LEGISLATIVE REPORT

SUBJECT: Requesting DOE to consider continuing Project Graduation training through driver education underwriters’ fees as part of traffic safety education

REFERENCE: SCR 220

ACTION REQUESTED: Report on subject matter and how DOE is continuing after the cessation of its federal grant.

DOE REPORT:
Introduction:

The Driver Education Program initiated parent training conferences 18 years ago on how to plan and conduct Project Graduation events. Two to three event planning conferences for parent and student committees were held yearly. The participants paid a partial fee for the training. A federal grant titled Department of Education Traffic Safety project from the Department of Transportation (DOT) to the Department of Education (DOE) Driver Education program (Prog ID 16364) and the Driver Education program special funds (Prog ID 16355) provided subsidies for the training costs. The funded grant is provided as Attachment A and the Allocation Exhibit, Hwy Safety Act – Traffic Safety Prog FY 08, 16364, is provided as Attachment B.

§431:10C-115, Hawaii Revised Statutes (Act 66, 1981; Act 213, 1982; and Act 254, 1992) established the Drivers Education fund underwriters’ fee for the operation of the driver education program administered by the DOE for high school students and traffic safety education program for grades K-12.

FINDINGS:

After September 30, 2008, the federal grant to the Driver Education program will cease which provides funds for Project Graduation trainings and planning conferences. DOT has notified the Driver Education program that future highway safety grants will no longer fund traffic safety grants.

An Attorney General’s opinion in 1998 confirmed that even though school administrators and others provide assistance to the parent/community planners, Project Graduation celebrations are not DOE authorized events. Project Graduation events are not recognized by the DOE as school-sponsored activities, thus, the underwriters’ funds administered by the DOE for traffic safety education programs cannot be used. The underwriters’ fee fund may be used to purchase traffic safety education resource materials and schools may request Traffic Safety mini-grants to support school-sponsored traffic safety education programs to be held during the official school year. As part of the DOE’s traffic safety education program, the Driver Education program will continue to provide traffic safety technical assistance and planning resource materials to
Project Graduation parent and student volunteers upon request. The Driver Education program will not only assist the parents by providing traffic safety technical assistance and resource materials on planning Project Graduation events, but will also provide information on highway safety issues that affect teens, and other news from national organizations, such as Mothers Against Drunk Driving and Students Against Destructive Decisions.

Parents will pay for all costs associated with the Project Graduation training / planning conferences. No state funds will subsidize these training / planning conferences as Project Graduation is not a Department authorized activity. The underwriters’ fees are designated as special funds; special funds are state funds which are administered by the DOE. Only programs under the administration of the DOE for driver education and traffic safety education may be funded with underwriters’ fee special funds.

RECOMMENDATIONS:

Future Project Graduation parent training conferences will be organized by parent volunteers and be self-supporting events.

The driver education program will continue to provide traffic safety education technical support and planning resources as requested by the parent volunteers and schools.
Mr. Daniel S. Hamada  
Assistant Superintendent  
Department of Education  
OCISS Instructional Services Branch  
475 22nd Avenue, Room 217  
Honolulu, Hawaii 96816

Dear Mr. Hamada:

Enclosed for your action is a copy of the approved highway safety reimbursement project No. AL08-02 (06-S-01), entitled "Department of Education Traffic Safety Project". A total of $50,000.00 has been obligated to the project.

The grant funds will be used to provide injury prevention education, as well as Project Prom Graduation training, activities and student events to students, parents and administrators via conferences, trainings and dissemination of resources. The funds will also be used to send Hawaii student representatives to the National Student Safety Program pre-conference planning meeting and the Annual Teen Leadership Conference.

Progress reports must be submitted quarterly within 15 days (ending December, March, June and September) and a final report must be submitted within thirty days of the end of the grant period. Reimbursement claims must be submitted in accordance with the agreement (monthly or quarterly) by the 20th of the month following the claim period. A claim must be submitted even if no expenditures were made.

The project is subject to the audit requirements of the Office of Management and Budget (OMB) A-133, Audit of State Local Government & Non-Profit Organizations. Note that the Department/Program Number and Title with which this project should be associated in the Schedule of Federal Assistance should be associated in the Schedule of Federal Assistance Programs section of your single agency audit report are: Department of Transportation/20.600 - State and Community Highway Safety Program. A copy of all audit reports covering the grant period must be sent to the Department of Transportation – Highway Safety Staff, 869 Punchbowl Street, Room 405, Honolulu, HI 96813.
Within 60 days of the date of project approval, the Highway Safety Staff should be advised of your cognizant Federal audit agency and of when you anticipate the audit report(s) covering the period of this grant to be issued.

