

ORDINANCE No.

*Accept two grants totaling the amount of \$150,000 from the Oregon Department of Transportation for the development of a Vision Zero Transportation Safety Action Plan (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. Portland's 2035 Comprehensive Plan proposed draft notes that the human impacts and economic costs of traffic crashes are reduced by comprehensive efforts to improve traffic safety and calls on Portland to move toward zero traffic-related fatalities and serious injuries.
2. While safety is a component of many Portland transportation projects, the City of Portland lacks a comprehensive plan and strategy to address traffic safety and move toward this aggressive target.
3. The Oregon Department of Transportation's Transportation Safety Division provides grants to partner agencies and organizations to develop transportation safety plans and to deliver transportation safety programs to Oregon citizens.
4. The Transportation Safety Division administers 550 grants and contracts each year to this affect.
5. The Portland Bureau of Transportation proposed a Vision Zero Transportation Safety Action Plan project to the Oregon Department of Transportation's Transportation Safety Division on October 3rd, 2014.
6. The Oregon Department of Transportation has notified the City of Portland that it will award two grants for a Vision Zero Transportation Safety Action Plan as outlined in the project proposal attached as Exhibit A and Exhibit B to the Portland Bureau of Transportation. ODOT project number RS-15-77-06 award amount is \$23,355.28 and ODOT project number RS-16-77-06 amount is \$126,644.72 for a total grant award amount of \$150,000. The required local match of \$29,369 will be provided by the Bureau of Transportation, with in-kind services.

NOW, THEREFORE, the Council directs:

- a. The Commissioner-in-Charge is hereby authorized to accept on behalf of the City of Portland a grant from the Oregon Department of Transportation for the Vision Zero Transportation Safety Action Plan in the amount of \$150,000 in accordance with the agreements and assurances attached as Exhibit A and Exhibit B.

- b. The Commissioner-in-Charge is authorized to execute amendments, approved as to form by the City Attorney, to the scope of the services or the terms and conditions of this Agreement, provided the changes do not increase the City's financial risk. Increases to the grant amount must be approved by the City Council.
- c. The OMF Grants Office is authorized to perform all administrative matters in relation to the grant application, grant agreement or amendments, requests for reimbursement from the grantor, and to submit required online grant documents on the Commissioner-in-Charge's behalf.

Section 2. The Council declares that an emergency exists because a delay would unnecessarily delay the City's ability to perform the activities authorized by the grant; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council,

Commissioner Steve Novick
Prepared by: Gabriel Graff:slg
Date Prepared: May 22, 2015

Mary Hull Caballero

Auditor of the City of Portland
By

Deputy



GRANT PROJECT APPLICATION

Project No: RS-16-77-06

Project Name: CITY OF PORTLAND REGIONAL SAFETY PLAN - 2016

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

The Portland Bureau of Transportation requests the support of ODOT's Transportation Safety Division to complete a Transportation Safety Action Plan (TSAP) that incorporates Vision Zero as a long-term goal. This plan will complement Oregon's TSAP and will have significant benefits in meeting ODOT's Region 1 safety goals.

In developing the TSAP, it will be necessary that a strong group of regional partners come together to direct the vision, goals and actions. Partners would include representatives from: ODOT, Metro, TriMet, Portland Bureau of Transportation, Portland Police Bureau, Multnomah and Clackamas counties, the health community, emergency services, and transportation advocacy groups.

Three advisory committees would be established. The Executive Steering Committee would be made up of elected officials and agency directors to set the vision and direct staff work. The Policy Advisory Committee would be made up of high-level managers to provide input on important steps in TSAP development. The Technical Advisory Committee would be made up of staff from the identified agencies and organizations to inform and develop the TSAP process.

This planning process would provide the catalyst to engage the public, strengthen relationships with existing partners, and form new partners, such as the health community. We will work with neighborhood associations and community groups, both to gather their input on operational issues and risk areas, as well as to build grassroots support for the plan.

The development of the Transportation Safety Action Plan would take place over the course of one year. It would include defining and developing the following:

- Communications Plan
- Indicators and Safety Trends
- Existing Conditions analysis
- Best Practices analysis
- Policy Gap analysis
- Technical paper on performance measures
- Vision Statement
- Goals and policies
- 2- and 5-year actions associated with each goal/policy
- Performance measures
- Public outreach and comment opportunities
- Draft TSAP
- Final Draft TSAP
- Implementation strategy, including 2- and 5-year actions
- Funding strategy
- Adoption by City Council
- Incorporation into the City's Transportation System Plan

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.)

