



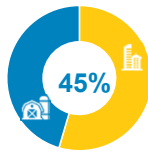
CFR 200 & 1300

Everyone's Responsibility

October 6, 2021

National Data

2019 TRAFFIC FATALITIES



Rural
Percentage of traffic fatalities that occurred in rural areas.



43%
Unrestrained Occupant
Percentage of traffic fatalities where vehicle occupants were not wearing seat belts.



28%
Alcohol Impaired
Percentage of alcohol impairment in fatal crashes.



22%
Speed-Related
Percentage of traffic fatalities where speed was a factor.

SNAPSHOT



3,531,905
square miles of land



4,153,200
miles of public roads*



328
million people



228
million licensed drivers*



3,261,772
million vehicle miles traveled*

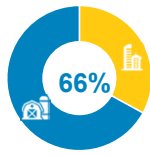
*As of 2019, source: <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813021>



This slide shows a snapshot/overview of National data. Urban fatalities make up a significant portion of national traffic fatalities

Oklahoma

2019 TRAFFIC RELATED FATALITIES



Rural

Percentage of traffic fatalities that occurred in rural areas.



47%

Unrestrained Occupant

Percentage of traffic fatalities where vehicle occupants were not wearing seat belts.



24%

Alcohol Impaired

Percentage of alcohol impairment in fatal crashes.



20%

Speed-Related

Percentage of traffic fatalities where speed was a factor.

SNAPSHOT



*As of 2019, source: <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813021>



This slide shows a snapshot/overview of Oklahoma data. Rural fatalities make up a significant portion of national traffic fatalities, the other measures are close.

Oklahoma



- Impaired Driving
- Seat Belt & Child Seat Safety
- Motorcycle Safety
- Distracted Driving
- Public Information & Education

The vision of the Oklahoma Highway Safety Office (OHSO) is to establish and maintain safe roadways for everyone.

The majority of motor vehicle fatalities in Oklahoma are the result of driver behavior. Impaired driving, speeding, distracted driving and failure to wear a seat belt are behaviors that can be changed through awareness, education and strict enforcement of traffic safety laws.

The Oklahoma Highway Safety Office coordinates a statewide behavioral highway safety program by making federal funds from the National Highway Traffic Safety Administration (NHTSA) available to state and local entities. These dollars fund programs that help these groups enforce traffic laws, educate the public in traffic safety, and provide varied and effective means of reducing fatalities, injuries and economic losses from crashes.

Oklahoma Daily Traffic Fatality Report

Date	2020 (Preliminary Data)			2021 (Preliminary Data)			Increase / Decrease		
	OHP	Police	Total	OHP	Police	Total	OHP	Police	Total
September 30	1	1	2	0	1	1	-1	0	-1
September 1-30	37	18	55	55	15	70	18	-3	15
Year-to-date	333	108	441	368	134	502	35	26	61

Reflects preliminary reports received by DPS as of October 1 of each year.



Red means fatalities are higher than at this time last year.
Yellow means the number of fatalities is unchanged.
Green means fatalities are lower than at this time last year.



This is a snapshot from the OHSO website. It paints an interesting picture with the preliminary data.

Grant Program Regulations

23 CFR Part 1300 - UNIFORM PROCEDURES
FOR STATE HIGHWAY SAFETY GRANT
PROGRAMS

“FAST Act”

2 CFR Part 200 - UNIFORM
ADMINISTRATIVE REQUIREMENTS, COST
PRINCIPLES, AND AUDIT REQUIREMENTS
FOR FEDERAL AWARDS

(The “Supercircular”)



FAST Act

- 23 CFR Part 1300 - UNIFORM PROCEDURES FOR STATE HIGHWAY SAFETY GRANT PROGRAMS
 - Current 5-year authorization replaced MAP-21.
 - Extended for one year and one month (FY2021)

2 C. F. R. Part 200 AKA the “Supercircular”

What is the Supercircular?

The rules all agencies that receive federal funding are obligated to follow.

- Administrative Requirements
- Cost Principles
- Audit Requirements
 - ❖ Ease administrative burdens
 - ❖ Streamline guidance
 - ❖ Strengthen oversight to reduce risk of waste, fraud and abuse



200.51 Grant Agreement

Grant Agreement - a legal instrument of financial assistance between a Federal awarding agency or pass-through entity and a non-Federal entity.

How do the rules apply to me?

Oklahoma is the pass-through entity, but if you, as a subrecipient, have a subcontractor, they could be considered a pass-through entity.

What Am I?

Are you a Non-Federal entity, a pass-through entity, recipient or a sub-recipient?

Why does it matter?

Regulatory requirements may differ.

What Am I?

