

providing Federal assistance for a transaction covered by 31 U.S.C. 1352. The Applicant also understands that any person who fails to file a required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

### Signature Page

#### *Certifications and Assurances for the FTA Over-the-Road Bus Accessibility Program*

The Applicant agrees to comply with the applicable requirements of the following Categories of certifications and assurances it has selected below:

Category	Description
I. ....	For Each Applicant ...
II. ....	Lobbying .....

#### *Affirmation of Applicant*

Name of Applicant: \_\_\_\_\_  
Name and Relationship of Authorized Representative: \_\_\_\_\_

BY SIGNING BELOW, on behalf of the Applicant, I declare that the Applicant has duly authorized me to make the certifications and assurances set forth above and bind the Applicant's compliance. Thus, the Applicant agrees to comply with all Federal statutes, regulations, executive orders, and Federal requirements applicable to each application it makes to the Federal Transit Administration (FTA) in Federal Fiscal Year 2006.

FTA intends that the certifications and assurances the Applicant selects above, as representative of the certifications and assurances in set forth in this document, should apply, as required, to each Over-the-Road Bus Accessibility Grant for which the Applicant seeks now, or may later, seek FTA assistance during Federal Fiscal Year 2006.

The Applicant affirms the truthfulness and accuracy of the certifications and assurances it has made in the statements submitted herein with this document and any other submission made to FTA, and acknowledges that the provisions of the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. 3801 *et seq.*, as implemented by U.S. DOT regulations, "Program Fraud Civil Remedies," 49 CFR part 31 apply to any certification, assurance or submission made to FTA. The criminal fraud provisions of 18 U.S.C. 1001 apply to any certification, assurance, or submission made in connection with a Federal Transit program authorized in Chapter 53 or any other statute.

In signing this document, I declare under penalties of perjury that the foregoing certifications and assurances, and any other statements made by me on behalf of the Applicant are true and correct.

Signature \_\_\_\_\_

Date: \_\_\_\_\_

Name \_\_\_\_\_

Authorized Representative of Applicant

### Signature Page

Each Applicant for an FTA Over-the-Road Bus Accessibility Grant must provide an Affirmation of Applicant's Attorney

pertaining to the Applicant's legal capacity. The Applicant may enter its signature in lieu of the Attorney's signature, provided the Applicant has on file this Affirmation, signed by the attorney and dated this Federal fiscal year, and the Attorney's Affirmation has been entered into the TEAM-Web system as an attachment.

#### *Affirmation of Applicant's Attorney*

For (Name of Applicant): \_\_\_\_\_

As the undersigned Attorney for the above named Applicant, I hereby affirm to the Applicant that it has authority under state and local law to make and comply with the certifications and assurances as indicated on the foregoing pages. I further affirm that, in my opinion, the certifications and assurances have been legally made and constitute legal and binding obligations on the Applicant.

I further affirm to the Applicant that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these certifications and assurances, or of the performance of the project.

Signature \_\_\_\_\_

Date: \_\_\_\_\_

Name \_\_\_\_\_

Attorney for Applicant  
(These Signature Pages must be appropriately completed and signed as indicated.)

#### **Appendix C—FTA Regional Offices**

*Region I*—Massachusetts, Rhode Island, Connecticut, New Hampshire, Vermont and Maine, Richard H. Doyle, FTA Regional Administrator, Volpe National Transportation Systems Center, Kendall Square, 55 Broadway, Suite 920, Cambridge, MA 02142-1093, (617) 494-2055.

*Region II*—New York, New Jersey, Virgin Islands, Letitia Thompson, FTA Regional Administrator, One Bowling Green, Room 429, New York, NY 10004-1415, (212) 668-2170.

*Region III*—Pennsylvania, Maryland, Virginia, West Virginia, Delaware, Washington, DC, Susan Borinsky, FTA Regional Administrator, 1760 Market Street, Suite 500, Philadelphia, PA 19103-4124, (215) 656-7100.

*Region IV*—Georgia, North Carolina, South Carolina, Florida, Mississippi, Tennessee, Kentucky, Alabama, Puerto Rico, Yvette G. Taylor, FTA Regional Administrator, 61 Forsyth Street, SW., Suite 17T50, Atlanta, GA 30303, (404) 562-3500.

*Region V*—Illinois, Indiana, Ohio, Wisconsin, Minnesota, Michigan, Marisol R. Simon, FTA Regional Administrator, 200 West Adams Street, Suite 320, Chicago, IL 60606-5232, (312) 353-2789.

