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HIGHWAY SAFETY GRANT FUNDING GUIDANCE

INTRODUCTION

The basic funding eligibility factors listed in this document apply to NHTSA field administered grants in accordance with 23 U.S.C. Sections 402 and 405 of the Moving Ahead for Progress in the 21st Century Act (MAP-21) of 2012, with revisions to Sections 154 and 164. Highway safety grants rescinded by MAP-21 are governed by the applicable implementing regulations at the time of the grant award. Sections 163, 405, 406, 408, 410; with the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETA-LU), Public Law 109-59, Sections 1906, 2010, and 2011 remain in effect until all funds are expended. They should be implemented in conjunction with:

- 2 CFR Part 200 and 2 CFR Part 1201 - Uniform Administrative Requirements, Cost Principles, and Audit Requirement for Federal Awards;
- 23 CFR Part 1200 - MAP-21 P.L. 112-141 Uniform Procedures for State Highway Safety Grant Programs; and
- NHTSA Order 462-6C - Matching Rates for State and Community Highway Safety Programs, November 30, 1993.

To be allowable, costs must be necessary and reasonable for the performance of the Federal award and be allocable thereto under these principles and conform to any limitations or exclusions set forth in these principles or in the Federal award as to types or amount of cost items. Federal funds must be used in accordance with the appropriate statute and implementing grant regulations or guidance. Grant management rules require governmental units to monitor subawards to assure compliance with applicable Federal requirements and cost principles. Reference 2 CFR § 200.403.

PART I. GENERAL PROGRAM FEATURES

A. MAP-21 Programs

Section 402 - State and Community Highway Safety Grants (23 U.S.C. 402)

Section 402 funds are used to support countermeasure strategies and projects identified in the States' Highway Safety Plan (HSP). This includes resources to initiate new projects and catalyze or accelerate existing projects to address major safety issues with well-planned strategies, and leverage additional State and local investment in highway safety. States must have an approved HSP to receive Section 402 grant funds. To review eligibility determination, qualification criteria, and use of grant funds, reference: 23 CFR Part 1200.

Section 405(b) - Occupant Protection Grants

Section 405(b) encourages States to adopt and implement effective occupant protection programs to reduce highway deaths and injuries resulting from individuals riding unrestrained or improperly restrained in motor vehicles. To review eligibility determination, qualification criteria, and use of grant funds, reference: 23 CFR § 1200.21.

Section 405(c) - State Traffic Safety Information System Improvement Grants

Section 405(c) continues, with some changes, the State traffic safety information system improvements grant program authorized under SAFETEA-LU. The purpose of the new grant program is to support State efforts to improve the data systems needed to help identify priorities for Federal, State, and local highway safety programs, to link intrastate data systems, and to improve the compatibility and interoperability of these data systems with national data systems, and the data systems of other States for highway safety purposes such as enhancing the ability to analyze national trends in crash occurrences, rates, outcomes, and circumstances. To review eligibility determination, qualification criteria, and use of grant funds, reference: 23 CFR § 1200.22.

Section 405(d) - Impaired Driving Countermeasure Grants - High, Mid, and Low Range

Section 405(d) encourages States to adopt and implement effective programs to reduce traffic safety problems that result from individuals driving motor vehicles while under the influence of alcohol, drugs, or the combination of alcohol and drugs or that enacts alcohol ignition interlock laws. To review eligibility determination, qualification criteria, and use of grant funds, reference: 23 CFR § 1200.23.

Section 405(d) - Impaired Driving Countermeasure Alcohol Ignition Interlock Laws

Section 405(d) encourages States to adopt and enforce mandatory laws to require installation of alcohol ignition interlocks on vehicles operated by all individuals convicted of driving under the influence of alcohol or of driving while intoxicated. To review eligibility determination, qualification criteria, and use of grant funds, reference: 23 CFR § 1200.23(5).

Section 405(e) - Distracted Driving Grants

Section 405(e) authorizes grants to States that enact and enforce laws to prohibit distracted driving. This includes texting while driving and youth cell phone use while driving. To review eligibility determination, qualification criteria, and use of grant funds, reference: 23 CFR § 1200.24.

