcontractors, if any, and all employers working under this agreement are subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656.017, which requires them to provide workers' compensation coverage for all their subject workers.

The grantee shall make purchases of any equipment, materials, or services pursuant to this Agreement under procedures consistent with those outlined in ORS Chapter 279A, 279B and 279C; the Attorney General Model Procurement Rules, OAR Chapter 137, Divisions 46, 47, 48 and 49, as may have been modified by a contracting agency pursuant to ORS 279A.065. [The Oregon Department of Administrative Services Administrative Rules (Oregon Administrative Rules, Chapter 125; and Oregon State Law, ORS Chapter 279)].

The grantee shall defend, save and hold harmless the State of Oregon, including the Oregon Transportation Commission, the Oregon Transportation Safety Committee, the Department of Transportation, the Transportation Safety Division, and their members, officers, agents, and employees from all claims, suits, or actions of whatever nature arising out of the performance of this Agreement, except for claims arising out of the negligent acts or omissions of the State of Oregon, its employees, or representatives. This provision is subject to the limitations, if applicable, set forth in Article XI, Section 10 of the Oregon Constitution and in the Oregon Tort Claims Act, ORS 30.260 to 30.300.

Project Director's Responsibilities

The Project Director is responsible for fulfilling this Agreement and establishing and maintaining procedures that will ensure the effective administration of the project objectives. The Project Director shall:

1. Establish or use an accounting system that conforms to generally accepted accounting principles, and ensure that source documents are developed which will reliably account for the funds expended.

2. Maintain copies of job descriptions and resumes of persons hired for all project-related positions which are funded at 0.25 FTE or more.
3. Maintain records showing actual hours utilized in project-related activity by all grant-funded personnel and by all other staff personnel or volunteers whose time is used as in-kind match.
4. Complete a Quarterly Highway Safety Project Report. Each report must be signed by the Project Director or the Designated Alternate, and submitted to TSD by the tenth of the month following the close of each calendar quarter for the duration of the grant period. The Designated Alternate is an individual who is given the authority to sign Quarterly Highway Safety Project Reports for the Project Director, in the event he/she is unable to sign due to circumstances beyond his/her control.
5. Submit a Claim for Reimbursement within 35 days of the end of the calendar quarter in which expenses were incurred, using the form provided by TSD as follows:
 - a. Copies of invoices and/or receipts for all specified items must be submitted to TSD upon request with the Claim for Reimbursement;
 - b. claims may be submitted monthly, and must be submitted at least quarterly; and,
 - c. claims must be signed by the Project Director or the Designated Alternate (duplicated signatures will not be accepted).
6. Prepare a Project Directors Final Evaluation Report in accordance with the Evaluation Plan described in the grant document. The report will be no more than ten pages and will include the following elements:
 - a. A summary of the project including problems addressed, objectives, major activities, and accomplishments as they relate to the objectives;
 - b. a summary of the costs of the project including amount paid by TSD, funded agency, other agencies, and private sources. The amount of volunteer time should be identified;
 - c. discussion of implementation process so that other agencies implementing similar projects can learn from your experiences; What went as planned? What didn't work as expected? What important elements made the project successful or not as successful as expected?
 - d. responses to Evaluation Questions. List each question and answer (refer to Data Table); and,
 - e. completed Data Table.

The Project Director's Final Evaluation Report must be submitted within 35 days following the last day of the grant period.

Project Revision

1. Any proposed changes in the project objectives, key project personnel, time period, budget, or mailing address must be requested in writing, and receive approval by TSD. A Grant Adjustment Form will be signed by both TSD and the grantee.
2. Any time extension in the project period must be requested at least six weeks prior to the end of the project period and approved by the federal grantor agency if the end of federal fiscal year is involved.

Contracts and Other Service Agreements

1. Any contracts or other service agreements that are entered into by the grantee as part of this project shall be reviewed and approved by TSD to determine whether the work to be accomplished is consistent with the objectives of the project, and whether the provisions of paragraphs 2 through 4 of this section are considered.
2. All contracts awarded by the grantee shall include the provision that any subcontracts include all provisions stated in this section or the provision that no subcontracts shall be awarded.
3. The grantee shall ensure that each contractor adhere to applicable requirements established for the grant and that each contract include provisions for the following:
 - a. Administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate;
 - b. mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (PL 94-163);
 - c. access by the grantee, the state, the federal grantor agency, the Comptroller General of the United States, or any of their duly authorized representatives, to any books, documents, papers, and records of the contractor which are directly pertinent to that specific contract, for the purpose of making audit, examination, excerpts, and transcriptions. Grantees shall require contractors to maintain all required records for three years after grantees make final payments and all other pending matters are closed;
 - d. notice of grantor agency requirements and regulations pertaining to reporting, requirements and regulations pertaining to patent rights with respect to any discovery or invention which arises or is developed in the course of or under such contract, and requirements and regulations pertaining to copyrights and rights in data.
4. Where applicable, contracts shall include the following provisions:
 - a. Termination for cause and for convenience by the grantee including the manner by which it will be effected and the basis for the settlement (Contracts in excess of \$10,000);