Very truly yours,

BRENNON T. MORIOKA, Ph.D., P.E.
Interim Director of Transportation

Enclosure
# APPLICATION FOR HIGHWAY SAFETY PROJECT REIMBURSEMENT GRANT
## STATE OF HAWAII SAFE COMMUNITY PROGRAM - SAFE COMMUNITIES STAFF

### PART I
(Applicant to Complete)

1. **APPLICANT (Name and Address)**  
   Department of Education, OCIISS ISB Driver Ed  
   475 22nd Avenue, Room 217  
   Honolulu, HI 96816

2. **AGENCY UNIT (Name and Address)**  
   OCIISS ISB Driver Education  
   475 22nd Avenue, Room 217  
   Honolulu, HI 96816

3. **DURATION (Month, Day, Year)**  
   A. Grant Period  
   From: 10/1/07  
   To: 9/30/08  
   B. Project Period  
   From: 10/1/89  
   To: 9/30/08

4. **LOCATION OF PROJECT**  
   OCIISS ISB Driver Education  
   475 22nd Avenue, Room 217  
   Honolulu, HI 96816

### FOR SCP-SCS USE ONLY

- **Project Number:** A00-02(06-3-51)
- **Title:** Dept. of Education Traffic Safety Project
- **Standard Area:** Alcohol
- **Effective Date:** October 1, 2004
- **Federal Funds Obligated:** $50,000
- **FY Funds Addendum:** YES NO
- **Benefit of:** STATE COUNTY

5a. **TYPE OF APPLICATION**  
<table>
<thead>
<tr>
<th>Check Appropriate Item(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial</td>
</tr>
</tbody>
</table>

5b. **REIMBURSEMENT SCHEDULE DESIRED**  
   | Monthly | Quarterly |

### 6. PROJECT DESCRIPTION (Schedule A)

7. **PROJECT OBJECTIVES AND TASKS SUMMARY FROM SCHEDULE A**  
   To provide injury prevention education to students, parents, and administrators (to include Project Prom/Graduation training, activities, student events) via conferences/trainings and dissemination of resources.

8. **BUDGET (Schedule B)**

#### 8A. COST CATEGORY

<table>
<thead>
<tr>
<th>Item</th>
<th>Grant Period</th>
<th>Total Expenditures Prior Years</th>
<th>Project Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Personal Services</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(2) Consultant Services</td>
<td>13,800.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(3) Commodities</td>
<td>45,800.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(4) Other Direct/Indirect Costs</td>
<td>9,000.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL ESTIMATED COSTS (Inc. Non-Fed. Share)</strong></td>
<td>68,680.00</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### 8B. SOURCE OF FUNDS

<table>
<thead>
<tr>
<th>Source of Funds</th>
<th>Grant Period</th>
<th>Total Expenditures Prior Years</th>
<th>Project Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Federal (100% of TOTAL)</td>
<td>50,000</td>
<td>72.8%</td>
<td>C. SPECIFY HOW NON-FEDERAL SHARE WILL BE PROVIDED</td>
</tr>
<tr>
<td>(2) Applicant Age</td>
<td></td>
<td></td>
<td>Driver Education Program to provide soft match and funds</td>
</tr>
</tbody>
</table>

9. **MILESTONES (Schedule C)**

10. **AGREEMENT OF UNDERSTANDING AND COMPLIANCE** (See Schedule D, attached)

11. **ACCEPTANCE OF CONDITIONS**. It is understood and agreed by the undersigned that a reimbursement grant received as a result of this application is subject to Public Law 89-564 (Highway Safety Act of 1966) and all administrative regulations governing grants established by the U.S. Department of Transportation and the State of Hawaii. It is expressly agreed that this project constitutes an official part of the Hawaii Highway Safety Program and that said applicant agency will meet the requirements as set forth herein, including accompanying schedules A,B,C & D, which are incorporated herein and made a part of this application. Authorization to proceed with this Highway Safety Project is requested.

