

GENERAL QUESTIONS REGARDING MAP-21

Q: Grant Application Deadlines. If a State does not meet the March 25th or the July 1st deadline, will the State be disqualified for Section 405?

A: Yes, applications must be complete and submitted in accordance with the statutory and regulatory requirements. Materials cannot be added by the State/applicant after the deadlines pass. However, NHTSA may contact the States during the review process to request clarifying information so that we may act on the information submitted. States must respond promptly to such requests or may be disqualified from Section 405 grant.

Reference: [23 CFR Part 1200.12\(b\)](#) Due Date for Submission, p. 5012; [23 CFR Part 1200.61](#) Fiscal Year 2013 Section 405 Grants, p. 5025.

Q: Submission of FY 2014 Applications. What are the due dates for the FY 2014 applications?

A: As provided in the regulation, the consolidated grant application (HSP) for FY 2014 Section 402 and Section 405 must be submitted to NHTSAGrants@dot.gov by July 1, 2013.

Reference: [23 CFR Part 1200.12](#), p. 5012; [23 CFR Part 1200.61\(a\)](#), p. 5025

Q: Submission of Applications, Appearance. Can you define what an application should be like? Is there a specific format?

A: For Section 402 grant funds, States should consult [23 CFR Part 1200.11](#) for contents of the HSP. For Section 405 grant funds, States should also consult 23 CFR Part 1200, Subpart C for specific requirements. Appendix D also provides guidance for the information that is required to be submitted for each of the Section 405 grants

Q: External Database or Web site References. If information is located within partner databases (SAFEKIDS, etc.), or if State laws are available on external State sites, must the State resubmit that information with its application (for Section 405 grants)?

A: States must submit all materials in their applications by the respective grant deadlines to satisfy the grant qualification requirements. They may not rely on external information or sites. There is one exception: Part 2 of Appendix D allows a state to reference specific submissions through the TRIPRS database for the State Traffic Information System Improvements grant.

Q: Award of Funds. When will FY 2013 and FY 2014 funds be awarded?

A: Section 402, FY 2013: 48.6% of the Section 402 funds were apportioned to the States and territories under the continuing resolution. The balance of FY 2013 Section 402 and Section 405 funds should be awarded by July 1, 2013. 23 CFR 1200.15 of the regulation provides for the apportionment and obligation of Sections 402 and 405 funds.

Q: Redistribution of Funds. What will happen to the funds that are not awarded? What will be the distribution procedures?

A: If NHTSA determines that all funds for a grant program will not be distributed after reviewing applications, NHTSA shall transfer funds to other programs authorized under 23 U.S.C. 402 and 405 to ensure that each State receives the maximum funding for which it qualifies. A grant awarded to a State may not exceed 10 percent of the total amount made available for that fiscal year, to ensure that no single State or jurisdiction receives a windfall if few qualify for a particular program.

Because of the existing limitation on obligations, the S. 402 program is ineligible to receive additional funds in FY2013; therefore, the transfer can only occur between the S. 405 programs. For FY2013, NHTSA proposes to redistribute unallocated funds to the S. 405(b) Occupant Protection and S. 405(c) State Traffic Safety Information Systems based on a proportional split of the two MAP-21 grant programs. The redistribution follows the same methodology for proportional allocation to the States, relying on the FY2009 S. 402 formula, including population and roadway miles as a basis for the distribution of funds. For FY2014, NHTSA will make any transfer determinations after all qualifying awards are made. Unallocated funds may not necessarily be distributed to the same S.405 programs in 2013.

Reference: [23 CFR Part 1200.20\(e\)\(3\)](#), p. 5014

Q: Minimum Grant Awards. Unlike SAFETEA-LU, why are there no minimum grant awards in MAP-21?

A: SAFETEA-LU provided for minimum grant awards for Section 408, State Traffic Safety Information Systems Grants, and Section 2010, Motorcyclist Safety Grants. However, MAP-21 modified the existing grant programs and specified the mechanism for allocating grant funds. Also, MAP-21 rescinded the base awards (or minimum amounts) for grant qualification, removing the previous floors. In accordance with Congressional intent, and to be consistent across all Section 405 grant programs, NHTSA did not establish minimum awards, thereby allowing each state to receive the maximum funding for which it qualifies.

Q: Certifications. Is there a fillable form, document or template for the certifications? Can the certifications be signed electronically?

A: Yes, NHTSA has developed an electronic Certification and Assurances document for use by State applicants.