Section 405(f) - Motorcyclist Safety Grants

Section 405(f) encourages States to adopt and implement effective programs to reduce the number of single-and multi-vehicle crashes involving motorcyclists. To review eligibility determination, qualification criteria, and use of grant funds, reference: 23 CFR § 1200.25.

Section 405(g) - State Graduated Driver Licensing Grants

Section 405(g) encourages States to adopt and implement effective graduated driver licensing laws. To review eligibility determination, qualification criteria, and use of grant funds, reference: 23 CFR § 1200.26.

Section 405 - Grant Programs Transfers

In the event that all Section 405 grant funds are not distributed, MAP-21 authorizes NHTSA to transfer remaining amounts to other programs authorized under 23 U.S.C. 402 and 405 before the end of the fiscal year. Reference 23 CFR § 1200.20 (e)(3).

Section 154 - Open Container Requirements

The Transportation Equity Act of the 21st Century (TEA-21) Restoration Act established a program to encourage States to enact Open Container laws. MAP-21 includes specific provisions related to Section 154. States that fail to meet the requirements of these provisions are penalized by the reservation of apportioned Federal aid funds. Funds are used for alcohol-impaired-driving programs and/or Highway Safety Improvement Programs (HSIP). If a State elects to use the reserved grant funds for alcohol-impaired-driving programs, the amounts are transferred to the State's Section 402 apportionment. If the State elects to use reserved grant funds to conduct HSIP eligible activities, the funds are released to the State Department of Transportation. Section 154 funds used for alcohol programs take on the characteristics as Section 402 funds, and Section 154 funds used for HSIP take on the characteristics as FHWA's Section 148 funds. Reference 23 U.S.C. 154.

Section 164 - Minimum Penalties for Repeat Offenders for Driving While Intoxicated (DWI) or Driving Under the Influence (DUI)

The TEA-21 Restoration Act established a program to encourage States to enact Repeat Intoxicated Driver laws. MAP-21 includes specific provision related to Section 164. States that fail to meet the requirements of these provisions are penalized by the reservation of apportioned Federal-aid funds. These funds are used for alcohol-impaired driving programs and/or the HSIP. If a State elects to use the reserved funds for alcohol-impaired driving programs, the funds are transferred to the State's Section 402 apportionment. If the State elects to use reserved funds to conduct HSIP eligible activities, the funds are released to the State Department of Transportation. Section 164 funds used for alcohol programs take on the characteristics as Section 402 funds, and Section 164 funds used for HSIP take on the characteristics as FHWA's Section 148 funds. Reference 23 U.S.C. 164.

B. SAFETEA-LU Programs

Section 405 - Occupant Protection Incentive Grant

Section 2004 of SAFETEA-LU reauthorized Section 405 to encourage States to adopt and implement effective programs to reduce deaths and injuries from riding unrestrained or improperly restrained in motor vehicles. Grant funds are used to implement and enforce occupant protection programs. Reference 23 CFR Part 1345.

Section 406 - Incentive Grants to Support Increased Seat Belt Use Rates

Section 2005 of SAFETEA-LU established a new program of incentive grants (under Section 406 of Chapter 4 of Title 23) to encourage the enactment and enforcement of primary seat belt use laws and encourage increased seat belt use. States can use grant funds for any behavioral highway safety purpose or for any project that corrects or improves a hazardous roadway location or feature or proactively addresses highway safety problems. States must obligate a minimum of $1 million for behavioral safety activities.

Section 408 - State Traffic Safety Information System Improvements Grants

Section 2006 of SAFETEA-LU established a new program of incentive grants (under Section 408 of Chapter 4 of Title 23) to encourage States to adopt and implement effective programs to improve the timeliness, accuracy, completeness, uniformity, integration, and accessibility of State data. States can use grant funds to identify priorities for national, State and local highway and traffic safety programs, evaluate effectiveness of efforts to make improvements, link State data systems, including traffic records, with other data systems within the State, and improve compatibility of the State data system with national data systems and data systems of other States to enhance the ability to observe and analyze national trends in crash occurrences, rates, outcomes, and circumstances.