§200.69 Non-Federal entity.

Non-Federal entity means a state, local government, Indian tribe, institution of higher education (IHE), or nonprofit organization that carries out a Federal award as a recipient or subrecipient.

Examples include:

Oklahoma Highway Safety Office (OHSO)

Oklahoma Department of Public Safety

Tulsa P.D.

Chickasaw Tribe

What Am I?

§200.74 Pass-through entity.

Pass-through entity means a non-Federal entity that provides a subaward to a subrecipient to carry out part of a Federal program.

Typically, the State HSO – OHSO
But...could be your agency if you provide a subaward.

200.331 Requirements for a Pass-Through Entity

https://www.ecfr.gov/cgi-bin/text-idx?SID=00edfa4e33dfa0201f97589e3924f3b8&tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl

What Am I?

§200.86 Recipient.

Recipient means a **non-Federal entity** that **receives a Federal award directly from a Federal awarding agency** to carry out an activity under a Federal program. The term recipient does not include subrecipients. See also §200.69 Non-Federal entity. **(This is the OHSO).**

§200.93 Subrecipient.

Subrecipient means a **non-Federal entity** that **receives a subaward from a pass-through entity** to carry out part of a Federal program...A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency. **(This is typically you).**

§200.92 Subaward.

Subaward means an award provided **by a pass-through entity to a subrecipient** for the subrecipient to carry out part of a Federal award received by the pass-through entity...subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.

2 C.F.R. 200.303 Internal Controls

The non-Federal entity must:

- (a) Establish and maintain effective internal control over the Federal award that provides reasonable assurance that the non-Federal entity is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award.

2 C.F.R. 200.328 Monitoring and Reporting Program Performance

Monitoring by the Non-Federal Entity

The non-Federal entity is responsible for oversight of the operations of the Federal award supported activities.

The non-Federal entity must monitor its activities under Federal awards to assure compliance with applicable Federal requirements and performance expectations.

Monitoring by the non-Federal entity must cover each program, function or activity.

If you receive funding, you will be monitored in accordance with regulations.

2 C.F.R. 200.213 Suspension and Debarment

These proceedings are initiated by the federal awarding agency.

May prohibit an individual or entity from receiving federal grant money in the future.

2 C.F.R. 200 Subpart E Cost Principles

The non-Federal entity is responsible for the efficient and effective administration of the Federal award through the application of sound management practices.

The non-Federal entity assumes responsibility for administering Federal funds in a manner consistent with underlying agreements, program objectives, and the terms and conditions of the Federal award.

The non-Federal entity...has the primary responsibility for employing whatever form of sound organization and management techniques may be necessary in order to assure proper and efficient administration of the Federal award.

Use of Funds

2 C.F.R. 200.403 Factors affecting allowability of costs.

Except where otherwise authorized by statute, costs must meet the following general criteria in order to be allowable under Federal awards:

Be **necessary and reasonable** for the performance of the Federal award and be **allocable** thereto under these principles.

Be consistent with policies and procedures that apply uniformly to both federally-financed and other activities of the non-Federal entity.

Be adequately documented.

2 C.F.R. 200.404 Reasonable Cost

A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost.

In determining reasonableness of a given cost, consideration must be given to:

- (a) Whether the cost is of a type generally recognized as ordinary and necessary for the operation...or the proper and efficient performance of the Federal award.
- (b) The restraints or requirements imposed by such factors as: sound business practices; arm's-length bargaining; Federal, state, local, tribal, and other laws and regulations; and terms and conditions of the Federal award.

Reasonable

Does not exceed cost incurred by a prudent person in like circumstances:

\$50.00/hour for law enforcement overtime is reasonable.

\$250,000.00 for a Lamborghini patrol car is not reasonable

2 C.F.R. 200.405 Allocable Cost

Allocable:

- (a) A cost is allocable...if the goods or services involved are chargeable or assignable to that Federal award or cost objective in accordance with relative benefits received.
- (b) (1) Is incurred specifically for the Federal award;
 - (2) Benefits both the Federal award and other work of the non-Federal entity and can be distributed in proportions that may be approximated using reasonable methods; and
 - (3) Is necessary to the overall operation of the non-Federal entity and is assignable in part to the Federal award in accordance with the principles in this subpart.

2 C.F.R. 410 Collection of Unallowable Costs

Payments made for costs determined to be unallowable by either the Federal awarding agency, cognizant agency for indirect costs, or pass-through entity...must be refunded (including interest) to the Federal Government.

Equipment

§ 200.33 Equipment.

Equipment means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost...or \$5,000. See also....200.58 Information technology systems.

§ 200.58 Information technology systems.