No, an electronic signature will not be accepted on the fillable certification.

Q: Highway Safety Plan (HSP) Development. Can NHTSA assist States with the integration of the highway safety plan development/planning process given the variation in States fiscal year cycles?

A: Yes, NHTSA will develop a calendar/timeline to assist States in the highway safety planning process.

Q: Performance Measures. Must the performance measure targets that States include in their HSPs show an improvement over the current year's numbers (i.e., do the fatalities have to decrease)?

A: As required by MAP-21, the HSP must provide documentation of the current safety levels for each performance measure, quantifiable annual performance targets for each performance measure, and a justification for each performance target, including an explanation of why each target is

appropriate and evidence-based. Consistent with the Highway Safety Plan for continuous safety improvement, selected targets should, whenever possible, represent an improvement from the current status rather than a simple maintenance of the current rate.

Reference: [23 CFR Part 1200.11](#), p. 5011-5012; preamble, p. 4988

Q: CFDA Numbers. Will NHTSA provide CFDA numbers for the MAP-21 grant programs?

A: Yes. Section 402 remains unchanged: 20.600. Section 405 is 20.616, which is different than the CFDA number used for Section 405 under SAFETEA-LU.

Regulatory Issues

Q: Local Benefit Documentation. Can a portion of a State/Highway Patrol's high visibility enforcement (HVE) activities and/or statewide paid media be credited toward local benefit? Must "active voice" be documented in writing from municipal governments/localities?

A: Yes. At least 40 percent of each State's apportionments (or at least 95 percent of the apportionment to the Secretary of Interior) from each year's authorizations must be used in the highway safety programs of its political subdivisions. When Federal funds apportioned under 23 U.S.C. 402 are expended by a State agency for the benefit of a political subdivision, such funds may be considered as part of the local share, provided that the political subdivision has had an active voice in the initiation, development, and implementation of the programs for which such funds are expended. A State may not arbitrarily ascribe State agency expenditures as "benefitting local government." Where political subdivisions have had an active voice in the initiation, development, and implementation of a particular program or activity, and a political subdivision which has not had such active voice agrees in advance of implementation to accept the benefits of the program, the Federal share of the cost of such benefits may be credited toward meeting the local participation requirement. Yes, the active voice must be documented in writing from the municipalities.

Reference: [23 CFR Part 1200.Appendix E](#); p.5032

Q: Expiration of Funds. How will NHTSA apply and enforce the period of availability for grant funds (year of obligation plus three years)? Is the final fourth year expenditure clause non-negotiable? Will fund balances be de-obligated automatically in the fifth year?

A: 23 CFR 1200.41 provides for the disposition of grant funds. The regulation is binding and will be enforced in accordance with the terms.

Reference: [23 CFR Part 1200.41\(b\)](#); p. 5024

Q: Program Income. Will donations be considered program income?

A: Yes, if the donation is to the grantee or subgrantee and was generated or received as a result of the grant activity. Program income means gross income received by the grantee or subgrantee directly generated by a program supported activity, or earned only as a result of the grant agreement during the period of time between the effective date of the grant award and the expiration date of the grant award. Program income includes income from fees for services performed, from the use or rental of real funds, from the sale of commodities or items fabricated under the grant agreement, and from payments of principal and interest on loans made with grant funds.

Reference: [23 CFR Part 1200.34](#); p. 5023-5024

Q: Certifications and Assurances, Sub-recipients. Will NHTSA provide content for the sub-recipient certifications and assurances?

A: No, States are responsible for guidance to sub-recipients. The C&A is not intended to be a template for the sub-recipients. The C&A documents some of grant conditions between NHTSA and its grantees (i.e., States). States cannot alter the C&A that the State submits to NHTSA; but if the State alters the C&A that they require the sub-recipients to sign, that is up to the State. States should be aware that ultimately it's the State's responsibility to ensure that sub-recipients are complying with the terms of the grant. NHTSA's regulation identifies the requirements that apply to sub-recipients under the applicable caption in the C&A.

Q: Certifications and Assurances, Signature Authority. If a State has a newly elected Governor and is without a GR or designee prior to the application deadline for first-year distracted driving grants, can the Director of the Highway Safety Office sign the grant application, or must the Governor sign it?

A: A SHSO director/designee can sign the application if such person has the authority to apply for a grant on behalf of the State. However, prior to the award, the State must submit a revised certification signed by the Governor or GR.