Section 410 - Alcohol Impaired Driving Countermeasures

Section 2007 of SAFETEA-LU amended the alcohol-impaired driving countermeasures incentive grant program (under Section 410 of Chapter 4 of Title 23) to encourage States to adopt and implement effective programs to reduce traffic safety problems resulting from individuals driving while under the influence of alcohol. States can use grant funds to implement the eight impaired driving programmatic grant criteria, as well as costs for high-visibility enforcement; the costs of training and equipment for law enforcement; the costs of advertising and educational campaigns that publicize checkpoints, saturation patrols, or other law enforcement traffic maneuvers, increase law enforcement efforts and target impaired drivers under 34 years old; the costs of a State impaired operator information system; and the costs of vehicle or license plate impoundment. Reference 23 CFR Part 1313.

Section 1906 - Grant Program to Prohibit Racial Profiling

Section 1906 of SAFETEA-LU established a new grant program to encourage States to enact and enforce a law that prohibits the use of racial profiling in highway law enforcement, and to maintain and allow public inspection of statistical information for each motor vehicle stop on Federal aid highways in the State regarding the race and ethnicity of the driver and any passengers. States use grant funds to collect and maintain data on traffic stops, evaluate results of such data, and develop and implement programs to reduce the occurrence of racial profiling, including training. Reference P. L. 109-59, Section 1906.

Section 2010 - Motorcyclist Safety Grants

Section 2010 of SAFETEA-LU established a new program of incentive grants to encourage States to adopt and implement effective programs to reduce the number of single and multi-vehicle crashes involving motorcyclists. States can use grant funds for motorcyclist safety training and motorcyclist awareness programs, including improvement of training curricula, delivery of training, recruitment or retention of motorcyclist safety instructors, and public awareness and outreach programs. Reference 23 CFR Part 1350.

Section 2011 - Child Safety and Child Booster Seat Grants

Section 2011 of SAFETEA-LU established a new incentive grant program to make funds available to States that enforce a law that requires any child riding in a passenger vehicle who is too large to be secured in a child safety seat, to be secured in a child restraint that meets the requirements prescribed under Section 3 of Anton's Law (49 U.S.C. 30127 note; 116 Stat. 2772). Grant funds are used only for child safety seat and child restraint programs. Reference Section 2011 SAFETEA-LU.

PART II. BASIC FUNDING GUIDANCE

The provisions of 2 CFR Part 200, 2 CFR Part 1201 and 23 CFR Part 1200, are applicable (depending on the identity of the entity incurring the cost) for general determination of allowable costs. Except where otherwise authorized by Statute, cost must meet the following general criteria in order to be allowable under Federal awards: 2 CFR § 200.403.

- Allowable costs must be necessary, reasonable, and allocable, and used in accordance with the appropriate statute and implementing grant regulations.
- Costs must be authorized or not prohibited under State or local regulations.
- Costs must conform to limitations or exclusions in the Cost Principles regulations, Federal laws, terms and conditions of the Federal award, or other governing regulations.
- Costs must be adequately documented.
- Costs must be consistent with policies, and procedures that apply uniformly to both Federal awards and other activities of the government unit.
- Costs may not be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to the Federal award as an indirect cost.
- Costs may not be included as a cost or used to meet cost sharing or matching requirements of any other federally financed program in either current or a prior period.

A. Planning and Administration Costs

As outlined in 23 CFR Part 1200, Appendix F, planning and administration costs are direct and indirect expenses attributable to overall management of the State's HSP. Costs include salaries and related personnel benefits for the Governors' Representative for Highway Safety and for other technical, administrative, and clerical staff in the State Highway Safety Office (SHSO). Planning and administration costs also include other office costs, such as travel, equipment, supplies, rent, and utility expenses necessary to carry out the functions of the SHSO.

1. Funding Ceiling for Planning and Administration

- **Section 402 -** A maximum of 13 percent of annual Section 402 program funds is available for planning and administration or the applicable sliding scale rate in accordance with NHTSA Order 462.6C. Reference 23 CFR § 1200.13(a)(1). NOTE: Indian Nations are exempt.