The number of pedestrians and bicyclists killed on our roadways each year has remained flat over the past 20 years. On average, 12 pedestrians and 2 bicyclists have died each year, making up almost half of Portland's annual traffic fatalities. Motorist fatalities have decreased by half in the same time period (1994-2013), from 29 to 14. While safety is a component of many of PBOT's projects, the City of Portland lacks a comprehensive plan and strategy to address safety. This TSAP will lay out a plan that is comprehensive, aggressive and developed with a broad coalition of partners.

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

The death or serious injury of even one of our community members, friends or family members is too many.

While Portland's traffic fatality rate is among the lowest of the 50 biggest U.S. cities, a handful of cities have measurably lower rates than Portland. According to the Center for Disease Control, Portland's motor vehicle crash death rate per 100,000 people is 6.2. Compared with the lowest rate of 3.9, Portland has a lot of work to do to achieve the lowest rate in the U.S. and, eventually, drive that rate down to zero.

Cities with among the lowest fatality rate of the 50 biggest cities nationwide (2009) Fatalities per 100,000

New York	3.9
San Francisco	4.0
Oakland	5.0
Seattle	5.2
Chicago	6.0
Portland	6.2
Milwaukee	7.0
Los Angeles	7.7

<http://www.cdc.gov/motorvehiclesafety/local/b/includes/mvcfatalitiesmap/mvcfatalitiesmap.html>

In a state-wide context, Portland is home to about 15% of the state's population but suffers from 22% of the state's crashes.

- 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.)

The Portland Traffic Safety Coordination Council is made up of partners from the city and around the region who work in and advocate for traffic safety. The Coordination Council provides guidance for transportation safety programs and services.

Two programs that specifically tackle safety on Portland's roadways are the High Crash Corridor program and the Safe Routes to School program. Both programs rely on partnerships with a variety of agencies and groups to achieve their safety goals, including:

- " Portland Police Bureau - traffic safety enforcement
- " Oregon Department of Transportation - traffic safety data, evaluation, and project construction
- " TriMet - traffic safety education and project development
- " Oregon Walks - pedestrian safety and education programs
- " Bicycle Transportation Alliance - bicycle safety and education programs
- " Neighborhood and business associations - partnering to identify safety needs and lead public processes around engineering improvements; partnering to develop community education campaigns
- " School districts - pedestrian and bicycle safety, education, enforcement and engineering partnership
- " Portland/Multnomah County DUII Working Group - education and networking group that meets quarterly to share information and resources related to DUII
- " Safety Education Advisory Committee - group that brings regional partners together to share information and partner on traffic safety campaigns and programs (coordinated by TriMet)

The High Crash Corridor (HCC) program uses relatively inexpensive education, enforcement and engineering solutions to address crash problems on Portland's ten identified high crash corridors in a short

period of time. The HCC program is completing a 6-year process of tackling traffic safety on the ten designated roadways, including: analyzing data, collecting community feedback, educating road users, enforcing traffic safety laws and building safety improvements.

One current HCC project is the E Burnside (14th Ave to Laurelhurst Pl) Transportation Safety Project. The project goals and ways in which they will be achieved are as follows:

" Reduce crashes - the modified road diet will reduce crashes by about 30%; the pedestrian islands and marked crosswalks at three locations will reduce pedestrian crashes at those locations by about 46%.

" Reduce speeds - once the improvements are in place, PBOT will be applying to ODOT for a posted speed reduction from 35 to 30 MPH. Changes to the roadway should contribute to a reduction in the 85th percentile speeds.

" Improve pedestrian crossings and access to transit - three additional pedestrian islands and marked crosswalks will help achieve this goal, as will a slower roadway operating speed, and fewer travel lanes to cross.

" Support the business district - better pedestrian access, reduced speeds, and the addition of 15-20 on-street parking spaces will help achieve this goal.

The Safe Routes to School (SR2S) program advocates for and implements programs to make walking and biking to school safe for all students and families. The SR2S program includes encouragement, education, engineering, enforcement, evaluation and equity components, and engages over 100 elementary, K-8, and middle schools throughout Portland.

Other PBOT programs are instrumental in increasing traffic safety in Portland. Some of the programs include: Neighborhood Greenways, the bike program, the pedestrian program, Smart Trips encouragement program, Sunday Parkways, street lighting, pedestrian safety outreach, traffic signal upgrades, GIS data management and analysis, and an enforcement partnership with Police.