Q: Certifications and Assurances. Will NHTSA provide direction on completing the certifications for FY 2014?

A: Section 402, FY 2014: Appendix A, signed by the GR, and included in the Highway Safety Plan submitted no later than July 1, 2013.
Section 405, FY 2014, all grant programs for which a State is applying: one Appendix D, signed by the GR, and included in the Highway Safety Plan submitted no later than July 1, 2013.

Reference: [23 CFR Part 1200.11\(f\)](#), [23 CFR Part 1200. Appendix A](#) for Section 402, p. 5025, and [23 CFR Part 1200. Subpart C](#), [23 CFR Part 1200. Appendix D](#) for Section 405, p.5029

Q: Certification and Assurances, HS-217. In Appendix B to Part 1200, to fulfill the requirement, can an HS-217 form be printed, signed by the GR, scanned and submitted with the HSP?

A: Appendix B requires information to be completed (State, number, date, State and federal authorizing officials), but there is no requirement that the HS-217 Form be signed by the GR.

Q: Maintenance of Effort (MOE). How is Maintenance of Effort defined?

A: MAP-21 mandates maintenance of effort in States receiving Section 405 funding for occupant protection, State traffic safety information systems, and impaired driving countermeasures. The requirement specifies that States maintain aggregate levels of expenditures for all State and local sources at or above the average level of expenditures in fiscal years 2010 and 2011.

In addition to documenting State and local funding sources for MOE under Section 405 programs, States are required to identify as part of their planned program in the HSP all sources of funds that contribute to the achievement of their program targets [23 CFR Part 1200.11 \(c\) \(1\)](#). NHTSA will provide technical assistance to the States on MOE.

Reference: [23 CFR Part 1200.21\(d\)\(5\)](#); [1200.22\(f\)](#); [1200.23\(d\)\(2\)](#); [23 CFR 1200.11\(c\)](#); pgs. 5014-5016

Q: Buy America Act. What is NHTSA's enforcement policy regarding the Buy America Act, and are there dollar thresholds or specific items that exempt compliance?

A: The Buy America Act applies to NHTSA's grant program and States are required to sign a certification indicating compliance with the Act's requirements before receiving grant funds. Under the Act's provisions, any steel, iron and manufactured products purchased under a grant must be obtained from American-made sources. For compliance purposes, American-made covers any product that is manufactured or assembled in the United States.

At this time, the agency does not exempt purchases below a minimum threshold or apply any exemptions that remove a class of products from coverage. However, NHTSA will continue to review Buy America Act questions and exemption requests on a case-by-case basis, and make determinations as necessary.

Reference: [23 CFR Part 1200. Appendix A](#); p. 5026

Q: Planning and Administration. Does the 13% P&A ceiling apply to FY 2014?

A: Yes, the 13% P&A increase applies to FY 2014 Section 402 and future awards.

Reference: [23 CFR Part 1200.13\(a\)](#), and [23 CFR Part 1200. Appendix F](#); p. 5032

Q: Program Cost Summary. Does a State have to submit a project list in addition to the HS Form 217? If a State reports at the project level in GTS, is this sufficient?

A: A State must submit annually a *program cost summary and list of projects*. In the HSP, an HS Form 217, or an electronic equivalent, meeting the requirements of Appendix B, must be completed to reflect the State's proposed allocations of funds (including carry forward funds) by program area. The funding level used shall be an estimate of available funding for the upcoming fiscal year based on amounts authorized for the fiscal year and projected carry forward funds. For each program area, the State must provide an accompanying list of projects that the State proposes to conduct for that fiscal year and an estimated amount of Federal funds for each such project. If the State reports at the project level in GTS, this will satisfy the project list requirement, provided that the information in GTS meets the requirements of 23 CFR 1200.11, 1200.15, 1200.32 and 1200.33.

Upon apportionment or allocation, the State must submit an updated HS Form 217, or its electronic equivalent, and an updated list of projects that includes estimated Federal funding and project number for each project.

Reference: [23 CFR Part 1200.11\(e\)](#), p. 4989, 5012; [23 CFR Part 1200.15\(d\)](#), p. 5013

Q: Match. What are the match requirements for Sections 402 and 405?

A: The Federal share of the costs of activities or programs funded using amounts from grants awarded may not exceed 80 percent, unless a special matching write-off is used (e.g., sliding scale rate authorized under 23 U.S.C. 120). For Section 402 P&A, Federal participation shall not exceed 50 percent (or the applicable sliding scale) of the total P&A costs.