*Region VI*—Texas, New Mexico, Louisiana, Arkansas, Oklahoma, Robert Patrick, FTA Regional Administrator, 819 Taylor Street, Room 8A36, Ft. Worth, TX 76102, (817) 978-0550.

*Region VII*—Iowa, Nebraska, Kansas, Missouri, Mokhtee Ahmad, FTA Regional Administrator, 901 Locust Street, Suite 404, Kansas City, MO 64106, (816) 329-3920.

*Region VIII*—Colorado, North Dakota, South Dakota, Montana, Wyoming, Utah, Lee Waddleton, FTA Regional Administrator,

12300 West Dakota Avenue Suite 310, Lakewood, CO 80228-2583, (720) 963-3300.

*Region IX*—California, Arizona, Nevada, Hawaii, American Samoa, Guam, Leslie Rogers, FTA Regional Administrator, 201 Mission Street, Suite 1650, San Francisco, CA 94105-1831, (415) 744-3133.

*Region X*—Washington, Oregon, Idaho, Alaska, Richard Krochalis, FTA Regional Administrator, Jackson Federal Building, 915 Second Avenue, Suite 3142, Seattle, WA 98174-1002, (206) 220-7954.

[FR Doc. E6-1396 Filed 2-1-06; 8:45 am]

BILLING CODE 4910-57-P

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[NHTSA-2006-23772]

#### Incentive Grant Program To Prohibit Racial Profiling

**AGENCY:** National Highway Traffic Safety Administration, DOT.

**ACTION:** Announcement of an incentive grant program to encourage States to enact and enforce laws that prohibit the use of racial profiling in the enforcement of traffic laws on Federal-aid highways, and to maintain and allow public inspection of statistics on motor vehicle stops.

**SUMMARY:** The National Highway Traffic Safety Administration (NHTSA) announces a new incentive grant program concerning racial profiling under section 1906 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy For Users (SAFETEA-LU). This Notice informs the 50 states, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, through their Governors' Representatives for Highway Safety, of the application procedures for grants available in fiscal years 2006 through 2009.

**DATES:** Applications must be received by the appropriate NHTSA Regional Office on or before July 1 of the fiscal year for which a State seeks a grant.

**ADDRESSES:** Applications must be submitted to the appropriate Regional Administrator.

**FOR FURTHER INFORMATION CONTACT:** For program issues, Keith Williams, Office of Traffic Injury Control, Enforcement & Justice Services Division (NTI-122), NHTSA, 400 Seventh Street, SW., Room 5130, Washington, DC, 20590, by phone at (202) 366-0543 or by e-mail at [keith.williams@nhtsa.dot.gov](mailto:keith.williams@nhtsa.dot.gov). For legal issues, Dana Sade, Office of Chief

Counsel, NCC-113, NHTSA, 400 Seventh Street, SW., Room 5219, Washington, DC 20590, by phone at (202) 366-1834 or by e-mail at [dana.sade@nhtsa.dot.gov](mailto:dana.sade@nhtsa.dot.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 1906 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy For Users (SAFETEA-LU) establishes an incentive grant program to prohibit racial profiling ("the Section 1906 Program"). The purpose of the grant program is to encourage States to enact and enforce laws that prohibit the use of racial profiling in traffic law enforcement and to maintain and allow public inspection of statistical information regarding the race and ethnicity of the driver and any passengers for each motor vehicle stop in the State. Section 1906 authorizes \$7.5 million in funding each year from FY 2006 through FY 2009.<sup>1</sup> The Section 1906 Grant Program is set forth in an uncodified footnote to 23 U.S.C. 402.

Today's Notice solicits applications for grants under this program. States qualifying for a grant will receive an amount determined by multiplying the amount available for awards under the section 1906 Program in a fiscal year by the ratio that the funds apportioned to the State under section 402 for that fiscal year bears to the funds apportioned to all eligible States under section 402 for that fiscal year, up to a maximum award of 5 percent of the amount made available to carry out section 1906 in that fiscal year. SAFETEA-LU provides that a State may not receive a grant for more than 2 fiscal years if it is qualifying for the grant only by providing assurances to the Secretary that it is undertaking activities to comply, rather than by enacting a complying law.

##### Definitions

As provided in section 1906—  
*Racial Profiling* means use by a State or local law enforcement officer of the race or ethnicity of a driver or passenger to any degree in making routine or spontaneous law enforcement decisions, such as ordinary traffic stops on Federal-aid highways.<sup>2</sup> As limited by

<sup>1</sup> Congress actually authorized the section 1906 grant program for 5 years from FY 2005 through FY 2009. However, grant funds authorized under the section 1906 Program did not become available to DOT until too late into in FY 2005 to make awards during that fiscal year. The \$7.5 million authorized for FY 2005 grants remains available and will be added to the amount available for grant awards in FY 2006, the first year in which grants will be awarded under this program.