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 DUI 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.	10/01/2015	11/30/2016	Communicate with the public to develop an understanding of, and support for, Vision Zero.
2.	10/01/2015	1/15/2016	Develop a clear understanding of the safety challenges on our roadways and the best practices nationwide in developing an aggressive and successful TSAP.
3.	10/01/2015	10/31/2016	Bring together a coalition of diverse partners and stakeholders to leverage opportunities to address traffic safety in a meaningful way, as well as to make the culture shift within each group represented to embrace Vision Zero.
4.	11/08/2015	4/30/2016	Develop policies, actions and measures that will provide the roadmap to Vision Zero.
5.	10/01/2015	6/30/2016	Engage the public and partners such as ODOT in the TSAP effort through social media, website, education campaigns, and public feedback opportunities.
6.	7/01/2016	9/30/2016	Produce and have adopted the Portland TSAP to provide the road map for achieving Vision Zero.

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.	10/01/2015	9/30/2016	Develop Communications Plan and consultant Scope of Work.
2.	10/01/2015	1/15/2016	Identify indicators and safety trends.
3.	10/01/2015	1/15/2016	Develop Existing Conditions analysis.

4.	10/01/2015	1/15/2016	Develop Best Practices Analysis.
5.	10/01/2015	1/15/2016	Conduct Policy Gap Analysis.
6.	10/01/2015	1/15/2016	Develop technical paper(s) on Performance Measures (and potentially on other complex issues).
7.	10/01/2015	10/31/2016	Convene three committees to develop and shape the TSAP: 1) Executive Steering Committee (elected officials and agency directors) 2) Policy Advisory Committee (high-level managers) 3) Technical Advisory Committee (staff)
8.	11/08/2015	1/21/2016	Develop vision statement, goals, and related policies.
9.	1/22/2016	3/07/2016	Develop 2-year and 5-year actions (5-10 actions for each goal) and performance measures.
10.	10/1/2015	4/30/2016	Produce draft TSAP report.
11.	5/1/2016	6/30/2016	Public comment period on draft TSAP, including public meetings.
12.	7/1/2016	9/30/2016	Produce final draft TSAP report.
13.	10/1/2016	11/30/2016	City Council and Portland TSP adoption of TSAP report.

Plans for sharing the project activities with others:

This project will develop and foster a healthy and sustainable public dialogue around transportation safety generally, and Vision Zero specifically, in Portland and the metropolitan area, including City Council, Multnomah County, and Metro, as well as other regional leaders on the PAC, staff from diverse agencies, and community members. In addition, the TSAP goals, policies, and action items will be published and updated on a project website. Project information will be shared through various outreach activities and with members of the media, neighborhood associations, business associations, community groups, and others as requested.

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: ☒

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:

The three stakeholder groups will be made up of representatives from local and regional partner agencies and organizations, including but not limited to the following:

- ODOT Region 1 - provide the regional traffic safety perspective, share insights into regional crash trends and solutions, share best practices in traffic safety planning and implementation, share insights, recommendations, and analysis from Oregon's TSAP update effort
- Metro – provide a regional traffic safety perspective, share insights, recommendations and analysis from their 2012 State of Safety report
- TriMet – provide the transit perspective around traffic safety, including challenges and opportunities for improved safety
- Portland Bureau of Transportation – provide leadership on the PAC, take PAC feedback to staff for implementation, direct staff to provide support, analysis, and recommendations that come out of the PAC
- Portland Police Bureau – provide best practices in traffic safety enforcement, identify effective opportunities for enforcement partnership
- Multnomah County – provide leadership on regional DUII work spearheaded by Multnomah County
- Clackamas County – provide leadership on TSAP development, including lessons learned and best practiced in developing Clackamas County's TSAP; identify ways to provide consistent traffic safety education, enforcement and engineering improvements along cross-jurisdictional lines
- Bicycle Transportation Alliance – provide leadership on bike safety needs, opportunities and best practices
- Oregon Walks – provide leadership on pedestrian safety needs, opportunities and best practices
- Trauma Nurses Talk Tough – provide leadership on health impacts of traffic crashes and health safety opportunities to advance through the TSAP
- Oregon Health Authority / Upstream Public Health – provide leadership on advocating for policy change and actionable steps that will prevent fatal and serious crashes from occurring
- American Medical Response – provide leadership on emergency response to serious crashes and ways to improve response time and care
- Freight – provide leadership on traffic safety challenges faced by freight movement in an urban environment and solutions to those challenges
- School Transportation – provide leadership in ways to improve traffic safety for school children, especially crossing on busier roadways
- AAA – provide leadership in identifying traffic safety crash

problems and innovative solutions

- AARP / Elders in Action – provide leadership identifying the specific traffic safety challenges and faced by Portland seniors
- Asian Pacific American Network of Oregon / Immigrant & Refugee Community – provide leadership identifying the specific traffic safety challenges faced by Portland communities of color.