Reference: [23 CFR Part 1200.20 \(f\)](#); and [23 CFR Part 1200. Appendix F](#), p. 5032

Section 405(b) Occupant Protection

Q: Application. Can States link to NHTSA's Fitting Station Locator site or other State web sites, rather than submitting technician lists?

A: No, States must submit complete application materials to be considered for grant funds.

Q: Program Assessments. Is it possible to conduct all of the required (occupant protection) assessments by September 1st? What accommodations will be made?

A: To the greatest extent possible, NHTSA's Traffic Injury Control divisions are working with the regional offices to accommodate program assessments in FY 2013 and FY 2014 to assist States in meeting Section 405 qualification requirements.

Q: Assessment Substitutions & Qualification. Will an Occupant Protection (OP) Special Management Review (SMR) qualify in lieu of an Assessment? How "old" can occupant protection assessments be to be considered?

A: For fiscal years 2013 and 2014, a NHTSA-facilitated program assessment or a Special Management Review will be considered to qualify under the assessment requirements for criteria 5 and 6. The qualifying age of assessments for each year and grant program is listed in the table below.

	Criterion 5	Criterion 6
FY 2013	An assessment or an SMR that dates no older than August 2005 (inception of SAFETEA-LU) is required as part of the FY 2013 grant application.	An assessment or an SMR no older 10/1/09 is required on 3/25/13 or an assurance that one will be conducted by 9/1/13.
FY 2014	An assessment or an SMR that dates no older than August 2005 is required as part of the FY 2014 grant application.	An assessment or an SMR no older 10/1/10 is required on 7/1/13 or an assurance that one will be conducted by 9/1/13.

Reference: [23 CFR Part 2100.21\(e\)](#); p. 4994, 5015

Q: Use of Section 405 funds for Occupant Protection Assessments. Can Section 405(b) funds be used to pay for Occupant Protection (OP) Assessments?

A: For lower seat belt use rate States; grant funds cannot be used for OP Assessments. For high seat belt use rate States, Highway Safety Offices can use up to 75% of Section 405(b) grant funds for Section 402 activities, which include OP Assessments as an eligible cost.

Q: Use of Non-Federal Funds to Meet High Risk Criterion. Can the State use an outreach program not funded with NHTSA sources as one of its high-risk populations under the High Risk Population Countermeasure Programs section?

A: Yes, if such high-risk populations are identified in the occupant protection plan required under [23 CFR Part 1200.21\(d\)\(1\)](#).

Reference: [23 CFR Part 1200.21\(e\)\(4\)\(iv\)](#); p. 4993

Q: Click It Or Ticket (CIOT) Requirement. Are alternative, non-*Click It or Ticket* taglines/messages eligible for 405(b) grants? Is a Spanish translation acceptable? Is the use of CIOT as a secondary message/tagline eligible?

A: MAP-21 specifically requires States to participate in the *Click It or Ticket* national mobilization in order to qualify for an occupant protection grant. To satisfy this criterion, the IFR requires that a State must provide a description of the State's planned participation and an assurance signed by the Governor's Representative for Highway Safety that the State will participate in the *Click It or Ticket* national mobilization in the fiscal year of the grant program. While NHTSA discourages the use of alternative CIOT messages, States may use these messages if all occupant protection grant program criteria are satisfied. NHTSA encourages States to use *Click It or Ticket* as the primary message to the extent possible. NHTSA will accept Spanish translations of *Click It or Ticket*.

Reference: [23 CFR Part 1200.21\(d\)\(2\)](#); p. 4992, 5014

Q: Population Requirement. How do States demonstrate that they serve the majority of the State (such as in OP or MC grant programs)? How shall States validate that 70% of their population is covered?

A: Similar to the population-based approach under SAFETEA-LU, the intent of population coverage requirements is to ensure that services and programs (such as seat belt enforcement) are made available in a majority of the State's counties or political subdivisions where most of the State's population lives (or registered motorcycles reside). States will use population data from the most recent national census (currently 2010) to validate that the stations/sites, etc. are representative.

Reference: [23 CFR Part 1200.21\(d\)\(3\)](#); p.4992

Q: Definition of Participation. For 23 CFR 1200.21 Occupant Protection Grants Qualification Requirements, *Click It or Ticket*, how will participation be defined and assessed?