11A. **PROJECT DIRECTOR**

<table>
<thead>
<tr>
<th>Signature</th>
<th></th>
<th>Name</th>
<th>Daniel S. Hamada</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date</td>
<td>JAN 10 2008</td>
<td>Title</td>
<td>Assistant Superintendent</td>
</tr>
</tbody>
</table>

11B. **AUTHORIZING OFFICIAL OF AGENCY UNIT**

<table>
<thead>
<tr>
<th>Signature</th>
<th></th>
<th>Name</th>
<th>Patricia Hamamoto</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date</td>
<td>10-08</td>
<td>Title</td>
<td>Superintendent of Education</td>
</tr>
</tbody>
</table>
EXHIBIT I

APPLICATION FOR HIGHWAY SAFETY PROJECT
REIMBURSEMENT GRANT
2. AGREEMENT AND AUTHORIZATION TO PROCEED by State Official Responsible to Governor for Administration of the State Highway Safety Program.

A. Effective Date October 1, 2007

B. Federal Funds Obligated $50,000.00

C. Approval Date 1/28/08

D. Signature

E. Name Gordon K.K. Hong

F. Title Highway Safety Manager
EXHIBIT II

SCHEDULE A
SCHEDULE A
Traffic Safety Project
Project Number PL AL02-07001

PROBLEM IDENTIFICATION

Pedestrian injuries and fatalities have become a high area of concern for the state. In 2005, pedestrians killed by motor vehicles accounted for 25.7% of Hawaii’s traffic fatalities. Four youth between the ages of 0 and 24 were killed in 2005. Pedestrian injuries include more youth in a bell curve with the peak years to be ages 11 and 12.

In the area of occupant protection, Hawaii’s seat belt usage rate decreased from 95.3% to 92.5%. Efforts to increase back-seat use rates by youth ages 17 and under continue to be a challenge.

Youthful drivers under the age of 19 are still over-represented in Hawaii’s fatal and injury crashes. In 2005, six teen drivers and three teen passengers, all between the ages of 15 and 18, were killed. In 2004, 52 teen drivers between the ages of 15 and 18 were involved in alcohol-related crashes.

Prevention education in traffic safety must be presented in the early school years and continued through high school to all students. There are approximately 180,000 students in the public school system. New students and parents enter the public school system every year. There is a need to continue prevention education on life-saving habits every year.

GOALS

The project goal shall be to: 1) involve at least 15 out of 118 (12%) Oahu elementary schools in the pedestrian safety education program and/or campaign, 2) involve at least 19 schools statewide in seat belt education activities/campaigns (11% increase) and 3) maintain the 36 Project Graduation events for graduates of public high schools statewide (100%).

The objectives of this project shall be: 1) to provide pedestrian safety education to elementary students in grades K-5; 2) increase the seat belt-use rates by promoting seat-belt use in vehicles, to students in grades K-12; 3) provide injury prevention education to interested students, teachers, administrators, and parents who can then become advocates for change in their schools and communities; 4) promote and establish Project Prom/Graduation celebrations for teens as an alcohol-countermeasure activity; 5) provide training on Project Prom/Graduation to volunteer parents and community members; and 6) provide resources, speakers, and support to students and teachers on traffic safety areas (pedestrian, seat belts, booster seats, impaired driving).
STRATEGIES

Youth advocacy and peer teaching peers are two strategies that will be used to educate grades K-12 students on rules of safety for the road. Student involvement allows the student to personalize the issue and give it a deeper meaning for retention. Peers are more receptive to receive and accept messages from their friends. These two strategies are practiced by national youth organizations, such as the National Student Safety Program (NSSP), Students Against Destructive Decisions (SADD), and Mothers Against Drunk Driving’s Youth in Action.

The project shall: 1) offer at least one elementary and one secondary traffic safety event for youth (grades 4-12); 2) conduct two parent training conferences on Project Prom/Graduation; 3) disseminate 50,000 pedestrian safety information flyers and Halloween reflective stickers to grades K-5 on Oahu; 4) disseminate at least 100 “Step to Safety” pedestrian education DVDs, videos, and supporting materials to Oahu elementary school teachers of students in grades K-5; 5) promote safety belt observation surveys to be conducted during March through May, 2008; 6) support the Junior Police Officers Program with recognition awards and educational materials; 7) support interested schools with their traffic safety educational campaigns by providing resources, to include laws that affect all pedestrians, young drivers and vehicle passengers; and 8) continue to participate in national youth programs (NSSP, SADD) and the American Driver and Traffic Safety Education Association; and 9) continue to work with volunteers in the Parents Actively Reaching the Youth Coalition and Hawaii NSSP Chapter.