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

Ability to complete the project independently:

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C. Continuation

Plans to continue the project activities after funding ceases:

PBOT's Director has stated publically many times that transportation safety and Vision Zero are her top priorities. This grant will fund the development of Portland's TSAP and coalesce leaders in the Portland Metro area around Vision Zero, providing a sustainable long-term footing for a new, more robust approach to transportation safety for the Bureau. The TSAP will outline specific short-term and mid-term engineering, education, and enforcement efforts that the Portland Bureau of Transportation and other agencies will accomplish in order to achieve zero deaths or serious injuries on Portland roadways. In addition, the communications plan will include an ongoing website with dynamic information, active reporting on actions achieved and results, and Vision Zero marketing will be included on all safety materials. Leaders on our PAC will continue to work with the agencies they represent to forward traffic safety as a top priority. Finally, we hope our work on creating a TSAP for Portland with Vision Zero as a goal will provide a transferable model for the development of other safety plans throughout the state, thus improving the safety of transportation for all Oregonians.

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.	How many motorist fatalities and severe injuries occurred in Portland in the last year? What percent decrease is this from the annual average of the previous 10 years? 20 years? How does this figure compare to the established interim goal?
2.	How many bicyclist fatalities and severe injuries occurred in Portland in the last year? What percent decrease is this from the annual average of the previous 10 years? 20 years? How does this figure compare to the established interim goal?
3.	How many pedestrian fatalities and severe injuries occurred in Portland in the last year? What percent decrease is this from the annual average of the previous 10 years? 20 years? How does this figure compare to the established interim goal?
4.	Was the TSAP developed on time; was it adopted by City Council; and was the policy recommendations incorporated into the City's Transportation Systems Plan?

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:

Crash data is provided to PBOT from the Oregon Department of Motor Vehicles and is accessed through GIS. Each year that new crash data is available, staff will run reports that include traffic fatalities and serious injuries by mode and geographic distribution.

Annually, the project team will compare and report on action items implemented from the TSAP.

PBOT will analyze and explore new ways to measure safety as part of the planning process.

C. Evaluation Design

Describe how the data will be analyzed:

Data will be analyzed throughout the planning process.

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:

Personnel Costs: Staff costs for the Portland Bureau of Transportation staff assigned to this project

Consultation/Contractual Services: Consultant costs for developing the TSAP and supporting reports

Materials/Printing: Printing outreach and education information such as banners, posters and flyers. Printing the TSAP reports.

Other Project Costs: Public involvement, Marketing and Outreach

B. Budget Allotment

The agency named in this document hereby applies for \$126,645.00 in Transportation Safety funds to be matched with \$26,306.00 in funds from source City of Portland 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*: City of Portland
Street Address: 1120 SW 5th Avenue, Suite 800
City: Portland
State: OR
Zip: 97204

B. Project Director

First Name: Gabe Last Name: Graff
Title: Active Trans. Operations Manager Email: gabriel.graff@portlandoregon.gov
Phone: (503) 823-5291 Fax: (503) 823-7576
Street Address: 1120 SW 5th Avenue, Suite 800
City: Portland
State: OR
Zip: 97204

Signature: _____ Date: _____

C. Authorizing Official of Agency Completing Application

First Name: Steve Last Name: Novick
Title: Commissioner Email: Commissioner.novick@portlandoregon.gov
Phone: (503) 823-4682 Fax: (503) 823-4019
Street Address: 1221 SW 4th Ave
City: Portland
State: OR
Zip: 97204

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.