A: Each State must demonstrate that it will actively participate in the annual, two-week enforcement National CIOT Mobilization, and report law enforcement participation, as well as outcome measures, such as citations. The enforcement must be high visibility enforcement (i.e., enforcement is supported by earned and paid media with enforcement messages).

Reference: [23 CFR Part 1200.21\(d\)\(2\)](#), [23 CFR Part 1200.23](#); p. 5014, 5015

Q: Definition of Sustained Enforcement. For 23 CFR 1200.21 Occupant Protection Grants Qualification Requirements, Seat Belt Enforcement, how will sustained enforcement be defined and assessed?

A: Each State must assess its own occupant protection crash problem and develop and execute a program of recurring enforcement throughout the year that addresses the metrics under this requirement (i.e., at least 70 percent of the State's population or 70 percent of the State's unrestrained passenger vehicle occupant fatalities).

Reference: [23 CFR Part 1200.21\(e\)\(3\)](#); p. 4993, 5015

Q: Minimum Fine. Can the \$25 fine include court costs?

A: No, a State's statute must provide for a *minimum fine of not less than \$25* per unrestrained occupant.

Reference: [23 CFR Part 1200.21\(e\)\(2\)\(iii\)](#); p. 4992, 5015

Q: OP Laws, All Seating Positions. Under Criterion (1), Primary enforcement seat belt use law, a state must provide assurances that the State has enacted and is enforcing occupant protection laws that make a violation of the requirement to be secured in a seat belt or child safety seat a primary offense. Does Criterion 1 require the State to have a primary enforcement law that applies to all seating positions?

A: Criterion 1 does not require the State to require all passengers to be restrained in all seating positions. If a State occupant protection law requires the use of a seat belt or child restraint, that law, regardless of seating position, must be enforced on a primary basis. We note that Criterion 2, Occupant protection laws, requires states to provide assurances in Appendix D that the State has enacted and is enforcing occupant protection laws that require ... (ii) each occupant riding in a passenger motor vehicle other than an occupant identified in paragraph (e)(2)(i) to be secured in a seat belt or appropriate child restraint.

Reference: [23 CFR Part 1200.21\(e\)\(1\)](#); p. 4992, 5014

Q: Seat Belt Survey Results. Which survey results shall be reported for qualification in fiscal years 2013 and 2014?

A: For FY 2013, NHTSA-certified calendar year 2011 survey results will be used to determine high and low seat belt use rate States. For FY 2014, NHTSA-certified calendar year 2012 survey results will be used.

Reference: [23 CFR Part 1200.21\(b\)](#); p. 4991, 5014

Q: Exemptions, Medical. If a physician verifies size/weight, will that justify non-protection?

A: No, provisions that exempt passengers for size, weight or unfitness, for example, are not permissible. Medical exemptions that do not require "written" documentation and that such documentation be from a

“physician,” meaning a licensed medical professional, are similarly not permissible. The agency has not found compelling evidence of medical conditions that impair a passenger’s ability to wear a seat belt or child restraint, and for this reason, this medical exemption will be interpreted narrowly.

Reference: [23 CFR Part 1200.21\(e\)\(2\)\(iv.\)](#); p. 4993, 5015

Q: Statewide Technician Network. Can the Statewide network of technicians be funded with non-federal sources?

A: Yes.

Reference: [23 CFR Part 1200.21\(d\)\(4\)](#), p. 4992

Q: Strategic Plan Template. Will an OP strategic plan template for 405(b), and an impaired driving Statewide plan template for Section 405(d) be developed by NHTSA and distributed to the SHSOs as a supplemental tool to aid with their applications?

A: Yes, Traffic Injury Control will modify plan templates from recent demonstration grant projects and make those available to States for FY 2014 applications.

Reference: [23 CFR Part 1200.21 \(d\)\(1\)](#), [23 CFR Part 1200.23 \(d\)\(1\)](#); p. 5014, 5017

Section 405(c) Traffic Safety Information Systems

Q: Reporting Period to Demonstrate Quantitative Improvement, FY 2014. What must a State submit to show quantitative improvement for a FY14 grant?

A: A State must provide a written description of one or more performance measures. This description must be supported by a contiguous 12 month performance period that demonstrates quantitative improvement to at least one data attribute in one core data system when compared to the comparable 12 month baseline period.

For FY 2014, States must provide the following information in order to demonstrate compliance with the above conditions:

- A contiguous, 12 month performance period starting no earlier than March 25, 2012, that demonstrates quantitative improvement over the baseline period; and,
- The baseline period consisting of the comparable contiguous 12 months.

