

SUPPORTING STATEMENT
Drug Offenders' Drivers' License Suspension Certification

This is to request OMB's renewed three-year approved clearance for the information collection entitled "Drug Offenders' Drivers' License Suspension Certification" (OMB Control No. 2125-0579), which has an expiration date of September 30, 2007.

1. Circumstances that make collection of information necessary:

The Department of Transportation (DOT) and Related Agencies Appropriations Act for FY 1991 (Public Law 101-516) directed States to enact and enforce laws that revoke or suspend the drivers' licenses of any individual convicted of a drug offense and make annual certifications regarding their compliance. 23 U.S.C. 159 requires the withholding of certain Federal-aid highway funds from States that do not enact legislation requiring the revocation or suspension of an individual driver's license upon conviction for any violation of the Controlled Substances Act or any drug offense. Each State (including the District of Columbia and Puerto Rico) must submit by January 1 of each year either a written certification, signed by the Governor, stating that the State is in compliance with the law; or a written certification stating that the Governor is opposed to the enactment or enforcement, and that the State legislature has adopted a resolution expressing its opposition to 23 U.S.C. Section 159. As of September 1995, responsibilities for 23 U.S.C. 159 and the implementing regulation, 23 CFR 192, are coordinated by the FHWA. This information collection supports the DOT Strategic Goal of Safety by promoting safety programs that continually improve highway safety by reducing the number of highway fatalities and injuries including large trucks and ensuring the safe travel on highways.

2. How, by whom, and for what purpose is the information used:

By the issuance of certifications by the State Governors, the FHWA can determine the States' compliance with the law. States' failure to comply by October 1 of each fiscal year will result in a withholding penalty of 10-percent from major categories of Federal-aid funds; i.e., the National Highway System Component, the Surface Transportation Program and the Interstate Maintenance Component, from States' apportionments for the fiscal year.

3. Extent of automated information collection.

The States are required to provide annual certifications, signed by the Governors. The FHWA currently requires hard-copy documents, but will pursue the feasibility of allowing electronic signatures. Transmission of the Governors' statement can be transmitted electronically.

4. Efforts to identify duplication.

This information is not collected by any other agency and is not duplicated.

5. Efforts to minimize the burden on small businesses.

This information is collected from the 50 States, District of Columbia and Puerto Rico and does not include small businesses.

6. Impact of less frequent collection of information.

If the information were collected less frequently, compliance with the law would not be determined, and funds would have to be withheld from the States.

7. Special circumstances.

There are no special circumstances related to this information collection.

8. Compliance with 5 CFR 1320.8.

A Federal Register notice was published on April 12, 2007, (Volume 72, pages 18510-18511) which solicited public comments on the intention of the FHWA to seek renewal of this information collection. No comments were received.

9. Payments or gifts to respondents.

No payments or gifts are provided to the respondents.

10. Assurance of confidentiality.

There is no personal data collected; therefore, there are no assurances of confidentiality.

11. Justification for collection of sensitive information.

There are no questions of a sensitive nature.

12. Estimate of burden hours for information requested.

There is an annual average of 5 hours for each of the 52 respondents. Each respondent is required to submit information once a year, and the burden estimate includes the time necessary to write a certification statement, describe enforcement efforts and gather the necessary information to comply with the reporting requirements. The total estimate is 260 annual burden hours. The average respondent's salaries associated with these burden hours are calculated as follows:

\$ 32 average hourly salary x 260 hours = \$ 8,320.

13. Estimate of total annual cost to respondents.

Other than salary costs indicated in item 12, there are no costs to respondents.

14. Estimate of cost to the Federal government.

An average hourly salary of \$ 40 is estimated for the Federal governments approximately 100 hours annually to conduct this information collection. The cost to the Federal government is \$ 4,000.

15. Explanation of program changes or adjustments.

This is a reinstatement of a previously approved collection, and therefore reflects a program change.

16. Publication of results of data collection.

The data is not used for statistical purposes and will not be published.

17. Approval for not displaying the expiration date for OMB approval.

No such approval is being requested.

18. Exceptions to certification statement.

There are no exceptions to the certification statement.