Agreements and Assurances

Project Director:

Gabe Graff, Active Trans. Operations Manager

Signature_____
Date**Designated Alternate:**_____
Signature_____
Date**Authorizing Government Official:**

Steve Novick, Commissioner

Signature_____
Date

TO BE COMPLETED BY TSD

Project No.: RS-15-77-06

Title: CITY OF PORTLAND REGIONAL
SAFETY PLAN - 2015

OTC approval date: June 20, 2014

Total project cost: \$26,418.17

TSD grant funds: \$23,355.28

All matching funds: \$3,062.89

Matching source(s): Local

Authority to approve modifications to this
agreement is delegated to the Transportation
Safety Division grant manager._____
Manager, Transportation Safety Division Oregon
Department of Transportation_____
Date

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 01/27/2014)

§§ 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 (42U.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, 23 U.S.C. § 313, which prohibits States from using highway grant funds under 23 U.S.C Chapter 4 to purchase products, unless they are produced in the United States. This prohibition applies to steel, iron and all manufactured products, unless the Secretary of Transportation has determined that it is appropriate to waive the Buy America Act requirement. There is no minimum purchase threshold that exempts the need for a waiver. For compliance purposes, American-made covers any product that is manufactured or assembled in the United States.

The Secretary of Transportation may waive the Buy America Act requirement if: 1) the requirements would be inconsistent with the public interest (public interest waiver); 2) the products are not produced in the United States in sufficient and reasonably available quantities and of satisfactory quality (non-availability waiver); or 3) use of products produced in the United States would increase the overall cost of a product by more than percent (cost waiver). States may request a waiver of the Buy America Act requirements for purchases made with funds provided through grants under 23 U.S.C. §§ 402 and 405, provided they satisfy one of the above conditions.

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 crashed 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; 20.613, Child Safety and Child Booster Seats Incentive Grants; and 20.616, National Priority Programs - MAP-21.

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.

IMPACT STATEMENT

Legislation title: *Accept two grants totaling the amount of \$150,000 from the Oregon Department of Transportation for the development of a Vision Zero Transportation Safety Action Plan (Ordinance)

Contact name: Margi Bradway

Contact phone: 503-823-5667

Presenter name: Margi Bradway

Purpose of proposed legislation and background information:

- The numbers of pedestrians, bicyclists, and motorists killed on our roadways each year has remained relatively flat over the past 20 years. Annually an average of 37 Portlanders died in traffic collisions, including 11 pedestrians, 2 bicyclists, and 24 motorists.
- While Portland's traffic fatality rate is among the lowest of the 50 biggest U.S. cities, a handful of cities have measurably lower rates than Portland. According to the Center for Disease Control, Portland's motor vehicle crash death rate per 100,000 people is 6.2. Compared with the lowest rate of 3.9, Portland has much work to do to achieve the lowest traffic fatality rate in the U.S. and, eventually, bend that rate down to zero.
- To this end, the Portland Bureau of Transportation requested the support of ODOT's Transportation Safety Division to complete a Vision Zero Implementation Plan via their informal process.
- Portland's Vision Zero implementation plan will be modeled on what cities like New York and San Francisco have recently completed. It will provide the policy framework, backed by data and performance measures that Portland needs to implement a Vision Zero safety effort. It will be developed with a broad coalition of partners and include education, enforcement, and engineering strategies.

Financial and budgetary impacts:

- This grant will bring \$150,000 of one-time funds to the Portland Bureau of Transportation to fund a Vision Zero Implementation Plan.
- There are no additional costs to the City.
- The Oregon Department of Transportation has awarded City of Portland two grants for a Vision Zero Transportation Safety Action Plan. ODOT project number RS-15-77-06 award amount is \$23,355.28 and ODOT project number RS-16-77-06 amount is \$126,644.72 for a total grant award amount of \$150,000. The required local match of \$29,369 will be provided by the Bureau of Transportation, with in-kind services.

ODOT project number RS-16-77-06 for \$126,644.72 is included in the FY 15-16 Approved Budget.

- The confidence level of our project budget is moderate.
- Current Bureau overhead rates have been fully integrated into the project budget.

Community impacts and community involvement:

- In developing the Vision, it will be necessary that a strong group of regional partners come together as a Policy Advisory Committee to direct the vision, goals and actions.
- Among those we hope to include in the PAC are representatives from: ODOT Region 1, Metro, TriMet, Portland Bureau of Transportation, Portland Police Bureau, Multnomah County, the health community, emergency services, transportation advocacy groups, and groups that represent underserved communities and communities of color.
- This planning process will provide the catalyst to engage the public, strengthen relationships with existing partners, and form new partners, such as the health community.

Budgetary Impact Worksheet**Does this action change appropriations?**

☐ **YES:** Please complete the information below.

☒ **NO:** Skip this section

KK 6-4-15