

MAP-21: MAINTENANCE OF EFFORT (MOE)

REQUIREMENT

[PUBLIC LAW 112–141/MAP-21](#) requires the State to maintain its aggregate expenditures from all State and local sources for programs at or above the average level of such expenditures in fiscal years 2010 and 2011 to qualify for highway safety funding under certain Section 405 grants, including Occupant Protection Grants, State Traffic Information System Improvement Grants, and Impaired Driving Countermeasures Grants. As a condition of receiving grant funds, States will be required to certify in their Section 405 grant applications that they meet the applicable MOE requirements. [23 CFR 1200.21\(d\)\(5\)](#); [23 CFR 1200.22\(f\)](#), [23 CFR 1200.23\(d\)\(2\)](#); [Appendix D](#)

CALCULATING MOE

The State must calculate its State and local agency expenditures on highway safety activities during fiscal years 2010 and 2011 in the relevant traffic safety area (i.e., occupant protection, traffic safety information and/or impaired driving). These years are averaged to create an expenditure baseline that must be met by the State during each grant year. For example, if a State calculates that it has \$100,000 in eligible State expenditures for impaired driving in both fiscal years 2010 and 2011, then the State must certify and document that it will spend at least \$100,000 in State funds in the current grant year to receive a Section 405 impaired driving grant.

Highway safety activities that must be counted towards the MOE requirement include anything listed as an eligible use of grant funds under the MAP-21 occupant protection, impaired driving countermeasures and traffic system improvement grant programs. State expenditures from any State source that are eligible for reimbursement under MAP-21 must be included in MOE calculations. SAFETEA-LU should not be used as a basis in calculating the expenditure baseline or for meeting annual MOE certification requirements.

In the MOE calculation, the State **MUST** include the following:

- Direct State expenditures and State expenditures through contract, or as a result of providing grant(s) to a local subdivision of the State, including funds used to meet State match requirements.
- Related indirect expenditures such as personnel, accounting or human resources staff, office space, supplies, and utilities.
- MAP-21 eligible use of funds.

In the MOE calculation, the State **MUST NOT** include the following:

- Other Federal awards
- Costs reimbursed with NHTSA grant funds
- Any funds from a local source used to meet State match requirements
- Ineligible costs under NHTSA grant programs*.

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**All MOE sources must be eligible costs under NHTSA grant programs.*

CERTIFICATION

Under Section 405, each State must submit a certification in the NHTSA grant applications that the State will maintain its aggregate expenditures from all State and local sources for the applicable grant program.

This requires that a State must:

- Spend at least the same dollar amount in State and local costs for traffic safety that it spent, on average in fiscal years 2010 and 2011; and,
- Document those expenditures that were not funded with Federal grant dollars or local sources used to meet State match requirements.

DOCUMENTATION

The State must maintain auditable documentation to substantiate that it meets all MOE requirements under the grant program. Documentation shall:

- Identify and describe those sources used as a basis for determining the State expenditure level;
- Be reviewed annually;
- Be provided at an aggregate level for the Federal fiscal year;
- Be accurate, valid, and reliable to the best of the State agency's recordkeeping systems and knowledge; and,
- Be available for inspection.

Levels of State support may be projected amounts that are unlikely to be revised, but must be validated at year's end.

Note that, in addition to documenting State and local funding sources for MOE under Section 405 programs, States are required to identify sources of funds that contribute to the achievement of their program targets under Section 402. [23 CFR 1200.11\(c\)\(1\)](#)

WAIVERS

A State may not reduce its spending below the expenditure baseline for an applicable grant program; however, NHTSA has the authority to waive or modify this requirement for not more than one fiscal year. NHTSA expects that waivers will be granted only under exceptional or uncontrollable circumstances.