- b. Compliance with Executive Order 11246 of September 24, 1965 entitled "Equal Employment Opportunity," as amended by Executive Order 11375 of October 13, 1967 and supplemented in Dept. of Labor regulations (41 CFR Part 60) (Contracts in excess of \$10,000);
- c. Compliance with sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 USC 327-330) as supplemented by Dept. of Labor regulations (29 CFR Part 5) (Contracts in excess of \$2,500);
- d. Bidders, proposers, and applicants must certify that neither they nor their principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in this transaction by any federal agency or department (Contracts in excess of \$25,000).

Travel

- 1. The grantee shall keep a record of all significant travel. In-state trips outside the grantee's jurisdiction should be summarized on Quarterly Highway Safety Project Reports.
- 2. All out-of-state travel must be pre-approved by TSD. To receive authorization, the trip must be detailed on the project budget or requested in a grant adjustment. Reports on out-of-state trips shall be summarized on Quarterly Highway Safety Program Report.
- 3. Reimbursement will only be authorized for travel of persons employed by the grantee in project-related activities unless prior written approval is granted by TSD.

Development of Printed or Production Materials

- 1. The grantee shall provide TSD with draft copies of all materials developed using grant funds. TSD may suggest revisions and must approve production.
- 2. All brochures; course, workshop and conference announcements; and other materials that are developed and/or printed using grant funds shall include a statement crediting TSD and federal participation.
- 3. Materials produced through this project shall be provided to TSD for its use and distribution and may not be sold for profit by either the grantee or any other party.

Equipment Purchased with Grant Funds

- 1. A Residual Value Agreement shall be completed and submitted to TSD if grant funds are used in whole or in part to acquire any single item equipment costing \$5,000 or more or at TSD discretion. A copy of the original vendor's invoice indicating quantity,

description, manufacturer's identification number and cost of each item will be attached to the signed agreement. All equipment should be identified with a property identification number.

- 2. All material and equipment purchased shall be produced in the United States in accordance with Section 165 of the Surface Transportation Assistance Act of 1982 (Pub. L. 97-424; 96 Stat. 2097) unless the Secretary of Transportation has determined under Section 165 that it is appropriate to waive this agreement.
- 3. Material and equipment shall be used in the program or activity for which it was acquired as long as needed, whether or not the project continues to be supported by grant funds. Ownership of equipment acquired with grant funds shall be vested with the grantee. Costs incurred for maintenance, repairs, updating, or support of such equipment shall be borne by the grantee.
- 4. If any material or equipment ceases to be used in project activities, the grantee agrees to promptly notify TSD. In such event, TSD may direct the grantee to transfer, return, keep, or otherwise dispose of the equipment.

Termination

- 1. TSD may terminate this Agreement for convenience in whole or in part whenever:
 - a. The requisite state and/or federal funding becomes unavailable through failure of appropriation or otherwise; or,
 - b. The requisite local funding to continue this project becomes unavailable to grantee; or,
 - c. Both parties agree that continuation of the project would not produce results commensurate with the further expenditure of funds.
- 2. TSD may, by written notice to grantee, terminate this Agreement for any of the following reasons:
 - a. The grantee takes any action pertaining to this Agreement without the approval of TSD and which under the provisions of this agreement would have required the approval of TSD; or,
 - b. The commencement, prosecution, or timely completion of the project by grantee is, for any reason, rendered improbable, impossible, or illegal; or,
 - c. The grantee is in default under any provision of this Agreement.

Conditions of Project Approval

Actions taken by the Oregon Transportation Safety Committee, if any, regarding conditions under which this project is approved are given in the Conditions of Approval. The grantee agrees to follow these conditions in implementing the project.

Contract Provisions and Signatures

It is understood and agreed that the grantee shall comply with all federal, state, and local laws, regulations, or ordinances applicable to this agreement and that this Agreement is contingent upon grantee complying with such requirements.

This Agreement shall be executed by those officials authorized to execute this Agreement on the grantee's behalf. In the event grantee's governing body delegates signature of the Agreement, grantee shall attach to this Agreement a copy of the motion or resolution which authorizes said officials to execute this Agreement, and shall also certify its authenticity.