Information technology systems means computing devices, ancillary equipment, **software**, firmware, and similar procedures, services (including support services), and related resources. See also §§ 200.20 Computing devices and 200.33 Equipment.

§23 C.F.R. 1300.31(d)(1) Equipment with a useful life of more than one year and an acquisition cost of \$5,000 or more shall be subject to the following requirements (1) Purchases shall receive prior written approval from the Regional Administrator.

Rule of thumb: Can you do the project without the equipment? Is it integral to the completion or function?

2 C.F.R. 200.313 Equipment

Can you do the project without the equipment?

Is it integral to the completion or function of the project?

Equipment must be used for the authorized purposes of the project during the period of performance, or until the property is no longer needed for the purposes of the project.

Notes: Buy America

- § 313. Buy America – Notwithstanding any other provision of law, the Secretary of Transportation shall not obligate any funds authorized to be appropriated to carry out the Surface Transportation Assistance Act of 1982 (96 Stat. 2097) or this title and administered by the Department of Transportation, unless steel, iron, and manufactured products used in such project are produced in the United States. (we interpret “manufactured products” as “equipment”)
- § 200.33 Equipment. – Equipment means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or \$5,000. See also §§ 200.12 Capital assets, 200.20 Computing devices, 200.48 General purpose equipment, 200.58 Information technology systems, 200.89 Special purpose equipment, and 200.94 Supplies.
- § 200.48 General purpose equipment. – General purpose equipment means equipment which is not limited to research, medical, scientific or other technical activities. Examples include office equipment and furnishings, modular offices, telephone networks, information technology equipment and systems, air conditioning equipment, reproduction and printing equipment, and motor vehicles. See also Equipment and Special Purpose Equipment.
- § 200.58 Information technology systems. – Information technology systems means computing devices, ancillary equipment, software, firmware, and similar procedures, services (including support services), and related resources. See also §§ 200.20 Computing devices and 200.33 Equipment.

Equipment

(d) Management requirements. Procedures for managing equipment (including replacement equipment), whether acquired in whole or in part under a Federal award, until disposition takes place will, as a minimum, meet the following requirements:

(1) Property records must be maintained that include a description of the property, a serial number or other identification number...the source of funding for the property....

(2) A physical inventory of the property must be taken, and the results reconciled with the property records at least once every two years.

(3) A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft must be investigated.

(4) Maintenance procedures must be put in place to keep the property in good condition.

(5) If the non-Federal entity is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.

23 C.F.R. 1300 FAST Act

Current Federal Authorization

<https://www.govinfo.gov/content/pkg/FR-2018-01-25/pdf/2018-01266.pdf>

Provides for addition specific guidelines for eligibility and use of grant funds.

Section 402 – provided to the State if annual Highway Safety Plan (HSP) is approved.

Section 405 - Provided if the State meets eligibility requirements.

Oklahoma qualifies for:

- 402
- 405 b Occupant Protection
- 405 c Traffic Records
- 405 d Impaired Driving
- 405 f Motorcycle



402 Allowable Use of Funds

402 funds – most flexibility.

Make up most funds received from an individual source.

Used for a variety of purposes in support of traffic safety projects.

Does have limitations:

Any expenditures must be in compliance with 200 Subpart E Cost Principles.

Subject to match, share to local and other requirements.



402 funds have the most flexibility, however, they must still be used in compliance with sub part E and are subject to match and share to local requirements.

405b Allowable Use of Funds

§ 1300.21 Occupant protection grants. (405b)

(f) Use of grant funds—(1) Eligible uses. Except as provided in paragraph (f)(2) of this section, a State may use grant funds awarded under 23 U.S.C. 405(b) for the following programs or purposes only:

(i) To support high-visibility enforcement mobilizations, including paid media that emphasizes publicity for the program, and law enforcement;

(ii) To train occupant protection safety professionals, police officers, fire and emergency medical personnel, educators, and parents concerning all aspects of the use of child restraints and occupant protection;



405b Allowable Use of Funds

- (iii) To educate the public concerning the proper use and installation of child restraints, including related equipment and information systems;
- (iv) To provide community child passenger safety services, including programs about proper seating positions for children and how to reduce the improper use of child restraints;
- (vi) To purchase and distribute child restraints to low-income families, provided that not more than five percent of the funds received in a fiscal year are used for such purpose.



405c Allowable Use of Funds

§ 1300.22 State Traffic safety information system improvements grants – Traffic Records 405c

(d) Use of grant funds. A State may use grant funds awarded under 23 U.S.C. 405(c) to make quantifiable, measurable progress improvements in the accuracy, completeness, timeliness, uniformity, accessibility or integration of data in a core highway safety database.