Example 1: Crash Timeliness

Baseline Period	Performance Period
April 1, 2011-March 31, 2012 Average number of days: 15	April 1, 2012-March 31, 2013 Average number of days: 10

Example 2: EMS Completeness

Baseline Period	Performance Period
April 1, 2011-March 31, 2012 Number of reporting agencies: 152	April 1, 2012-March 31, 2013 Number of reporting agencies: 238

- If the State is using the same measure to show progress in FY 2014 that it used in FY 2013, the State must comply with the above criteria. In addition, the State must certify that progress has been made in the period of performance when compared to the accepted value for this measure in the FY2013 application. The FY 2014 progress must exceed that of FY 2013 regardless of differences in FY 2013 and FY 2014 periods of performance.

Example 3: Crash Timeliness

FY 2013 Performance Period	FY 2014 Performance Period
July 1, 2012- December 31, 2012 Average number of days: 15	April 1, 2012-March 31, 2013 Average number of days: 10

Q: TRCC Meetings. By when must the three TRCC Meetings be conducted for FY 2014?

A: States must provide a meeting schedule between July 1, 2013 and June 30, 2014. At least three meetings must be scheduled during this time period.

Please note that all reports and data system improvement and policy guidance documents promulgated by the TRCC within the 12 months immediately prior to the grant application due date must be included as part of the State's application.

Q: Assessment and Strategic Plan Requirements, FY 2014. How can a State satisfy the assessment requirement for FY 2014?

A: States can satisfy this requirement by having had or updated, within the five years prior to the application due date, a traffic records assessment of its highway safety data and traffic records system.

For FY 2014, assessments can be no older than July 1, 2008. States with assessments conducted before this date must complete a full assessment in accordance with the new Traffic Records Program Assessment Advisory by September 1, 2013.

For those States that had to complete a new assessment in FY 2013 prior to September 1, 2013, a Strategic Plan based on the new assessment must be submitted no later than March 31, 2014.

In addition, MAP-21 requires all States and Territories to complete a traffic records strategic plan update annually as part of their 405(c) applications. This update addresses the traffic records strategic plan produced and approved by the State TRCC. To update these documents, States are required—annually—to produce brief narrative reports detailing what efforts a State has made in response to each of the recommendations made in its most recent, full traffic records assessment. For each traffic records strategic plan update, they must provide: 1) which recommendations the State intends to implement and the performance measures to be used to demonstrate quantifiable and measurable progress; and 2) for recommendations that the State does not intend to implement, an explanation. These assessment update reports should be created in the Traffic Records Improvement Program Reporting System (TRIPRS).

Q: Traffic Records Coordinating Committee (TRCC). Does the TRCC have to strictly comply with the specific membership criteria? Must it be in statute, or would a governor's mandate be sufficient?

A: The intent is that the functions, defined roles and responsibilities are accounted for in the TRCC. The TRCC must have an establishing document, whether legislative or executive.

Q: Use of Funds. Can States use Section 405(c) funds to pay for FARS analysts?

A: Yes, the agency previously determined that statutory language in the Section 408 grant program afforded States flexibility to use funds in this manner. Identical language has been used in the new Section 405(c) grant program and so grant funds may continue to be used for this purpose.

Q: Document Submission. Should States be using TRIPRS to submit the required documents for Section 405(c)?

A: States can submit information through TRIPRS for the *four* elements for which the IFR enables the use of the TRIPRS database (RCC Charter or statute mandating a State TRCC; copy of meeting schedule and all reports and other documents promulgated by the TRCC during the 12 months preceding the application due date; a list of the TRCC membership and the organization and function they represent; and the name and title of the State's Traffic Records Coordinator). TRIPRS has the ability to accept Word, PDF, and Excel documents. For those states that do not submit in TRIPRS, a state can attach their state traffic records strategic plan and other required documents to their 405TR application if not already in their FY2014 HSP. If these documents are included in their HSP, a reference to the page numbers is required.

Q: Performance Measures for Assessment Recommendations. How detailed must the narrative be when describing performance measures to be used to demonstrate quantifiable and measurable progress for Assessment recommendations the State intends to implement?

