

**National Highway Traffic Safety Administration
Regional Operations and Program Delivery
Grant Management and Operations**

Topic	Triennial Highway Safety Plan and Annual Grant Application Amendments
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This guidance document supersedes the August 15, 2018, HSP Amendment Review Implementation guidance document.

The contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

Regulatory Provisions: 23 CFR § 1300.32 and 23 CFR § 1300.11(d).

Overview: Highway Safety Offices (HSOs) may amend the Annual Grant Application (AGA) after approval of the AGA and throughout the fiscal year of the grant, consistent with 23 CFR 1300.32. Amendments to the Annual Grant Application may cover updates to the triennial Highway Safety Plan (3HSP) and project and subrecipient information, including new projects not included in the previous plan or updating approved project information for previously submitted projects. All amendments must maintain alignment with the 3HSP.

Timing of Amendments

States must submit amendments to the AGA to their Regional Office prior to beginning project performance (23 CFR 1300.32(b)). If the State needs to make an amendment to a project that is already underway, it must submit the amendment prior to starting the amended work.

The State must have a fully complete (including all amendments) Annual Grant Application that reflects final project and subrecipient information for all projects carried out by the State in the grant year by the time the State submits the Annual Report. (23 CFR 1300.12(d))

Amendments Requiring Prior Regional Approval

The below amendments require prior approval **by the Regional Administrator** before they become effective:

Any changes to the 3HSP. All amendments that create an update to the 3HSP require prior approval by the Regional Administrator. Remember:

- Any update to the 3HSP must meet all applicable requirements in 23 CFR 1300.11(b) as if it had been provided in the initial 3HSP submission.
- States may add performance measures and targets but may not amend existing performance measures or targets.

New project and subrecipient information. All new projects require approval of project and subrecipient information by the Regional Administrator. Remember:

- Any new project must meet all applicable requirements in 23 CFR 1300.12(b) as if it had been provided in the initial AGA submission.
- The new project must be consistent with the approved 3HSP and AGA. Will it help the State carry out a countermeasure strategy for programming funds and meet its performance target?
- The State may need to amend the 3HSP in addition to adding the new project to ensure consistency. This may include the need to add additional program areas, new performance measures/targets, and/or countermeasure strategies.
- Approval of new project and subrecipient information does not constitute approval of the project or all costs within the project. States are still responsible for ensuring that projects constitute an appropriate use of NHTSA grant funds and approval of project and subrecipient information in the AGA does not preclude a later determination of unallowable costs.

Amendments to existing project and subrecipient information: Certain components of project and subrecipient information for projects already in the approved AGA require prior approval by the Regional Administrator for amendment, specifically:

- Removal of existing projects from the approved AGA.
 - The Regional Administrator will review to determine whether the change is consistent with the approved 3HSP (i.e., will the State still be able to carry out the countermeasure strategy for programming funds and meet performance targets without the project) or, if applicable, whether the change would impact a State's application for a Section 405 of 1906 incentive grant.
- Certain project and subrecipient information:
 - Project name and description (including activities, location and affected communities)
 - Federal funding sources,
 - Whether the project will be used to meet the requirements of § 1300.41(b) (i.e., a "promised project" using 5th year funds), and
 - The countermeasure strategy for programming funds that the project supports.
- Amendments that require prior approval under 2 CFR § 200.407. This may include, but is not limited to:
 - Changes to the scope or objective of the project.
 - This could include change to a different type of subrecipient than previously listed (i.e., listed school districts as the subrecipient at the time of AGA submission, but amending to a non-profit group), changes to the eligible use that affect the overall description of the project (this should also necessitate an amendment to the project name and description), or large shift of costs from activity to P&A or vice versa.

- A change in the estimated funding amount exceeding:
 - 25% for projects under \$20,000
 - 15% for projects over \$20,000
 - Or any change over \$250,000
- Note: Some items in §200.407 require prior approval but may be at a level of detail not contained in the AGA. Those approvals will be done separately from AGA approval. For example, many cost items that require prior approval, such as equipment, certain travel costs, or participant support costs, may be more detailed than the eligible use information in the AGA. However, if those costs are included in the eligible use information (or other portion) of the AGA, the State will need to seek pre-approval for an AGA amendment.

The following is a non-exhaustive list of some things that Regions may consider in determining whether to approve any of the above types of amendments to existing project and subrecipient information:

- Whether the amended project or subrecipient information would meet all applicable requirements in 23 CFR 1300.12(b) if it had been provided in the initial AGA submission.
- Whether the amended project is consistent with the approved 3HSP and AGA. Will it help the State carry out a countermeasure strategy for programming funds and meet its performance target?
- If the amended project is not consistent with the 3HSP, the Region may request the State to also amend the 3HSP, in addition to amending the project. This may include the need to add additional program areas, new performance measures/ targets, and/or countermeasure strategies.
- Whether the amended project includes any questionable or unallowable costs.
 - Note: Approval of amended project and subrecipient information does not constitute approval of the project or all costs within the project. States are still responsible for ensuring that projects constitute an appropriate use of NHTSA grant funds and approval of project and subrecipient information in the AGA does not preclude any later determination of unallowable costs.

Regional Administrators will respond to an amendment request not later than 5 business days after receipt. Extra time may be needed to approve/disapprove if additional information is requested.

Amendments Not Requiring Prior Approval

Certain amendments to the AGA do not require prior approval by the Regional Administrator. States must still submit these amendments to the Region prior to beginning project performance (or, in the case of an amendment to an existing project, prior to beginning the work that is the subject of the amendment), but they will become effective immediately. Generally, States do not need prior approval by the Regional Administrator for the following amendments:

- Project agreement number
- Subrecipient information,
- Amount of Federal funds,

- Eligible use of funds, and
- Whether the costs are P&A costs.

However, these elements may require prior approval by the Regional Administrator if the changes require prior approval under 2 CFR § 200.407. The most common reasons for prior approval will be if the amendment changes the scope or objective of the project. See the above section on amendments that require prior approval for more information. If you are unsure whether your amendment requires prior approval, reach out to your Region for assistance.

Regions may monitor amendments submitted by States that do not require prior approval to ensure that the amendments are consistent with the approved 3HSP and AGA, don't require additional amendments to the AGA, and/or don't require prior approval under 2 CFR § 200.407 (e.g., doesn't change the scope or objective of the project).

How to Document Amendments

The approved 3HSP, AGA, and amendments, are the official record of the State's commitment to perform a highway safety program under 23 USC Chapter 4. States must submit all amendments to the AGA, whether they require prior approval or not, to NHTSA before beginning project performance (or in the case of an amendment to an existing project, prior to beginning the work that is the subject of the amendment) and the State must ensure that NHTSA has the final (including all amendments) version of the AGA that reflects final project and subrecipient information for all projects carried out by the State in the grant year at the time of the Annual Report.