See DOT HS 811 441 Model Performance Measures for State Traffic Records Systems



405d Allowable Use of Funds

§ 1300.23 Impaired driving countermeasures grants. (405d)

Use of grant funds—(1) Eligible uses. Except as provided in paragraphs (j)(2) through (5) of this section, a State may use grant funds awarded under 23 U.S.C. 405(d) only for the following programs:

(i) High-visibility enforcement efforts;

(ii) Hiring a full-time or part-time impaired driving coordinator of the State's activities to address the enforcement and adjudication of laws regarding driving while impaired by alcohol, drugs or the combination of alcohol and drugs;

405d Allowable Use of Funds

(iii) Court support of high-visibility enforcement efforts, training and education of criminal justice professionals (including law enforcement, prosecutors, judges, and probation officers) to assist such professionals in handling impaired driving cases, hiring traffic safety resource prosecutors, hiring judicial outreach liaisons, and establishing driving while intoxicated courts;

(iv) Alcohol ignition interlock programs;

(v) Improving blood-alcohol concentration testing and reporting;

(vi) Paid and earned media in support of high-visibility enforcement of impaired driving laws, and conducting standardized field sobriety training, advanced roadside impaired driving evaluation training, and drug recognition expert training for law enforcement, and equipment and related expenditures used in connection with impaired driving enforcement;

405d Allowable Use of Funds

(vii) Training on the use of alcohol and drug screening and brief intervention;

(viii) Training for and implementation of impaired driving assessment programs or other tools designed to increase the probability of identifying the recidivism risk of a person convicted of driving under the influence of alcohol, drugs, or a combination of alcohol and drugs and to determine the most effective mental health or substance abuse treatment or sanction that will reduce such risk;

(ix) Developing impaired driving information systems; or

(x) Costs associated with a 24-7 sobriety program.

405d Allowable Use of Funds

(3) Special rule—mid-range States.

Notwithstanding paragraph (j)(1) of this section, a State that qualifies for grant funds as a mid-range State may elect to use grant funds awarded under 23 U.S.C. 405(d) for programs designed to reduce impaired driving based on problem identification in accordance with § 1300.11, provided the State receives advance approval from NHTSA.

Is Oklahoma a mid-range State for these purposes?

Yes –

Mid-range State means a State that has an average impaired driving fatality rate that is higher than 0.30 and lower than 0.60.

Alcohol-Impaired Driving Fatalities**:

Oklahoma , U.S. and Best State

Year	Total Fatalities in all Crashes	Alcohol-Impaired Driving Fatalities (BAC = .08+)		
		Number	Percent	Per 100 Million VMT
2015	Oklahoma	645	170	0.36
	US	35,484	10,280	0.33
	Best State*		16	0.14
2016	Oklahoma	687	186	0.38
	US	37,806	10,967	0.35
	Best State*		19	0.16
2017	Oklahoma	657	161	0.33
	US	37,473	10,880	0.34
	Best State*		19	0.14
2018	Oklahoma	655	147	0.32
	US	36,835	10,710	0.33
	Best State*		19	0.16
2019	Oklahoma	640	154	0.35
	US	36,096	10,142	0.31
	Best State*		16	0.12

405f Allowable Use of Funds

§ 1300.25 Motorcyclist safety grants (405f)

(l) Use of grant funds—(1) Eligible uses. Except as provided in paragraph (l)(2) of this section, a State may use grant funds awarded under 23 U.S.C. 405(f) only for motorcyclist safety training and motorcyclist awareness programs, including—

(i) Improvements to motorcyclist safety training curricula;
(ii) Improvements in program delivery of motorcycle training to both urban and rural areas, including—

- (A) Procurement or repair of practice motorcycles;
- (B) Instructional materials;
- (C) Mobile training units; and
- (D) Leasing or purchasing facilities for closed-course motorcycle skill training;

405f Allowable Use of Funds

(iii) Measures designed to increase the recruitment or retention of motorcyclist safety training instructors; or

(iv) Public awareness, public service announcements, and other outreach programs to enhance driver awareness of motorcyclists, including “share-the-road” safety messages developed using Share-the-Road model language available on NHTSA’s website at <http://www.trafficsafetymarketing.gov>.

Final Thought

Traffic Fatalities 2019

36, 096

Drivers Involved in Fatal Crashes OK 2019

884

Traffic Fatalities OK 2019

640

Traffic Fatalities OK as of Oct 1, 2021

502

Projected Traffic Fatalities OK for 2021

669

These projected numbers can be a little jarring but when you have a good understanding of how your funding works and what's available, you can confidently recommend projects and innovations that have a high probability of being funded.