A: Progress toward implementing assessment recommendations that do not focus directly on database improvements but rather are management or programmatic milestones (e.g., "establish a TRCC") can and should be

measured less formally, typically via a brief report. The State should provide as much detail as possible, including milestones for planned completion. In those cases where an Assessment recommendation concerns the quantitative improvement in one or more of the six data attributes in a core data base, then the States should use appropriate specific traffic records performance measures consistent with the formats found in DOT HS 811 441, *Model Performance Measures for State Traffic Records Systems*. For example, to measure the timeliness of the Citation database, one could use the mean number of days from the issuance of a citation to the date the citation is entered into the statewide citation repository.

Reference: [23 CFR Part 1200.22 \(c\) \(3\) \(4\)](#); p. 5016

Section 405(d) Impaired Driving and Ignition Interlock

Q: Application/Plan Update. If States submit the FY 2013 application with a certification to provide an impaired driving plan by September 1, what must be updated under the FY 2014 application?

A: In part, the response depends on whether the State is qualifying for a FY 2014 grant as either a mid-range or high-range State. On July 1, 2013, a mid-range State seeking to qualify again as a mid-range State for FY 2014 grants can submit information in its application indicating that its FY 2013 plan will be submitted by September 1, 2013, and that this plan, which was developed no earlier than July 1, 2010, will be used to qualify for a FY 2014 grant as well. A mid-range State should still update its plan periodically to address changes in program or spending priorities. In particular, any request to spend funds on programs based on problem identification must be approved by NHTSA each funding year (for mid- and high- range States).

On July 1, 2013, a high-range State seeking to qualify again as a high-range State for FY 2014 grants can submit information in its application indicating that its FY 2013 plan will be revised and updated and provided to the agency by September 1, 2013 to cover the FY 2014 grant year. The highway safety plan should be modified as necessary when changes occur on an ongoing basis (i.e., incorporation of new assessment findings). The highway safety

plan can and should be modified when new recommendations and initiatives occur.

Reference: [23 CFR Part 1200.23\(e\)\(1\)](#); p.4996

Q: Assessment/High Range. If the State agrees to execute an assessment by September 1, will this meet this criterion, even if NHTSA is unable to facilitate an assessment by the deadline?

A: All assessments must be completed by the required deadline. NHTSA's Traffic Injury Control divisions are working with the Regional Offices to accommodate program assessments for FY 2013 and FY 2014 to assist States in meeting Section 405 qualification requirements.

Q: Use of Section 405 funds for Impaired Driving Assessments. Can Section 405(d) funds be used to pay for Impaired Driving (ID) Assessments?

A: For formula grant States (identified as low-, mid-, or high-range States), grant funds cannot be used for ID Assessments. For ignition interlock grant States, grant funds can be used for Section 402 activities, which include ID Assessments as an eligible cost.

Q: Data for Qualification. Which years of data will be used to determine low, mid and high-range States?

A: Rate determinations will be based on final FARS data from the most recently reported three calendar years for a State, which will be averaged to determine the rate. We anticipate the data will be released in late May or early June, consistent with past years. These determinations will be made by NHTSA to identify States as either low-, mid- or high-range States in accordance with MAP-21 requirements.

Reference: [23 CFR Part 1200.23 \(d\)-\(f\)](#); p. 4995; 5016-17

Q: Territory Eligibility. Are territories eligible for Impaired Driving Countermeasures grants (Section 405(d)(3))?

A: Territories that do not have final FARS data from the most recently reported 3 calendar years will not be eligible for Impaired Driving Countermeasures grants. MAP-21 requires that such data be used by NHTSA to determine whether a State is eligible to apply for an Impaired Driving Countermeasures grant as a low-range, mid-range or high-range State.

Q: Approval/Grant Awards. Are mid-range States eligible for an advance approval process?

A: No, there is no advanced approval process or pre-determination of eligibility and award.

Q: Use of Funds. Can Section 405(d) (impaired driving funds) be used to purchase radar equipment, using the justification that speeding is a gateway offense to DWI?

A: No, 23 CFR 1200.23 Impaired Driving Countermeasures grants, (i) Use of Funds, specifies all eligible uses of grant funds. We have made a determination that the purchase of radars is not permissible under the regulation.

Reference: [23 CFR Part 1200.23\(i\)](#); p. 5018

Q: Ignition Interlock. The Ignition Interlock section explains that States need a law that requires all individuals convicted of driving under the influence to only drive vehicles with alcohol ignition interlocks for a period of not less than 30 days. Does this mean that no hard license suspension is required for a first offender as long as they have IID for 30 days under a restricted driving privilege OR at reinstatement?

