

a waiver to an urbanized area recipient that has previously reported to the NTD, FTA automatically includes data from the last-available NTD report year for that recipient in the apportionment of formula grants for urbanized areas. However, FTA does not currently have policies or procedures that would allow it to use NTD data from a prior report year in the apportionment of urbanized area formula grants for a transit provider that is able to report for the current year. This Notice establishes such a policy for urbanized area reporters. This policy would not currently apply to NTD reporters from rural areas, however, as NTD data are not used in the apportionment of Other Than Urbanized Area Formula Grants (Section 5311 Grants). These Grants are apportioned solely on the basis of geographic data and population data from the U.S. Census Bureau.

## II. Comments and FTA Response to Comments

On August 14, 2008, FTA published a notice in the **Federal Register** (73 FR 47641) inviting comments on its proposed policy for natural disaster adjustments. FTA received three comments on this proposed policy change. One comment supported the policy change. Two commenters also supported the policy change and requested that FTA expand this policy to include not just natural disasters, but also man-made disasters, such as terrorist attacks, criminal activity, forest fires, or disruptions to utilities. These commenters also requested that the policy be made applicable for multiple years, rather than only the year in which the disaster occurs.

*Response:* FTA agrees to make this policy applicable to all disasters, both natural and man-made. FTA also notes that it always intended for its proposed policy to be applicable for multiple years, at FTA's discretion, and will clarify this in the final policy below.

## III. Final Policy

If a transit provider suffers a marked decrease in transit service due to a natural or man-made disaster, either the transit provider or the designated recipient for an urbanized area may make a request to be "held harmless" in the apportionment of formula grants for urbanized areas. If FTA approves the request, FTA will use data for the affected providers from the NTD report year before the disaster occurred in place of data for the current report year in the urbanized area apportionments. FTA would continue to use data from the current NTD report year for all other

transit providers in the urbanized area apportionment.

This adjustment would not be automatic and must be requested in writing. FTA will approve or deny each request at its discretion based on the following factors: (1) Whether a Federal disaster declaration was in place for all or part of the current report year, for either all or part of the transit provider's service area; (2) whether the request demonstrates that the decrease in transit service from the report year before the disaster is in large part due to the ongoing impact of the disaster; and (3) whether the request demonstrates that the decrease in transit service reasonably appears to be temporary, and not reflective of the true transit needs of the urbanized area. FTA will not grant adjustment requests that do not address all three factors. Adjustment requests should include sufficient documentation to allow FTA to evaluate the request based on these factors. FTA may request additional information from an applicant for an adjustment to evaluate the request based on these factors. A request for an adjustment may only be made for one year at a time. Requests for adjustment related to the same disaster may be made in subsequent years, provided that the applicant can continue to support its request based on the above factors. If the adjustment request is granted, the NTD data in all publicly-available data sets and data products would remain unadjusted, and would reflect the actual NTD submission for the transit provider. The only adjustment would be in the data sets used for the apportionments of formula grants for urbanized areas.

This policy will take effect for the 2007 NTD Report Year, which is the data used in the FY 2009 apportionments of formula grants for urbanized areas. This policy will remain in effect for the 2008 NTD Report Year, which has already begun, and will be included in the NTD Annual Manual for the 2009 Report Year.

Issued in Washington, DC, this 31st day of October 2008.

**James S. Simpson,**  
*Administrator.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[U.S. DOT Docket Number NHTSA-2008-0170]

### Reports, Forms, and Recordkeeping Requirements

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Request for public comment on proposed collection of information.

**SUMMARY:** Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections.

This document describes one collection of information for which NHTSA intends to seek OMB approval.

**DATES:** Comments must be received on or before January 12, 2009.

**ADDRESSES:** You may submit comments (identified by DOT Docket No. NHTSA-2008-0170) to: Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001. Alternatively, you may submit your comments electronically by logging onto the Docket management System (DMS) Web site at <http://dms.dot.gov>. Click on "Help" to view instructions for filing your comments electronically. Regardless of how you submit your comments, you should identify the Docket number of this document. You may call the docket at (202) 647-5527. Docket hours are 9 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

*Instructions:* All Submissions must include the agency name and docket number for this proposed collection of information. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

*Privacy Act:* Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may

review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78) or you may visit <http://DocketInfo.dot.gov>.

*Docket:* For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>, or the street address listed above. Follow the online instructions for accessing the dockets.

**FOR FURTHER INFORMATION CONTACT:** Complete copies of each request for collection of information may be obtained at no charge from Ann Burton, NHTSA, 1200 New Jersey Avenue, SE., W46-492, NTI 200, Washington, DC 20590. Ms. Burton's telephone number is (202) 366-2685. Please identify the relevant collection of information by referring to its OMB Control Number.

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation at 5 CFR 1320.8(d), an agency must ask for public comment on the following:

(i) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) How to enhance the quality, utility, and clarity of the information to be collected;

(iv) How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks for public comments on the following proposed collections of information:

*Title:* 23 CFR, Part 1313, Alcohol-Impaired Driving Countermeasures Section 410.

*OMB Control Number:* 2127-0501.

*Affected Public:* 50 States, District of Columbia and Puerto Rico.

*Form Number:* NA.

*Abstract:* An impaired driving incentive grant is available to States that have an alcohol fatality rate of 0.5 or less per 100 million vehicle miles traveled as determined by using the most recent Fatality Analysis Reporting System (FARS) data or that are one of the ten States that have the highest alcohol related fatality rates as determined by using the most recent FARS data. States designated as a high fatality rate State must submit a comprehensive plan for conducting high visibility enforcement and a report on the previous year's activities.

States may also qualify through meeting specified program criteria. To demonstrate compliance using program criteria a State must submit an application that shows how they met three of eight criteria in FY 2006, four of eight criteria in FY 2007 and five of eight criteria in FY 2008 and FY 2009.

*Estimated Annual Burden:* 1350.

*Number of Respondents:* 50 States, District of Columbia and Puerto Rico.

*Comments are invited on:* Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

**Marlene Markison,**

*Associate Administrator, Regional Operations and Program Delivery.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[U.S. DOT Docket Number NHTSA-2008-0172]

#### Reports, Forms, and Recordkeeping Requirements

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Request for public comment on proposed collection of information.

**SUMMARY:** Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget

(OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections.

This document describes one collection of information for which NHTSA intends to seek OMB approval.

**DATES:** Comments must be received on or before January 12, 2009.

**ADDRESSES:** You may submit comments [identified by DOT Docket No. NHTSA-2008-0172] by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- *Mail:* Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.

- *Hand Delivery or Courier:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays. Telephone: 1-800-647-5527.

- *Fax:* 202-493-2251.

*Instructions:* All submissions must include the agency name and docket number for this proposed collection of information. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

*Privacy Act:* Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78) or you may visit <http://DocketInfo.dot.gov>.

*Docket:* For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>, or the street address listed above. Follow the online instructions for accessing the dockets.

**FOR FURTHER INFORMATION CONTACT:** Complete copies of each request for collection of information may be obtained at no charge from Jack Oates, NHTSA, 1200 New Jersey Avenue, SE., W46-308, NTI-200, Washington, DC 20590. Mr Jack Oates' telephone number is (202) 366-2730. Please identify the