- **Section 406 - Primary Law States and Safety Belt Performance States**
  States received Section 406 grant funds on a one-time basis and are allowed to carry forward unspent planning and administration into future fiscal years (FYs).

- **Section 410 Funds Under SAFETEA-LU**
  States can obligate a maximum of 10 percent of annual Section 410 program funds for planning and administration. Only unexpended balances of the amount obligated are available for planning and administration.

- **Sections 154 and 164 Funds Transferred to Section 402**
  A maximum of 13 percent of annual Section 154 or 164 transfer funds is available for planning and administration. Unexpended balances of funds obligated to planning and administration are carried forward into the succeeding FY as planning and administration.

- The amounts State programs for 410, 154, and/or 164 planning and administration must be related to costs of planning and administration for only alcohol programs.

2. Matching Requirements for Planning and Administration

- For Section 402, the Federal planning and administration share shall not exceed 50 percent of total planning and administration costs, or the applicable sliding scale rate in accordance with NHTSA Order 462.6C. Reference (23 CFR § 1200.13(a)(1)).
- No match is required for Sections 154, 164, or 406 funds.
- No match is required for United States (U.S.) Territories or for federally recognized Indian Country governments under the Indian highway safety program. Reference 23 CFR § 1200.13(a)(1).

B. Program Matching Requirements

The State-match amount is calculated as a percentage of the total (Federal and State) program costs. States affected by nontaxable Indian lands, Public Domain lands; National Forest, National Parks, and Monuments that qualify for sliding scale matching rates should refer to NHTSA Order 462-6C.

1. MAP-21

Sections 402 and 405

- Federal share is not to exceed 80 percent.
- No match is required for U.S. Territories, or the Indian Highway Safety Program (Indian Highway Safety Program is not eligible for 405 grant funds).

2. SAFETEA-LU

Sections 408 and 1906

- Federal share is not to exceed 80 percent.
- No match is required for U.S. Territories, or for the Indian Highway Safety Program.

Sections 405 and 410

- Federal share is not to exceed 75 percent the first and second years.
- Federal share is not to exceed 50 percent the third and fourth years.
- Federal share is not to exceed 25 percent the fifth year and beyond.
- No match is required for U.S. Territories.

Section 2011

- Federal share is not to exceed 75 percent the first, second and third years.
- Federal share is not to exceed 50 percent in the fourth year.

Sections 406, 154, 164, and 2010

No match is required.

C. Maintenance of Effort

MAP-21 requires States to maintain aggregate expenditures from all State and local sources, for the following programs, at or above the average level of such expenditures in FYs 2010 and 2011.

- Occupant Protection Grants: Reference 23 CFR § 1200.21(d)(5).
- State Traffic Safety Information System Improvement Grants: Reference 23 CFR § 1200.22 (f).
- Impaired Driving Countermeasures Grants: Reference 23 CFR § 1200.23(d)(2).

As a condition of receiving grant funds, States are required to certify in their Section 405 grant applications that they meet the applicable MOE requirements. Auditable documentation to substantiate that they meet the MOE requirements must be submitted to the NHTSA Regional Office by March 31 of each year. NHTSA has the authority to waive or modify this requirement for not more than one FY for each grant program. A request for waiver must be submitted in writing by the Governor's Representative for Highway Safety to the Regional Administrator. Reference: MOE Guidance.

D. Political Subdivisions Participation (Local Benefit)

At least 40 percent of all Federal funds apportioned under Section 402 to the State and 95 percent of Federal funds apportioned under 402 to the Secretary of Interior, must be used by or for the benefit of political subdivisions of the State, including Indian tribal governments. A State may request a waiver from the NHTSA Administrator. Reference 23 CFR Part 1200, Appendix E.

Sections 154 and 164 funds transferred to the Section 402 Program have the same 40 percent local benefit requirement. Note: The 40 percent requirement does not apply to Sections 154 and 164 funds designated as HSIP.

