Chapter I

Introduction

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### I. Introduction

Chapter I describes the background and purpose of the Policy Manual to assist staff in administering the U.S. Department of Transportation (U.S. DOT), National Highway Traffic Safety Administration (NHTSA) traffic safety grant program in compliance with applicable State and Federal laws and regulations.

### A. Background and Purpose

This section provides an overview of the Policy Manual with references to the Department policies and procedures.

The purpose of this Manual is to establish consistent program and project management procedures for staff and subrecipients to guide the administration of the State’s traffic safety program in compliance with U.S. DOT, NHTSA regulations. Best practice requires that the State highway safety office (HSO) have in place a current Manual which documents standard operating procedures and the management of the traffic safety program. The Manual contains a written record of approved current administrative and financial procedures. It serves as a guide to assist staff and administrators in performing their assigned functions.

This Manual does not, however, specifically address all regulations which must be followed. References to other Federal and State manuals and policies are necessary.

This Manual is intended for use by HSO personnel, Department employees, State and local government officials, and anyone interested in the procedures which are followed by the HSO.

# B. Updating Manual

This section provides information on maintaining and updating the Manual.

The HSO should review the contents of the Manual at least on an annual basis to ensure that the procedures remain current and accurate. Program and regulatory revisions received from State and Federal sources shall be made and distributed immediately upon receipt of notification.

The HSO *[insert position title]* is assigned the responsibility for updating the Manual, including the Table of Contents and Appendices, on at least a quarterly basis. Revisions requiring immediate attention may be initiated at any time. The Manual should be maintained on the Department’s web site for easy access by HSO staff and other interested persons. HSO staff should be notified by email of any updates made to the Manual. A group email list should be maintained of all HSO staff and other interested persons who should be notified of the Manual updates.

All members of the HSO staff should be advised where to obtain an electronic copy of this Manual and be held accountable for following the processes outlined in this Manual. Where applicable, HSO staff performance evaluations may be tied to compliance with this Manual.

# C. Reference to State Department Policies and Procedures

This section provides information on the HSO State’s Department policies and procedures relevant to the HSO traffic safety program.

The laws and regulations of the HSO’s State Department also govern the HSO traffic safety program. The Department has created policies and procedures that may be pertinent to the administration of the traffic safety program. These policies should be reviewed periodically and serve as a guide to assist HSO staff and administrators in performing their assigned functions. Chapters that may pertain to the HSO are:

* [Insert appropriate references to the State’s policies and procedures]

# D. Federal Laws and Regulations

This section provides a brief overview of Federal laws and regulations that pertain to the administration of U.S. DOT, NHTSA highway safety funding. (Refer to the Manual Appendices as directed for actual section excerpts.)

The U. S. Congress authorizes traffic safety funds to be appropriated to the U.S. DOT, NHTSA. NHTSA apportions and distributes these funds to the States. NHTSA apportions and provides a limitation on obligations that indicates the amount of funds available for each State. The States liquidate these funds through the annual State Highway Safety Plan (HSP) which is subject to NHTSA review and approval.

Federal regulations govern the daily administration of traffic safety grants at the State level. Administrators of traffic safety grants shall be familiar with and follow each cited title and rule to effectively design and manage programs. Thorough knowledge of these regulations is imperative.

#### i. Highway Safety Act of 1966

The State traffic safety program operates under the provisions of the Federal Highway Safety Act of 1966, [23 USC 402, et seq., specifically 402(b)(1)](http://www.nhtsa.dot.gov/nhtsa/whatsup/tea21/GrantMan/HTML/07_Sect402Leg23USC_Chap4.html) The Act makes the State’s Governor responsible for preparing and administering a statewide traffic safety program designed to reduce traffic crashes and the resulting injuries, fatalities and property damage. The Governor has named the *[insert position title]* of the [*insert agency name]* to act as his or her representative for the State’s traffic safety program. The HSO is located within the [*insert office name]* of the *[insert Department name].*

By regulation NHTSA prescribes the general, administrative and programmatic requirements for the grant program. On January 25, 2018. NHTSA issued a Final Rule (FR) at [23 CFR Part 1300 Uniform Procedures for State Highway Safety Grant Programs](https://www.gpo.gov/fdsys/pkg/FR-2018-01-25/pdf/2018-01266.pdf) which became effective on February 26, 2018. There are other applicable Federal regulations and guidelines (See Appendix A. Federal Regulations, Documents and Guidelines).

The reauthorization of funding to support highway safety programs is separate. Most recently Congress enacted in 2015 the Fixing America’s Surface Transportation (FAST) Act effective for most behavioral safety programs with the FY2017 year. The Act contains authorization for 5 years beginning with 2016. The FAST Act was extended one year by Congress and is due to expire on September 30, 2021.

