

**SUPPORTING STATEMENTS FOR  
23 CFR PART 1313 SECTION 410**

**ALCOHOL IMPAIRED INCENTIVE PROGRAM**

**A. 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.*

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

A State qualifies for receiving Section 410 funds by having an alcohol related fatality rate of 0.5 or less per 100M vehicle miles traveled using the most recent Fatality Analysis Reporting System (FARS) data (Low fatality rate State), by meeting program criteria as specified in the regulation (programmatic State), or being designated as one of the 10 States with highest impaired driving related fatalities as determined by the most recent FARS data (high fatality rate State). A high fatality rate State may also apply for funds using programmatic criteria. The required information collection is different for each type of Section 410 qualification.

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 is used by NHTSA to determine if a State is eligible to receive section 410 funds in any given year. If the information is not collected, States would not be able to demonstrate compliance with the statute (23 USC 410). For example, in FY 2011, 47 States, the District of Columbia, and Puerto Rico qualified for Section 410 grants based on information submitted.

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

Most States now submit the Section 410 applications electronically and all States submit the Highway Safety Program Cost Summary form HCS 217 electronically.

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

In the initial year a State applied 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 States to an absolute minimum by not requiring re-submission of information. In some instances, only a certification that there has been no change to law or program is required.

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 or is collected less frequently.*

New grant funds are made available each fiscal year. If information were collected less frequently, NHTSA could not determine which States complied with the statutorily defined grant criteria.

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.*

There are no special circumstances that apply to Section 410 information collection.

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 February 9, 2012 (Vol.77, No.27, Pg. 6856). A copy of the notice is attached. No comments were received.

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

No payments or gifts are provided to respondents.

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 requested of States is not private.

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

The estimated number of respondents per year is 49. The estimated total burden on each respondent for this regulation varies. For example, a State that qualifies as low fatality rate State only submits a signed certification form each year, whereas a high fatality rate State is newly designated each year and must submit a complete application package and a programmatic State submits a combination of data and certifications. All States use the HCS-217.

The average hour burden is estimated to be six hours per State per year for completion of the Section 410 part of the HCS-217 for a total of 294 hours and a total of 967 hours for completion of grant applications for a grand total of 1261 hours annually.

The cost per hour of State Highway Safety Office staff is estimated at \$50. Therefore, the estimated cost associated with the burden hours is \$63,050.

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.*

The estimated annualized cost to the Federal government is based on the amount of time Regional Operations and Program Delivery staff both in the regional offices and headquarters and the technical review team spend on review and approval of the grant application package.

It is estimated that the Federal Government spends an average of eight hours per respondent for high fatality rate applications, 36 hours for programmatic applications, and 26 hours for Low fatality rate certification review. This estimate takes into account the variation in required information for each type of Section 410 eligibility. With 49 respondents, at an average cost of \$50 per hour the estimated total annual expense for Section 410 information collection is \$7100.

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

There is a change resulting in an adjustment in the number of respondents from year to year and shift in the type of qualification. In recent years, more States have qualified as low fatality rate, thus decreasing the annual information collection burden

- . 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 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.

**B. COLLECTION OF INFORMATION USING STATISTICAL METHODS**

The collection of information does not employ statistical methods.