E. Proportionate Funding

For all funded activities and equipment that have both related and unrelated highway safety grant components, the Federal share is based proportionately on the projected use for Federal (NHTSA) grant purposes. For example, the NHTSA participation in the cost of gas chromatograph mass spectrometers for quantitative testing of drug evidential samples is on a pro rata basis. If a State laboratory department plans to use this equipment 20 percent of the time to identify drugged driving evidence and 80 percent of the time to identify non-traffic-related evidence, the NHTSA participation cannot exceed 20 percent of the total cost of the equipment.

F. Highway Safety Plan Signatures

The Governor's Representative for Highway Safety for MAP-21 Sections 402 and 405 grants must sign all certifications and assurances. Reference 23 CFR § 1200.11(f, g, h).

PART III. ALLOWABLE COSTS UNDER SPECIFIED CONDITIONS OR LIMITATIONS FOR SELECTED ITEMS

The following items are allowable under specified conditions. In the event of a conflict between OMB Circular 2 CFR Part 200 and 1201 and another statute or regulation, including 23 CFR Part 1200, the SHSO should contact their NHTSA Regional Office for guidance.

A. Equipment

1. New and replacement equipment with a useful life of more than one year and an acquisition cost per unit (including accessory items essential to its operation) of $5,000 or more must be pre-approved by the appropriate grant-approving official(s). If the equipment request is submitted in the HSP, it is reviewed and approved along with the HSP. If the equipment is not in the HSP, a separate written request describing how the equipment will support the State's highway safety program is required. For equipment use, disposition, and title rights reference 23 CFR § 1200.31 and 2 CFR § 200.439.

2. Purchase and installation of regulatory and warning signs and supports and field reference markers designed specifically to meet FHWA-endorsed standards only for roads off the Federal-aid system (i.e., local roads or rural minor collectors) may be purchased with NHTSA funds programmed to Roadway Safety.

3. The following items are subject to compliance with applicable standards and performance specifications and inclusion on the applicable Conforming Products List (CPL) established by NHTSA, the Research and Innovative Technology Administration (RITA), the American College of Surgeons, or by other nationally recognized standard-setting agencies, or by State standards and performance specifications, as long as they are at least as stringent as applicable national standards and performance specifications.

   a. Hand held radars and other devices used by law enforcement to make on the scene traffic stops. A comprehensive list can be found online at: www.theiacp.org/portals/0/pdfs/Combined-CPL.pdf.

   b. Alcohol/drug testing devices and costs for re-certification of such devices (a comprehensive list can be found online at (www.volpe.dot.gov).

   c. Ambulance purchase with Federal share not to exceed 25 percent, unless the State submits documentation supporting a higher percentage of highway safety use to the appropriate NHTSA Regional Office grant-approving official. Minimum requirements for an ambulance include: (1) meeting the General Service Administration Federal Ambulance Specifications (KKK series); (2) being equipped in accordance with the essential equipment list recommended by the American College of Surgeons; (3) containing space for two litter patients and 60 inches of headroom for EMT's; (4) being manned by a minimum of one basic level EMT; and (5) having exterior vehicle lighting sufficient for identification as an ambulance.

   d. Helicopter purchase with a Federal share not to exceed 25 percent, unless the State submits documentation supporting a higher percentage of highway safety utilization to the appropriate NHTSA Region Office grant-approving official. To be eligible for purchase, helicopters must be equipped for emergency medical services (EMS) missions and for police traffic safety functions related to law enforcement, with an absolute priority accorded to EMS duty needs for crash site victim removal. Activity logs must be maintained to verify highway safety use and expenditure.

e. Automated external defibrillators (AED) purchase with a Federal share not to exceed 25 percent. AEDs are to be used for training EMS personnel only. AEDs cannot be used to equip ambulances, police cars, or offices.

f. Fixed-wing aircraft purchase with a Federal share not to exceed 25 percent unless the documentation supports a higher percentage of highway safety utilization. Activity logs must be maintained to verify highway safety use and expenditures.

B. Travel

1. Costs for travel-related expenses charged to the Federal award must justify that participation of the individuals is necessary to the Federal award and costs are reasonable and consistent with non-Federal entity's established travel policy. Reference 2 CFR § 200.474.