A: To meet the requirements, all DUI offenders must be restricted to driving only vehicles equipped with an ignition interlock for a period of at least 30 days. The State does not have to require a hard license suspension of these offenders before requiring the use of an ignition interlock. However, just as with Section 164 (repeat DUI offenders), the interlock requirement must occur after any license suspension period has ended (not during the license suspension).

We note also that the restriction is a license sanction, not a vehicle sanction, so the State does not have to provide proof that an interlock was installed in a vehicle (or all vehicles, etc.). However, the State cannot grant exemptions that would allow the offender the opportunity to drive vehicles that do not contain interlocks at least for a period of 30 days.

Q: Use of Funds. Can you provide more information on how a Mid-range State can use impaired driving funding?

A: 23 CFR 1200.23(i) specifies the authorized uses for grant funds. For mid-range states, States will not need advance approval if funds will be spent on the specified uses in the regulation, except for use on activities based on problem identification.

Reference: [23 CFR Part 1200.23\(i\)](#); p.5018

Section 405(f) Motorcyclist Safety

Q: Data Availability. Under the criterion “Reduction of Fatalities and Accidents Involving Impaired Motorcyclists”, what data shall be used?

A: To demonstrate compliance with this criterion, the State shall submit—(i) State data showing the total number of motor vehicle crashes involving motorcycles in the State for the most recent calendar year for which final State crash data is available, but data no older than two calendar years prior to the application due date and the same type of data for the calendar year immediately prior to that year. States will not need to certify data from FARS.

Reference: [23 CFR Part 1200.25\(g\)](#), p. 5020

Q: Use of Funds. Can funds be used for public information and education on a State’s motorcycle helmet law, or other paid media activities?

A: No, generally, funds can be used only for motorcyclist safety training and motorcyclist awareness programs. Specifically, funds may be used for public awareness, public service announcements, and other outreach programs to enhance driver awareness of motorcyclists; such as the “share-

the road” safety messages developed using Share-the-Road model language. Resources are available on NHTSA’s Web site at <http://www.trafficsafetymarketing.gov/>

Reference: [23 CFR Part 1200.25\(l\)\(iv.\)](#), p.5021

Q: Use of Funds. Can Section 405(f) funds be used to purchase practicing motorcycles as Section 2010 allows?

A: Yes, a State may use grant funds awarded under this section for motorcyclist safety training and motorcyclist awareness programs, including procurement or repair of practice motorcycles.

Reference: [23 CFR Part 1200.25\(l\)\(2\)\(a\)](#), p.5021

Q: Use of Funds. Can the motorcycle funds be utilized to help develop data systems to collect, maintain and analyze riders who took a rider course?

A: Yes, a State may use grant funds awarded under this section for motorcyclist safety training and motorcyclist awareness programs, improvements to motorcyclist safety training curricula; and improvements in program delivery of motorcycle training to both urban and rural areas.

Reference: [23 CFR Part 1200.25\(l\)\(1\)\(i\)](#), p.5021

Section 405(g) Graduated Licensing

Q: State Graduated Driver Licensing Incentive Grant. Is the aim of this regulation to require the 6-month permit and the 6-month restricted/intermediate license time periods for drivers up to 21, or are they able to apply for a regular license when they turn 18, thus avoiding the 6-month requirement?

A: Under the Section 405 regulation, all novice drivers younger than 21 years of age must enter a GDL program that begins with a learner’s permit stage meeting certain specified requirements. § 1200.26(c)(2)(i)(A). Two of those requirements are that the learner’s permit stage “be in effect for a period of at least six months” and that it “may not expire until the driver reaches at least 16 years of age.” § 1200.26(c)(2)(i)(C).

If the driver is younger than 18 years of age at the time the learner's permit stage ends, the driver must enter an intermediate/restricted stage meeting certain specified requirements. § 1200.26(c)(2)(ii)(A). Among those requirements, two are that the intermediate stage last at least six months in duration and that it may not end until the driver is at least 18 years of age. § 1200.26(c)(2)(ii)(C).

However, if the driver is 18 or older at the end of the learner's permit stage, then the State may allow that person to either enter the intermediate stage or receive a full driver's license. (§ 1200.26(c)(2)(ii)(A) States that the intermediate stage need only apply to a driver who has completed the learner's permit stage and who is still younger than 18 years of age. It is optional for the state to expand the intermediate stage to drivers 18 years of age and older.)

Reference: [23 CFR Part 1200.26\(c\)\(2\)](#); p.5022