<sup>2</sup> Use of the term "Federal-aid highway" is governed by Chapter 1 of Title 23, which defines

section 1906, this term does not include the manner in which a State or local law enforcement officer considers race or ethnicity when trustworthy, relevant, location-specific and timely information links persons of a particular race or ethnicity to an identified criminal incident, scheme or organization.

*Statistical Information on Traffic Stops and Traffic Stop Data* mean information on the race and ethnicity of the driver and any passengers for each motor vehicle stop made by a State or local law enforcement officer on a Federal-aid highway.

##### Requirements To Receive a Grant

SAFETEA-LU provides that a State may qualify for a grant under the Section 1906 Program in one of two ways: (a) By enacting and enforcing a law that prohibits the use of racial profiling in the enforcement of State laws regulating the use of Federal-aid highways and maintaining and allowing public inspection of statistical information on the race and ethnicity of the driver and any passengers for each such motor vehicle stop made by a law enforcement officer on a Federal-aid highway (a "Law State"); or (b) by providing satisfactory assurances to the Secretary that the State is undertaking activities to prohibit racial profiling and to maintain and provide public access to data on the race and ethnicity of the driver and passengers for each motor vehicle stop made by a law enforcement officer on a Federal-aid highway (an "Assurances State"). A State may not receive a grant for more than two fiscal years if it is qualifying for the grant as an Assurances State.

##### Eligibility

The 50 states, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands are eligible to apply for grants under the section 1906 grant program.

##### Application Procedures

To apply for grant funds in a fiscal year, a Law State must submit the certification required by Appendix 1 and an Assurances State must submit the certification required by Appendix 2, signed by the Governor's Representative for Highway Safety, to the appropriate NHTSA Regional Administrator no later than July 1 of the fiscal year.

it as a highway eligible for assistance under Chapter 1 other than a highway classified as a local road or rural minor collector (*i.e.*, all public roads except local and minor rural roads).

##### Award Notification

NHTSA will review the information referenced in each State's Certification for compliance with section 1906 and notify qualifying States in writing of grant awards.

##### Eligible Uses of Grant Funds

As prescribed by SAFETEA-LU—  
Law States may use section 1906 grant funds for:

- Collecting and maintaining data on traffic stops;
- Evaluating the results of such data; and

○ Developing and implementing programs to reduce the occurrence of racial profiling, including programs to train law enforcement officers.

Assurances States may use section 1906 grant funds for:

- Funding activities to prohibit racial profiling in the enforcement of State laws regulating the use of Federal-aid highways;
- Collecting, maintaining and providing public access to traffic stop data;
- Evaluating the results of such data; and
- Developing and implementing programs to reduce the occurrence of racial profiling, including programs to train law enforcement officers.

##### Financial Accounting and Administration

Within 30 days after notification of award, but in no event later than September 12, a State must submit electronically to the agency a program cost summary (HS Form 217) obligating the funds to the Section 1906 Program. Submission of the program cost summary is necessary to ensure proper accounting for federal funds and is a precondition to receiving grant funds. The Federal share of programs funded under this section shall not exceed 80 percent.

##### Reporting Requirements

Each fiscal year until all section 1906 grant funds are expended, States should carefully document how they intend to use the funds in the Highway Safety Plan they submit pursuant to 23 U.S.C. 402 (or in an amendment to that plan) and detail the program activities accomplished in the Annual Report they submit pursuant to 23 CFR 1200.33.

##### Appendix 1: Racial Profiling Incentive Grant

###### Law State Certification

State (or Commonwealth): \_\_\_\_\_

Fiscal Year: \_\_\_\_\_

I hereby certify that:

- (1) the State's law prohibiting racial profiling, available at

(include legal citations to all relevant provisions)

is (check one):

☐ in effect and being enforced,

☐ will be in effect on \_\_\_\_\_ (date) and will be enforced on \_\_\_\_\_ (date);

(2) that the State maintains and allows public inspection of statistical information on the race and ethnicity of the driver and any passengers for each motor vehicle stop made by a law enforcement officer on a Federal-aid highway, pursuant to the following official document(s) (e.g., State law, Executive Order, or policy) available at

(include legal or other citations to all relevant provisions)

and

(3) that, if awarded Section 1906 grant funds, the State:

- Will use the funds in accordance with the requirements of Section 1906 of SAFETEA-LU, Pub. L. 109-59; and
- Will administer the funds in accordance with 49 CFR Part 18.