C. Training

1. Costs of training personnel (but not Federal civilian or military employees), for highway safety purposes are allowable when the training supports objectives of the State's highway safety program. (See "Unallowable Costs" in Part IV. Sections C.1 and C.2 under Training). Training for Department of the Interior personnel assigned Section 402 responsibilities is covered under the 5 percent administrative allowance.
2. Development costs of new training curricula and materials are allowable if they do not duplicate materials already developed for similar purposes by U.S. DOT/NHTSA/FHWA or by States. Costs are allowable to modify existing materials to meet particular State and local instructional needs.
3. Costs are allowable for portable skid platforms and driving simulators. However, proposed plans for this equipment must be part of an NHTSA-approved training program. If the total cost of the skid platforms and driving simulators exceeds $5,000, it falls into the major purchases category and requires NHTSA prior approval.

D. Program Administration

1. Consultant services. Costs are allowable for highway safety consultant services from universities, public agencies, non-government organizations, and individuals for State or local highway safety support services or products consistent with the applicable Cost Principles, provided applicable State procurement procedures are followed.
2. Promotional items. Costs are allowable to support a specific highway safety project with promotional items only when evidence is provided that items are directly related and integral to project objectives. Costs should be reasonable and include a distribution plan and maintenance of records. Documentation must be available to show that activities do not violate State law. Note: Promotional Item costs are currently under review. (Updated July 2015)
3. Purchase of alcoholic beverages. Federal grant funds can be used to support police-directed operations to uncover unlawful practices associated with minimum age drinking laws. This includes purchase of alcoholic beverages for "sting" type operations, as long as the operations are not in conflict with any Federal, State, or local laws. In no case can alcohol be used for consumption. Reference Part IV, D.3.
4. Conference costs. Some conferences costs are allowable. A conference is defined as a meeting, retreat, seminar, symposium, workshop or event whose purpose is the dissemination of technical information beyond the non-Federal entity and is necessary and reasonable for successful performance under the Federal award. Allowable conference costs may include rental of facilities, speakers' fees, cost of meals and refreshments, local transportation, and other items incidental to the conference unless further restricted by the terms and conditions of the Federal award. Conference costs must not conflict with State regulations. Reference 2 CFR § 200.432.
5. Demonstration projects. Section 402(g)(2) provides an exception to the general prohibition against using Section 402 grant funds for activities carried out under 23 U.S.C. 403. States may now use Section 402 funds to supplement demonstration projects implemented under Section 403.
6. Interstate initiatives. States may use grant funds in cooperation with neighboring States for highway safety purposes that benefit all participating States. For States that share a common media market, enforcement corridors and program needs, such interstate initiatives recognize the mutual benefits that may be gained by multiple jurisdictions through the sharing of resources. Section 402(c)(4)
7. Entertainment costs. Entertainment costs, including amusement, diversion, and social activities and any associated costs are unallowable, except where specific cost that might otherwise be considered entertainment have a programmatic purpose and are authorized either in the approved budget for the Federal award or with prior written approval of the Federal awarding agency. Reference 2 CFR § 200.438

E. Public Communication

1. Costs are allowed for purchase of program advertising space in the mass communication media as part of a comprehensive program designed to address specific highway safety goals identified in a State's Highway Safety Plan. This includes purchase of television, radio time, cinema, Internet, print media, and billboard space (see Purchase Media Guidance in the *Highway Safety Grant Funding Guidance* for additional conditions or limitations). Note: Television public service announcements and advertising created with the aid of Federal funds must contain closed-captioning of the verbal content.
2. Material developed by others, without NHTSA participation, may not carry NHTSA logos or identifiers, but may include reference to the fact that material was developed in support of objectives supported by the agency. Material developed jointly by NHTSA and others may carry logos or identifiers of both NHTSA and other contributors, subject to prior NHTSA approval.

PART IV. UNALLOWABLE COSTS FOR SELECTED ITEMS

A. Unallowable Facilities and Construction Costs

1. Highway construction, maintenance, or design other than design of safety features of highways incorporated into Roadway Safety guidelines.
2. Construction or reconstruction of permanent facilities, such as paving, driving ranges, towers and non-portable skid pads.
3. Highway safety appurtenances including longitudinal barriers (such as guardrails), sign supports (except as allowed under Allowable Costs with Conditions for selected Items, Part II.A.2.), luminaire supports, and utility poles (FHWA safety construction Federal-aid funds are available).
4. Construction, rehabilitation, or remodeling for any buildings or structures or for purchase of office furnishings and fixtures.

