

SUPPORTING STATEMENT

FOR

23 CFR PART 1345

SECTION 405 OCCUPANT PROTECTION INCENTIVE GRANT

OMB # 212-0600

A. Justification

1. Explain the circumstances that make the collection of information necessary.

On August 10, 2005, President George W. Bush signed into law the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy For Users (SAFETEA-LU) , Pub. L. 109-59. Section 405 of the Act amended a previous grant program established under the Transportation Equity Act for the 21st Century (TEA-21) that was designed to help states boost the usage of seat belts and child passenger restraint devices. This information collection supports the Department's strategic goal of safety by reducing the number of deaths and severity of injuries as a result of motor vehicle accidents.

The program identifies six criteria, at least four of which a state must demonstrate that it meets in order to qualify for a grant. Three of the criteria are based solely on the State's enactment of safety belt and child passenger protection laws that contain certain elements. To demonstrate compliance with one or more of those criteria, a State need only submit a copy of the relevant statute, along with copies of any regulations or binding policy directives that affect the application of the statute. Two of the other criteria are based on the State's implementation of, or plan to implement, certain statewide programmatic initiatives; one initiative is a special traffic enforcement program focused on safety belt violations, the other is an educational program focused on child passenger safety. To demonstrate compliance with either of these criteria, the State may submit a plan of a program that it intends to implement during the year for which the grant application is submitted. The sixth criterion is based on the penalties the State imposes for violations of its safety belt and child passenger protection laws. Specifically, the criterion requires that violators either pay a certain minimum fine or have one or more penalty points assigned to their driver's license record, or both. A State can demonstrate compliance with this criterion either by submitting a copy of the statute mandating the minimum fine and/or penalty points, or by submitting court records that show that eighty percent or more of safety belt use and child passenger protection law violators do pay the minimum fine or have penalty points imposed.

Most of the information that a State is required to submit is already generated and is easily accessible. Specifically, copies of statutes are readily attainable, and plans and reports on statewide enforcement and educational programs routinely are filed with the sponsoring agency. Only if a State elected to demonstrate compliance with the minimum fine and/or points criterion by submitting court records might a special data collection effort be

required. Even then, the applicable data are almost always in accessible files, either in a centralized repository or at individual courts.

States eligible to receive grants must also submit a Program Cost Summary (Form 217) allocating Section 405 funds to occupant protection programs. This information will be used by the agency to track grant funds and ensure that the funds are used for occupant protection programs.

2. Indicate how, by whom, and for what purpose the information is to be used.

The information is used to determine the State's eligibility for Section 405 Occupant Protection Incentive Grant funds, and specifically that the State complies with at least four of the six criteria. Once a State qualifies for a grant, its application for successor grants in subsequent years need not include re-submission of its safety belt use and child passenger protection laws, unless the relevant elements of those statutes have been modified; instead, the State may simply include a statement certifying that the statutes previously submitted remain in effect. If the information is not collected, States would not be able to demonstrate compliance with the criteria for grant eligibility. In addition, the Program Cost Summary will be used by the agency to track grant funds and ensure that the funds are used for occupant protection programs.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

As previously indicated, most of the information required consists of routinely filed documents, such as sections of the State's vehicle and traffic codes and program plans and reports. If a State elects to submit court records to demonstrate compliance with the minimum fine and/or penalty points criterion, that would typically require access to computer-based records systems. Currently, the information the state submits on the HS217 form is submitted electronically by roughly 50%. The application is mailed to NHTSA, however; our agency is working toward allowing the States to submit this information electronically.

4. Describe efforts to identify duplication.

The first two of the six criteria for a grant are closely linked. Criterion #1 requires that the State have in effect a safety belt use law that applies to certain types of vehicles and seating positions. Criterion #2 requires that the State's safety belt use law be based on primary enforcement, i.e., law enforcement officers have the authority to stop vehicles simply because of an observed seat belt violation. To demonstrate compliance with either or both of those criteria the State need simply submit a copy of its safety belt use statute.

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

This item does not apply.

6. **Describe the consequences to federal program or policy activities if the collection is not conducted less frequently as well as any technical or legal obstacles to reducing the burden.**

If the information were collected less frequently than annually, it would not be possible to determine in a given year if a State complies with the criteria for a grant in that year and to track grant funds.

7. **Explain any special circumstances that would cause any information collection to be conducted in a manner:**

There are no such circumstances.

8. **If applicable provide a copy and identify the date and page number of the publication in the Federal Register of the agency's notice, required by 5 CFR 1320.9(d)...**

The attached copy of Federal Register Notice dated January 9, 2008, Vol. 73, No. 6 Pages 1666-1667 soliciting comments on the collection of information. NHTSA received no comments.

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 and the basis for the assurance in statute, regulation, or agency policy.**

No assurance of confidentiality is given by the agency to any respondent.

11. **Provide additional justification for any questions of a sensitive nature...**

The information requested of the States is not of a sensitive or private nature.

12. **Provide estimates of the hour burden of the collection of information...**

Number of respondents: 56

Frequency of response: One time per year in each year respondent seeks to qualify

Annual hour burden: 1736

Annualized cost to respondents for hour burden: \$86,800

NHTSA estimates that it will take each respondent an average of 31 hours to prepare and submit the grant application and one hour to prepare and submit the applications and cost summary for a total of 1736 hours (31 hours x 56 respondents). Based on an estimated cost of \$50.00 per hour employee cost, each response is estimated to cost a State \$1,550. If every jurisdiction considered a "State" under this program were to apply, the total cost on all respondents per year would be \$86,800. It is not anticipated, however, that all jurisdictions will apply each year.

Number of respondents: 56

Frequency of response: One time per year in each year respondent seeks to qualify

Annual hour burden: 836

Annualized cost to respondents for hour burden: \$41,500

~~NHTSA estimates that it will take each respondent an average of 30 hours to prepare and submit the grant application and one hour to prepare and submit a Program Cost Summary (Form 217) for a total of 1736 hours (26 hours x 56 respondents). Based on an estimated cost of \$50.00 per hour employee cost, each response is estimated to cost a State \$1,456. If every jurisdiction considered a "State" under this program were to apply, the total cost on all respondents per year would be \$41,500. It is not anticipated, however, that all jurisdictions will apply each year. FY 2007 was the 4th year of the Section 405 program under SAFETEA-LU. The Section 405 grant program began under TEA-21 in 1999.~~

13. **Provide an estimate of the total annual cost burden to respondents or record keeper resulting from the collection of information.**

Not applicable. There are no capital, start-up or annual operation and maintenance costs involved with this collection of information.

14. **Provide estimates of annualized cost to the federal government.**

It is estimated that the government's annual expense for maintaining this regulation is \$11,200. This is derived from an average cost of \$50 per hour and an estimated level of effort of four hours per respondent, if every State and territory (56 total) participates.

15. **Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of OMB Form 83-1.**

Not applicable.

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

This collection of information will not have the results 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 sought to not display the expiration date for ~~the~~ OMB approval.

18. **Explain each exception to the certification statement identified in Item 19. "Certification for Paperwork Reduction Act Submissions." of OMB Form 83-1.**

No exceptions to the certification statement are made.