

SUPPORTING STATEMENT
FOR
23 CFR PART 1313
SECTION 410 ALCOHOL INCENTIVE PROGRAM
OMB NO. 2127-0501

1. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary. Attach a copy of the appropriate statute or regulation mandating or authorizing the collection of information.

On November 18, 1988, President Reagan signed into law the Drunk Driving Prevention Act of 1988 (23 USC 410) establishing a new anti-drunk driving incentive program. The purpose of the grant program is to promote highway traffic safety by encouraging the states to establish certain measures to prevent drinking and driving. It provides grant funds to states that adopt these measures.

The Transportation Equity Act for the 21st Century (TEA-21), enacted in 1998, revised the law, altering the criteria to qualify for a grant. The final rule for the initial legislation was issued July 28, 2000, (23 CFR Part 1313). An interim final rule, that amends Part 1313 to reflect changes that were made to Section 410 by the TEA-21, was published on December 28, 1998.

Under TEA-21, the program provided for a two tier grant system as an incentive to states to implement effective laws and programs to reduce the drunk driving problem. The first tier provided basic grants for those states that complied with specific Programmatic or Performance criteria. The second tier provided supplemental grants for meeting additional traffic safety program criteria.

The Safe, Accountable, Flexible, and Efficient Transportation Equity Act – A Legacy of Users (SAFETEA-LU), enacted in 2005, amended the legislation under TEA-21 and altered the criteria to qualify for a grant. An interim final rule, that amends Part 1313 to reflect changes that were made to Section 410 by SAFETEA-LU, was published on January 4, 2006.

To establish eligibility for the grants (programmatic criteria), a state must submit to NHTSA documentation demonstrating that it complies with each of the requirements of the rule. If a State qualifies under either the low fatality rate criteria, or the high fatality rate criteria, NHTSA will notify the State. Much of the information required for the 410 application is already generated by the states as part of the development of their Section 402 Highway Safety Plan (HSP) or other ongoing impaired driving programs. To keep the reporting burden on the states to a minimum, states prepare and submit their Section 410 plans that indicate how they intend to use the grant funds, as part of their existing HSP. The required Highway Safety Program Cost Summary Form HS 217, OMB Clearance Number 2127-0003, is currently used by the states to comply with other

highway safety grant programs. Consequently, the states are not required under the rule to prepare or fill out new forms or develop a separate process to receive grants under Section 410. This information collection supports the Department's strategic goal of Safety, by eliminating transportation related injuries and deaths.

2. Indicate how, by whom, and for what purpose the information is to be used. Indicate actual use of information received from the current collection.

The information provided by the states and submitted to NHTSA is used to determine the states' eligibility for Section 410 Alcohol Incentive Grant funds, and to demonstrate, as they apply for subsequent year grant funds, that they continue to meet the criteria. If the information is not collected, states would not be able to demonstrate compliance with the statute (23 USC 410). For example, in FY 2005, 34 states qualified for Section 410 grants totaling \$30.9 million, based on information submitted.

3. Describe whether the collection of information involves the use of technological collection techniques or other forms of information technology.

Beginning in FY03, States had the option of submitting their Section 410 applications electronically. Most States have continued to submit the applications in hard copy format; however, the Regional Offices are encouraging them to send the applications electronically in the future. In some cases, there are various pieces to an application and they may be received in different formats which may not always be supported by the users' system. Therefore, sending documents in hard copy may be the most uncomplicated option. The Highway Safety Program Cost Summary Form HS 217 is sent to NHTSA 100% electronically, through NHTSA's computerized Grant Tracking System.

4. Describe efforts to identify duplication. Show specifically why similar information cannot be used.

In the initial year a state applies for a Section 410 grant or in the initial year of new Congressional requirements, no similar information is available. For subsequent year applications, NHTSA has attempted to keep the paperwork and reporting burden to the states to an absolute minimum by not requiring re-submission of information unless there has been a change in a required law or program.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

This item does not apply.

6. Describe the consequences to Federal program or policy-activities if the collection is not collected less frequently.

New grant funds are made available each fiscal year. If information were collected less

frequently, it would not be possible to determine which states complied with the statutorily defined grant criteria and were eligible for funding each year.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with the guidelines set forth in 5 CFR 1320.6.

The procedures specified for this information collection are consistent with the guidelines set forth in 5 CFR 1320.6.

8. Provide a copy of the FEDERAL REGISTER document soliciting comments on extending the collection of information, a summary of all public comments responding to the notice, and a description of the agency's action in response to the comments. Describe efforts to consult with persons outside the agency to obtain their views.

The FEDERAL REGISTER document soliciting comments on the collection of information was published January 4, 2006, vol. 71, p. 382. No comments were received.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

No payment or gift will be provided to any respondent.

10. Describe any assurance of confidentiality provided to respondents.

No assurances of confidentiality are given by the agency for this regulation.

11. Provide additional justification for any questions on matters that are commonly considered private.

The information which is requested of the states is not of a private nature.

12. Provide estimates of the hour burden of the collection of information on the respondents.

The estimated number of respondents per year is 34. The estimated total burden on each respondent for this regulation could be up to 45 hours per year for preparing and submitting grant applications and Form 217. Therefore, the total average hour burden is estimated to be 1530 hours. The cost per hour of State Highway Safety Office staff is estimated at \$50. Therefore, the estimated cost associated with the burden hours is \$76,500.

13. Provide estimates of the total annual cost to the respondents or record keepers.

There is no cost to respondents.

14. Provide estimates of annualized cost to the Federal Government.

It is estimated that the Federal Government spends approx. one hour per respondent at an average cost of \$50 per hour. With 34 respondents, the estimated total annual expense for maintaining this regulation is \$1,700.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of OMB Form 83-I.

There [are no program changes or adjustments to items 13 and 14 of the 83-I form.](#)

16. For collections of information whose results will be published, outline plans for tabulation and publication.

The results of the collection of this information will not be published.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

Approval is not being sought to not display the expiration date for OMB approval

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submission," of OMB Form 83-I.

No exceptions to the certification statement are made.

2. Collections of Information Employing Statistical Methods.

The collection of information does not employ statistical methods.

Attachments:

1. 30-day notice
2. 60-day notice
3. NPRM
4. Final Rule
5. HS 217 Form
6. HS 217 Form Codes
7. HS 217 Form Definitions