Examples of office furnishings and fixtures

• Chair	• Bookcase	• Portable Partition
• Table	• Filing Cabinet	• Picture, Wall Clock
• Shelves	• Floor Covering	• Drapes and Hardware
• Coat Rack	• Office Planter	• Fixed Lighting/Lamp

5. Land (except for SAFETEA-LU Section 2010 and MAP-21 Section 405(f) motorcycle safety grant funds used to purchase facilities which includes the purchase of land upon which the facilities sit.)

B. Unallowable Equipment Costs

1. Fixed and portable truck scales (Federal Motor Carrier safety program funds are available for truck scales)
2. Traffic signal preemption systems (FHWA Federal-aid highway program funds are available for traffic signal preemption systems)
3. Automated traffic enforcement systems may not be purchased, operated, or maintained with Section 402 funds (including MAP-21 Section 405(b) High Seat Belt Use Rate funds, 405(d) Ignition Interlock funds, 405(e) Distracted Driving funds, and 405(g) GDL funds) if they are being used as Section 402 funds.

   The term "automated traffic enforcement system" includes any camera which captures an image of a vehicle for the purposes only of red light and speed enforcement, and does not include hand held radar and other devices operated by law enforcement officers to make an on-the-scene traffic stop, issue a traffic citation, or other enforcement action at the time of the violation. Reference 23 CFR § 1200.13(b).
4. Radars or other speed measuring devices using MAP-21 Section 405-Impaired Driving Countermeasures grant funds and SAFETEA-LU Section 410 Alcohol Impaired Driving Countermeasures grant funds.

C. Unallowable Training Costs

1. Training of employees of Federal civilian and Federal military agencies. Note: Training for Department of the Interior personnel who are assigned Section 402 responsibilities is covered under the five percent administrative allowance.
2. An individual's salary while pursuing training (except when the individual's salary is already supported with highway safety funds under an approved project).
3. Overtime for police officers attending drug recognition expert training.

D. Unallowable Program Administration Costs

1. General costs of government. For States, local governments and Indian Tribes, the general costs of government are unallowable (except as provided in § 200.474 Travel. Reference 2 CFR § 200.444 and 2 CFR § 200.474.
2. NHTSA highway safety grant funds used to defray expenses incurred or sought to be incurred for activities of Federal civilian or military agencies or employees. For Department of the Interior, personnel expenditures for the Section 402 program are covered under the five percent administrative allowance.
3. Alcoholic beverages for any consumption purposes or techniques for determining driver impairment are not allowable (See Part III, D.3.). Reference 2 CFR § 200.423.
4. Drug impaired activities, equipment and drug impaired training is not allowable using Sections 154/164 funds.

E. Lobbying

1. Federal - the cost of influencing the U.S. Congress and Federal agency officials for activities associated with obtaining grants, contracts, cooperative agreements, or loans.
2. State and local - No Federal funds may 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 to engage in direct contact with State or local legislative officials, in accordance with customary State practice, even if it urges legislative officials to favor or oppose the adoption of a specific pending legislative proposal. Reference 23 CFR Part 1200, Appendix A.

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APPENDIX A - GRANT FUNDING REQUIREMENTS