SOLUTION/IMPLEMENTATION

The Department shall continue to assign the project to the state resource teacher for the Driver Education program to implement the aspects of the project. The resource teacher shall continue to provide technical assistance and conference training to interested parties on traffic safety and Project Prom/Graduation. The resource teacher shall work to develop/find resources for students and teachers and disseminate such resources. The project shall continue to participate in the NSSP and SADD national programs to gather up-to-date information and resources for youth on areas of injury prevention. The project shall continue its partnerships with the Honolulu Police Department, Keiki Injury Prevention Coalition, Department of Transportation Services of the City and County of Honolulu, and other state/community agencies/committees created to address underage drinking, impaired driving, and other highway issues related to youth.

EVALUATION

The effectiveness of the project shall be measured by the number of schools, students and students reached with traffic safety trainings and campaigns. The percentages listed in the goals will be pursued as a benchmark of success.
The tasks to be accomplished are:

- Offer/conduct workshops/training on traffic safety issues, youth/parent advocacy to students, parents, administrators (Grades 4-12), to include Project Prom/Graduation
- Obtain and disseminate the "Step to Safety" pedestrian program developed by the American Honda Foundation
- Purchase/develop and disseminate traffic safety resource materials and promotional items (T-shirts, awards, pencils, stuffed animals, safety kits, etc.) to youth, teachers, parents, and administrators to support traffic safety campaigns and/or training, workshops, and conferences.
- Continue safety belt use education campaigns and seat belt observation surveys.
- Recruit youth to serve on the Parents Actively Reaching the Youth Coalition, and Hawaii NSSP Chapter.
- Attend NSSP pre-conference planning meeting (November 2007, Kansas City, MO) and NSSP Annual Teen Leadership Conference (June 2008, mainland location to be announced). Hawaii has a national officer.
- Continue partnership on projects with various state, county and local agencies, and organizations.
### Schedule B

#### (1) Personal Services

**Employee Salaries and Benefits**

<table>
<thead>
<tr>
<th>Position Title</th>
<th>Salary: $ _______________ (Day, Week, Month)</th>
<th>Fringe Benefit Rate: ______ %</th>
<th>Time to be spent on project: ______ hours</th>
<th>Total Salaries and Benefits: $ ______________</th>
</tr>
</thead>
</table>

**Air Travel** - 2 Hawaii students for 2 trips to NSSP

<table>
<thead>
<tr>
<th>To: Kansas City, MO From: Honolulu, HI</th>
<th>Dr Ed match for 3 students to 1 NSSP conference</th>
<th>Total Air Travel: $9,600</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cost: $ 3,800*</td>
<td>5,800</td>
<td></td>
</tr>
</tbody>
</table>

**Surface Travel**

<table>
<thead>
<tr>
<th>Car Rental:</th>
<th>Total Surface Travel: $ ______________</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$ ______________</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Private Car: (_____ miles @ _____ per mile)</th>
<th>Total Surface Travel: $ ______________</th>
</tr>
</thead>
</table>

**Per Diem** - Out-of-State 8 days @$130/day

<table>
<thead>
<tr>
<th>Dr Ed match for 8 days @$130/day</th>
<th>Total Per Diem: $ 2,600.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Info State: _____ days @$ _____ per day</td>
<td>Total: $ 1,560.00</td>
</tr>
<tr>
<td>Inter State: _____ days @$ _____ per day</td>
<td>Total: $ 1,040.00*</td>
</tr>
</tbody>
</table>

**Tuition, Course, Registration and Misc. Fees**

<table>
<thead>
<tr>
<th>Registration Fee:</th>
<th>$ 560.00*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dr Ed match for 3 students and 1 teacher Fee:</td>
<td>$ 1,200.00</td>
</tr>
</tbody>
</table>

Total Tuition and Misc.: $ 1,680.00

TOTAL PERSONAL SERVICES: $ 13,880.00
(2) CONSULTANT SERVICES

_____ hours @ $__________ per hour: $__________

Travel: $__________

Overhead (_______ % of Total): $__________

TOTAL CONSULTANT SERVICES: $__________

(3) COMMODITIES

Dr Ed soft match for supplies Office Supplies: $4,200.00
Conferences, Trainings, Activities $10,850.00*
Other Expendable Materials: $28,750.00*
Dr Ed match for Conferences, Trainings, Activities $2,000.00