#### ii. OMB Uniform Guidance

Effective with FY2016 grants, the U.S. Department of Transportation adopted the Office of Management and Budget (OMB) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Part 200), referred to as the Uniform Guidance. This part supersedes and repeals the requirements of the DOT Common Rules (49 CFR part 18—Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments and 49 CFR part 19—Uniform Administrative Requirements—Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations), except that grants and cooperative agreements executed prior to December 26, 2014, shall continue to be subject to 49 CFR parts 18 and 19 as in effect on the date of such grants or agreements. The Uniform Guidance was amended in 2020 with some provisions effective in August 2020. Other revisions effective in November 2020 become effective for NHTSA highway safety grants and penalty transfer programs for FY2022 awards and later.

#### iii. Lobbying Restrictions

Lobbying restrictions are contained in two Federal laws. The Anti-Lobbying Act, 18 U.S.C., Part 1913, prohibits the use of Federal funds for “grassroots” lobbying campaigns that encourage third parties, members of special interest groups or the general public to contact members of Congress; of a State or local legislature; or an official of any government in support of or in opposition to a legislative, policy or appropriations matter. It applies to activities both before and after the introduction of legislation. These prohibitions apply to all DOT funds, including NHTSA funds awarded to States under grants, cooperative agreements and contracts. These prohibitions apply to State officials whose salaries are supported, in whole or in part, by NHTSA funds and to recipients of NHTSA funds awarded under contracts, grants cooperative agreements and sub awards.

The Transportation Equity Act for the 21st Century (TEA-21), which was unchanged by subsequent reauthorization acts (SAFETEA-LU, MAP-21 and the FAST Act), prohibits the use of NHTSA funds for “any activity specifically designed to urge a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body”. These restrictions do not apply to State officials engaged in State-sanctioned communications with their legislatures, even if their salaries are supported, in whole or in part, with NHTSA funds. Any direct communications between State executive officials and State or local legislators are governed by State laws, regulations and customary practices. State and local officials and legislative bodies are authorized to invite Federal officials to testify before legislative bodies on pending legislation. Such invitations should be documented in writing.

These restrictions apply to subrecipients as well. Subrecipient certifications must include a prohibition from using federal grant funds in violation of the lobbying restrictions. If any funds other than federal funds have been paid for by lobbying, the provisions of the federal Lobbying Disclosure Act of 1995, as amended (2 U.S.C. Part 1601) must be followed. For additional federal guidance, see [NHTSA Guidance on Lobbying Restrictions](http://www.nhtsa.gov/nhtsa/whatsup/tea21/GrantMan/HTML/lobbyingresr.pdf). State officials and subrecipients may engage in advocacy activities as distinguished from lobbying. Such advocacy may include but not limited to: holding periodic briefings for elected officials, developing general materials about legislation such as fact sheets, sharing research reports with legislative staff, giving testimony upon request (unless prohibited by State restrictions) and involving elected officials in programs, meetings and press events.

#### iv. Internal Management Controls

The HSO shall have policies and procedures to reasonably ensure that: (a) programs achieve their intended results; (b) resources are consistent with agency mission; (c) programs and resources are protected from waste, fraud and mismanagement; (d) Federal laws and regulations are followed; (e) reliable and timely information is obtained, maintained, reported and used for decision making; and (f) reasonable measures are taken to safeguard protected personally identifiable information and other information designated as sensitive, see [2 CFR Part 200.303](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=7287556161fca27c19cd03ba72d43840&mc=true&n=pt2.1.200&r=PART&ty=HTML#se2.1.200_1303).

#### v. Other Applicable Office of Management and Budget Circulars

Beginning with FY2016 grants, Federal regulations at 2 CFR Parts 200 and 1201 supersede OMB Circulars A-21, A-50, A-87, A-89, A-102, A-110, A-122 and A-133. NHTSA grantees are responsible for following all standards in 2 CFR Part 200 as modified by 2 CFR Part 1202. (See Appendix B. OMB Circulars).

#### vi. Documents Available on the Internet

Most of the referenced Federal regulations and other cited procedural documents are available in the [NHTSA Highway Safety Grants Management Resources](https://www.nhtsa.gov/highway-safety-grants-program/resources-guide) which is online.

# E. State Laws and Regulations

This section provides a reference to State laws and regulations that pertain to the U.S. DOT, NHTSA traffic safety grant program administered by the HSO.

The laws and regulations of the State and Department policy also govern the HSO traffic safety program. On the State level, the *[insert organization name]* authorizes the program. Section \_\_\_\_\_\_\_\_\_\_\_ authorizes the *[insert organization name]* to enter into grants and contracts to carry out a duty or activity that is part of the program. The HSO program is administered under the rules specified in Title \_\_\_\_, [*insert State name]* Administrative Code, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

The following Governor’s Executive Orders also regulate the HSO program:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The primary mission of the HSO is: *[insert mission statement]*.