Grant Fund	Minimum State Match	Planning and Administration	Local Benefit	Maintenance of Effort
Section 402 **CFDA # 20.600**	20 percent of total program costs Exempt: Indian Nations and Territories Exceptions: States using sliding scale NHTSA Order 462-6C "Matching Rates for State and Community Highway Safety Programs."	Maximum: Beginning in fiscal year 2014 and restricted to 13 percent of Federal funds received annually, Indian Nations restricted to 5 percent. Match: Minimum 50 percent, Exempt: Indian Nations and U.S. Territories Exceptions: States using sliding scale NHTSA Order 462-6C "Matching Rates for State and Community Highway Safety Programs"	At least 40 percent of Federal funds must be spent for local benefit. (23 CFR Part 1200 Appendix E) Note: Indian Nations - a total of 95 percent must be spent for tribes.	None
MAP-21-405 (b) **Occupant Protection** **CFDA # 20.616**	20 percent of total program costs Exempt Territories	None	None	State will maintain aggregate expenditures from all other sources at or above the average level of such expenditures in its fiscal years 2010 and 2011.
MAP-21-405(c) **State Traffic Safety Information System Improvements** **CFDA # 20.616**	20 percent of total program costs Exempt: Territories	None	None	State will maintain aggregate expenditures from all other sources at or above the average level of such expenditures in its fiscal years 2010 and 2011.
MAP-21-405 (d) **Impaired Driving** **Countermeasures** **CFDA # 20.616**	20 percent of total program costs Exempt: Territories	None	None	State will maintain aggregate expenditures from all other sources at or above the average level of such expenditures in its fiscal years 2010 and 2011.
MAP-21-405 (d) **Alcohol Ignition Interlock** **CFDA # 20.616**	20 percent of total program costs Exempt: Territories	None	None	None
MAP-21-405 (e) **Distracted Driving** **CFDA #20.616**	20 percent of total program costs Exempt: Territories	None	None	None
MAP-21-405 (f) **Motorcyclist Safety** **CFDA #20.616**	20 percent of total program costs	None	None	None
MAP-21-405 (g) **State Graduated Driver Licensing** **CFDA # 20.616**	20 percent of total program costs Exempt: Territories	None	None	None

Section 154 and 164 **Transfer: Alcohol (AL)-Open Container and Repeat Offender.** **CFDA #: 20.607**	None	Ceiling: Beginning in fiscal year 2014 154/164 AL Planning and admin istration funds are restricted to 13 percent of funds received. Planning and administration funds must be declared the first year received. All unexpended balances at year end must be tracked as carried forward into planning and administration activities until expended. Planning and administration costs must be directly related to Section 154 AL/164 AL purposes Match: none required	AL- at least 40 percent of Federal funds must be expended for local benefit.	None
SAFTETEA-LU 405 **K2** **Occupant Protection** **CFDA # 20.602**	Year Match 1-2 25 percent 3-4 50 percent 5-6 75 percent Exempt: Territories	None	None	State will maintain aggregate expenditures from all other sources at or above the average level of such expenditures in its fiscal years 2004 and 2005.
SAFETEA-LU 406 **K4** **Primary Belt Law** **CDFA # 20.609**	None	Ceiling: planning and administration funds restricted to 10 percent of Federal funds received annually. Match: None	None	None
SAFETEA-LU 408 **K9** **Traffic Records** **CFDA # 20.610**	20 percent of total program costs Exempt: Territories	None	None	State will maintain aggregate expenditures from all other sources at or above the average level of such expenditures in its fiscal years 2004 and 2005.
SAFETEA-LU 410 **K8** **Impaired Driving** **CFDA # 20.601**	Year Match 1-2 25 percent 3-4 50 percent 5-6 75 percent Exempt: Territories	Ceiling: funds restricted to 10 percent of funds received. Match: 50 percent Exceptions: States using NHTSA Order 462-6C and Territories.	None	State will maintain aggregate expenditures from all other sources at or above the average level of such expenditures in its fiscal years 2004 and 2005.
SAFETEA-LU 1906 **K10** **Prohibit Racial Profiling** **CFDA # 20.611**	20 percent of total program costs Exempt: Indian Nations and Territories	None	None	None
SAFETEA-LU 2010 **K6** **Motorcyclist Safety** **CFDA # 20.612**	None	None	None	State will maintain aggregate expenditures from all other sources at or above the average level of such expenditures in its fiscal years 2004 and 2005.
SAFETEA-LU 2011	Year Match	None	None	State will maintain

K3 **Child Safety & Booster Seats** **CFDA # 20.613**	1-3 4	25 percent 50 percent			aggregate expenditures from all other sources at or above the average level of such expenditures in its fiscal years 2004 and 2005. Child safety seats purchases limited to 50 percent of annual award.