TOTAL COMMODITIES: $45,800.00

(4) OTHER DIRECT/INDIRECT COSTS

Office Space (_______ sq. ft. @ $________ per sq. ft.): $__________

Office Equipment (Attach detailed equipment schedule):
Purpose of equipment must be detailed in Schedule A.
Purchased: $__________
Leased: $__________
% of Shared Equipment: $__________

Other Equipment (Specify type and cost on an attached schedule.): $__________

Utilities (_______ % used for project): $__________

Maintenance (_______ % used for project): $__________

E.D.P. Services (_______ hr. @ ______ per hour): $__________
Dr Ed soft match for printing (estimate) $2,000.00
Printing: $4,000.00*
DOE soft match for postage (estimate) $2,000.00

Communications: $__________

Project Income: $__________

TOTAL OTHER DIRECT/INDIRECT COST: $8,000.00

Indirect costs not exceed 10% of total salaries $1,000.00*

Federal (Share) Funds Requested* $50,000.00
Agency (Share) Budget Item $18,680.00

TOTAL PROJECT COST: $68,680.00

Note: Identify all costs to be reimbursed by Federal funds with an asterisk (*).
<table>
<thead>
<tr>
<th>Month</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>October</td>
<td>“Step to Safety” Pedestrian Safety Distribution</td>
</tr>
<tr>
<td></td>
<td>Halloween Pedestrian Safety Campaign</td>
</tr>
<tr>
<td></td>
<td>Traffic Safety Assemblies at selected elementary schools</td>
</tr>
<tr>
<td>November</td>
<td>Parent Project Prom/Graduation Training Conference</td>
</tr>
<tr>
<td></td>
<td>National Student Safety Program Pre-Planning Conference</td>
</tr>
<tr>
<td>December</td>
<td>“Step to Safety” Pedestrian Safety Project support materials distribution</td>
</tr>
<tr>
<td>February</td>
<td>Secondary School Traffic Safety Conference - grades 9-12</td>
</tr>
<tr>
<td></td>
<td>Traffic Safety Assembly – Kahuku High School</td>
</tr>
<tr>
<td>March</td>
<td>Elementary School Traffic Safety Conference - grades 4-6</td>
</tr>
<tr>
<td>March - May</td>
<td>Traffic Safety Assemblies at selected high schools (underage drinking message)</td>
</tr>
<tr>
<td></td>
<td>Safety Belt Observation Surveys &amp; Traffic Safety Campaigns</td>
</tr>
<tr>
<td>May</td>
<td>Youth Traffic Safety Recognition – Junior Police Officers</td>
</tr>
<tr>
<td>June</td>
<td>Parent Project Prom/Graduation Training Conference</td>
</tr>
<tr>
<td></td>
<td>National Student Safety Program Annual Teen Leadership Conference</td>
</tr>
</tbody>
</table>
EXHIBIT V

SCHEDULE D
SCHEDULE D
Agreement of Understanding & Compliance

Project Number: A106-02 (009-5-00)

THIS AGREEMENT made and entered into by and between the STATE OF HAWAII by and through its Director of Transportation, hereinafter referred to as “State,” and the Governmental Unit named in this application, hereinafter referred to as “Applicant.”

WHEREAS, the National Highway Safety Act of 1966 (Public Law 89-564) provides Federal funds to the STATE for approved highway safety projects, and

WHEREAS, STATE may make said funds available to various state, county or municipal agencies or governments or political subdivisions upon application and approval by STATE and the UNITED STATES DEPARTMENT OF TRANSPORTATION, and

WHEREAS, STATE is obligated to reimburse the UNITED STATES DEPARTMENT OF TRANSPORTATION out of its funds for any ineligible or unauthorized expenditures for which Federal funds have been claimed and payment received, and

WHEREAS, the above name APPLICANT has submitted an application for Federal funds for highway safety projects.

NOW, THEREFORE, IN CONSIDERATION OF MUTUAL PROMISES AND OTHER GOOD AND VALUABLE CONSIDERATION, THE PARTIES AGREE AS FOLLOWS:

I. Reimbursement of Eligible Expenditures

A. It is mutually agreed and promised that upon written application by APPLICANT and approval by STATE and the UNITED STATES DEPARTMENT OF TRANSPORTATION, STATE shall obligate said Federal funds to APPLICANT’S account for reimbursement of eligible expenditures as set forth in the application.

B. It is mutually agreed and promised that APPLICANT shall reimburse STATE for any ineligible or unauthorized expenditures for which Federal funds have been claimed and payment received as determined by a State or Federal audit. Costs are not allowable for construction, rehabilitation, remodeling, or for office furnishings and fixtures - for State, local or private buildings or structures. The following are examples of items considered as furnishings or fixtures, for which reimbursement is not eligible:

- Desks
- Chairs
- Tables
- Shelving
- Coat Racks
- Credenzas
- Bookcases
- Filing Cabinets
- Floor Coverings
- Office Planters
- Storage Cabinets
- Portable Partitions
- Pictures, Wall Clocks
- Draperies
- Fixed Lighting/Lamps
C. It is further agreed and promised that where reimbursement is made to APPLICANT in installments, STATE shall have the right to withhold any installments to make up reimbursement received for any ineligible or unauthorized expenditures until such time as the ineligible claim is made up or corrected by APPLICANT.

II. Property Agreement

A. It is mutually agreed and promised that the APPLICANT shall immediately notify the STATE if any equipment purchased under this project ceases to be used in the manner as set forth by the project agreement. In such event, APPLICANT further agrees to either give credit to the project cost or to another active Highway Safety project for the residual value of such equipment in an amount to be determined by the STATE, or to transfer or otherwise dispose of such equipment as directed by STATE.

B. It is mutually agreed and promised by the APPLICANT that no purchased equipment under this project will be conveyed, sold, salvaged, transferred, etc. without the express written approval of the STATE.

C. It is mutually agreed and promised that the APPLICANT shall maintain or cause to be maintained for its useful life, any equipment purchased under this project.

III. Application of Hatch Act

A. It is mutually agreed and promised that the APPLICANT shall notify all employees of the APPLICANT, whose principal employment is in connection with any Highway Safety project, financed in whole or in part by loans or grants under the Highway Safety Act of 1966, of the provisions of Section 12 (a) of the Hatch Act [5 U.S.C. 118K (a)].

IV. Equal Opportunity

A. It is mutually agreed and promised that pursuant to the requirements of Section 22 (a) of the Federal-Aid Highway Act of 1968, Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and the Age Discrimination Act of 1975, the APPLICANT, as a condition to receiving approval of this application submitted under the Highway Safety Act of 1966, hereby gives its assurance that employment in connection with the subject Highway Safety Program project will be provided without regard to race, color, creed, sex, handicap, age, or national origin. The APPLICANT further agrees that, as a condition to receiving approval of this application, it will be subject to, and will comply with, Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 (hereinafter referred to as the Act), and all applicable requirements pursuant to the Regulations of the Department of Commerce (Title 15, Code of Federal Regulations, Part 8, which have been adopted by the Department of Transportation, and hereinafter referred to as the Regulations), to the end that, in accordance with the Act and the Regulations, no person in the United States shall on the ground of race, color, creed, sex, handicap, age, or national origin be excluded from participation in, be denied the benefits of, or be
otherwise subjected to discrimination under the subject Highway Safety Program or project.

B. It is mutually agreed and promised that if the APPLICANT fails or refuses to comply with its undertaking as set forth in these provisions, the STATE of the UNITED STATES DEPARTMENT OF TRANSPORTATION may take any or all of these following actions:

(1) Cancel, terminate, or suspend in whole or in part the agreement, contract, or other arrangement with respect to which the failure or refusal occurred; and

(2) Refrain from extending any further Federal financial assistance to the applicant agency under the program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the applicant agency.

V. Non-duplication of Grant Fund Expenditures

A. It is mutually agreed and promised that the APPLICANT has no ongoing or completed projects under agreement with any other Federal fund source which duplicate or overlap any work contemplated or described in this project.

B. It is mutually agreed and promised that the APPLICANT will either revise this project or revise any pending or proposed request for other Federal grant funds which would duplicate or overlap work under this project to exclude any such duplication of grant fund expenditures.

C. It is further mutually agreed and understood that the APPLICANT shall reimburse the STATE OF HAWAII for any such duplicate expenditures for which Federal grant funds have been claimed and payment received as determined by State or Federal audit.

VI. Project Income and Applicable Credits

A. It is mutually agreed and understood that the APPLICANT shall apply all proceeds or credits generated under the project, such as but not restricted to: The sale of real or personal property royalties received from copyrights and patents, sale of publications or from personal or incidental services, to the project in accordance with OMB Circular A-87 (FMC 74-7) or A-21, as applicable and NHTSA/FHWA Order 460-4/7510.1.

VII. Copyrights and Patents

A. It is mutually agreed that any copyrightable materials produced in the course of a project may be the property of the State or applicant agency; however, provisions should be made to obtain for the United States Government, the State Governments and their political subdivisions a royalty-free nonexclusive, and irrevocable license to use in any manner such copyrightable material.
B. It is mutually agreed that the ownership of all rights accruing from any patentable discoveries or inventions resulting from a project should be covered in the agreement. An irrevocable, nonexclusive, nontransferable, and royalty-free license to practice each discovery or invention in the manufacture, use and disposition, according to law, of any article or material, and in the use of any method developed as part of the work under the agreement should be obtained for the United States Government, the State Governments and their political subdivisions.

VIII. Certification Regarding Debarment and Suspension

A. Instructions for 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 is it will include this 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 List.

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.

IX. 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 participants shall attach an explanation to this proposal.

X. Minority Business Enterprise Requirements

It is the policy of the Department of Transportation that minority business enterprises, as defined in 49 CFR Part 23, shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this agreement. Consequently, the MBE requirements of 49 CFR Part 23 apply to this agreement.

The recipient or its contractor agrees to ensure that minority business enterprises as defined in 49 CFR Part 23 have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal
funds provided under this agreement. In this regard, all recipients or contractors shall 
take all necessary and reasonable steps in accordance with 49 CFR Part 23 to ensure that 
minority business enterprises have the maximum opportunity to compete for and perform 
contracts. Recipients and their contractors shall not discriminate on the basis of race, 
color, national origin, or sex in the award and performance of DOT-assisted contracts.

XI. Requirements

A. It is mutually agreed and promised that the applicant shall follow the State and 
Federal requirements and guidelines set forth in the State of Hawaii Project 
Procedures Manual as amended. All project expenditure records are to be retained for 
at least three years after the date of the final expenditure report.

XII. Authorization to Proceed

A. It is mutually agreed between the STATE and the APPLICANT that this 
AGREEMENT OF UNDERSTANDING AND COMPLIANCE shall become 
effective upon the STATE'S agreement and authorization to proceed as set forth in 
PART II (2) of this application.
HWY SAFETY ACT-TRAFFIC SAFETY PROG FY08, 16364
Program: 16364, HWY SAFETY ACT-TRAFFIC SAFETY PROG FY08
Program Manager: Katherine Sakuda

A. AUTHORIZATION
1. Legal Provision
   Act 213, SLH 2007

2. Resources Provided
   a. Funding
      Appr.: S210
   b. Character of Expenditure
      Permanent FTE: 0.00
      Temporary FTE: 0.00

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B. ALLOCATION PROPOSAL

GENERAL FUND ALLOCATIONS ARE TENTATIVE. THE AMOUNTS ALLOCATED MAY BE REDUCED BY EXECUTIVE RESTRICTIONS AND/OR INTERNAL REDUCTIONS.

HWY SAFETY ACT-TRAFFIC SAFETY PROG FY08, 16364

1. Purpose

The State Department of Transportation (DOT) is continuing the partnership with the DOE that was established in October 1989 by providing a reimbursable federal grant to continue activities, training, projects and efforts to provide prevention traffic safety education to students K-12, teachers, parents, administrators and the community at large. The DOT wants public schools to participate in their annual "Click It or Ticket" campaign and new efforts on pedestrian safety.

2. Rationale for Allocation

$50,000 in "T" funds is allocated for the following:

A) Prevention education must involve the whole school community and community at large. The project's mission shall be to increase the seat belt use rate by promoting safety belt use in vehicles and reinforcing pedestrian safety rules, which will help to reduce and prevent injuries on the highways to students in grades K-12. The goals and objectives shall be to:

1) provide injury prevention education to interested students, teachers, administration and parents, who shall then become advocates for change in their schools;

2) reinforce the state seat belt laws to youth and their parents;

3) reinforce pedestrian safety rules to youth and their family members;

4) promote, establish and maintain Project prom/Graduation celebrations for high school students by exposing students to the project and training volunteer parents;

5) provide resources, speakers, and support to students and teachers on traffic safety (pedestrian, school bus, bicycle, alcohol/drug free driving, safety belt use); and

6) provide safety belt and pedestrian campaign educational materials, promotional products and other campaign support materials/resources.

3. Guidelines for Implementation

A) The project shall be implemented by the State Driver Education Resource Teacher of the Office of Curriculum, Instruction and Student Support Section of the Department of Education. The Resource Teacher shall be under the supervision of the Educational Specialist III for the Health, P.E., Social Studies and Student Programs Section. The funds for the project shall be used for:

1) Workshops/trainings, technical assistance, student activities, school assemblies and demonstration activities on Project Prom/Graduation and traffic safety, and all related expenses, such as meals, supplies and materials, inter-island transportation, speaker costs, AV equipment, rentals, promotional items (i.e., stickers, medals, wristbands, certificates, T-Shirts, pens, etc.), entertainment, etc.

2) Promotional items to conduct seat belt education campaigns and incentive activities, such as
T-Shirts, hats, pens, activity booklets, awards, etc.

3) Peer Education pedestrian and traffic safety activities and Traffic Safety Campaign materials on bicycle, school bus, pedestrian safety, speeding, and graduated licensing (includes promotional items with a traffic safety message, such as posters, T-Shirts, incentive awards, etc.) developed with youth. Materials will be distributed to schools.

4) Intra- and out-of-state travel, per diem, conference registration fees, ground transportation and related costs for youth(s) and advisor(s)/chaperon(s) to attend the National Student Safety Program (NSSP) Pre-conference planning meeting in November 2007 in Kansas City, Missouri, and the NSSP Annual Teen Leadership Conference in Branson, Missouri in June 2008.

5) Conference costs and related expenses for Secondary and Elementary Traffic Safety Leadership Conferences including but not limited to meals, speaker costs, student incentive recognition and reward items, such as medals, certificates, posters, T-Shirts, etc.

6) Training sessions and meetings for youth working on joint projects with state/country agencies, such as the Keiki Injury Prevention Coalition, and related expenses (meals, supplies, incentive and award items, etc.).

7) Membership costs with the NSSP and National Students Against Destructive Decisions.

8) Costs associated with meetings, trainings and technical assistance to volunteer teens of the Hawaii National Student Safety Program and volunteer parents of the Parents Actively Reaching the Youth Coalition.

9) Contracts and/or stipends for safety advocates to address speeding, underage drinking and driving, lack of seat belt use (especially in the back seat), pedestrian safety, bicycle helmet use, healthy choices, and other traffic safety concerns as project activities.

10) Costs associated with partnerships with the Honolulu Police Department Traffic Division Junior Police Officer Detail and the DOT.

B) For employees working solely on a single federal funded program, Payroll Certification forms shall be completed and signed by the employee and supervisor twice a year:

1) For the six months ending December 31 and June 30 of each year,

2) At the end of the reporting period, and

3) State the beginning date and ending date, if known, of when the employee worked during the reporting period.

C) Employees working on multiple programs with separate funding sources (i.e., two different federal programs or a federal program and a general funded program) the employee and supervisor must:

1) Report on the Payroll Certification form at the end of every month the actual amount of time in which the employee was engaged in program activities, and

2) Sign the Payroll Certification form.

D) Payroll certifications shall be:

1) Filed and maintained with all other documentation of fiscal transactions (i.e., purchase orders and inventory control) at the organization level (i.e., school, section, or office) executing the
authority to expend the federal funds, and

2) Filed electronically in the Payroll Certification Data Base. Certifications are to be faxed to Program Support and Development, 586-3429, until activation of the efile system for placement in the Payroll Certification Data Base.

E) Funds are to be expended in accordance with the guidelines found in the "FMS User Policy and Process Flow guide," personnel rules and regulations, and procurement laws. No deficit spending is permitted.

F) Funds are to be expended by September 30, 2008.

4. Allocation of Resources

$48,500 in "T" funds is allocated to the OCISS, HPESS & SP Section (ORG ID 041000) to meet project goals and objectives.

$1,500 in "T" funds is allocated to the Office of Fiscal Services, Accounting Section (ORG ID 899000) for indirect costs.

5. Key Performance Indicators

- Fifteen (15) elementary schools of 118 Oahu elementary schools will have pedestrian safety education programs and/or campaigns.

- At least 19 schools statewide will have seat belt education activities/campaigns.

- 100% of the 36 Project Graduation events for graduates of public high schools statewide will be maintained.

Report Required: Yes  
Report Due Date: 10/31/2008