Governor's Highway Safety Representative  
Date

## Appendix 2: Racial Profiling Incentive Grant

### Assurances State Certification

State (or Commonwealth): \_\_\_\_\_

Fiscal Year: \_\_\_\_\_

I certify that:

(1) the State is undertaking activities to prohibit the use of racial profiling in the enforcement of State laws regulating the use of all Federal-aid highways, as described in the following official document(s) (e.g., State law, Executive Order, policy) available at

(include legal and other citations to all relevant provisions)

(2) the State is undertaking activities to maintain and allow public inspection of statistical information on the race and ethnicity of the driver and any passengers for each motor vehicle stop made by a State or local law enforcement officer on a Federal-aid highway, as described in the following official document(s) (e.g., State law, Executive Order, policy) available at

(include legal and other citations to all relevant provisions)

and

(3) that, if awarded Section 1906 grant funds, the State:

- will use the funds in accordance with the requirements of Section 1906 of SAFETEA-LU, Pub. L. 109-59; and
- will administer the funds in accordance with 49 CFR Part 18.

Governor's Highway Safety Representative

Date

Issued on: January 30, 2006.

**Jacqueline Glassman,**

*Deputy Administrator.*

[FR Doc. E6-1427 Filed 2-1-06; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2006-23771]

#### State Traffic Safety Information System Improvement Grants

**AGENCY:** National Highway Traffic Safety Administration, DOT.

**ACTION:** Announcement of grants to support state traffic safety information system improvements.

**SUMMARY:** The National Highway Traffic Safety Administration (NHTSA) announces a grant program to improve State traffic safety information systems under Section 2006 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy For Users (SAFETEA-LU). This Notice informs the 50 states, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, through their Governors' Representatives for Highway Safety, and the Bureau of Indian Affairs (on behalf of the Indian tribes), of the application procedures to receive grants to be made available in fiscal years 2006 through 2009.

**DATES:** Applications must be received by the appropriate NHTSA Regional Office on or before June 15 of the fiscal year for which a State seeks a grant.

**ADDRESSES:** Applications must be submitted to the appropriate Regional Administrator.

**FOR FURTHER INFORMATION CONTACT:** For program issues, Jack Oates, Office of Traffic Injury Control, Injury Control Operations and Resources (NTI-200), NHTSA, 400 Seventh Street, SW., Room 5118, Washington, DC 20590, by phone at (202) 366-2121 or by e-mail at [jack.oates@nhtsa.dot.gov](mailto:jack.oates@nhtsa.dot.gov). For legal issues, Dana Sade, Office of Chief Counsel, NCC-113, NHTSA, 400 Seventh Street, SW., Room 5219, Washington, DC 20590, by phone at (202) 366-1834 or by email at [dana.sade@nhtsa.dot.gov](mailto:dana.sade@nhtsa.dot.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 2006 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy For Users (SAFETEA-LU)

establishes a State traffic safety information system improvement grant program, administered by NHTSA. The purpose of this grant program is to support the development and implementation of effective programs by the States to: (1) Improve the timeliness, accuracy, completeness, uniformity, integration, and accessibility of the safety data that States need to identify priorities for national, State and local highway and traffic safety programs; (2) evaluate the effectiveness of efforts to make such improvements; (3) link the State data systems, including traffic records, with other data systems within the State, such as systems that contain medical, roadway, and economic data; and (4) improve the compatibility and interoperability of the States' data systems with national traffic safety data systems and data systems of other States and enhance NHTSA's ability to observe and analyze national trends in crash occurrences, rates, outcomes, and circumstances. Section 2006 authorizes \$34.5 million in funding for each of four fiscal years from FY 2006 through FY 2009. The Section 2006 grant program is codified in 23 U.S.C. 408 ("the Section 408 Program").

Today's Notice solicits applications for grants under this program. SAFETEA-LU provides that the amount of each first fiscal year grant shall be the higher of \$300,000 or an amount determined by multiplying the amount appropriated to carry out the Section 408 Program for that fiscal year by the ratio that the funds apportioned to the State under section 402 for FY 2003 bears to the funds apportioned to all eligible States under section 402 for FY 2003. Each State that qualifies for a successive fiscal year grant shall be eligible to receive the higher of \$500,000 or an amount determined by multiplying the amount appropriated to carry out the Section 408 Program for that fiscal year by the ratio that the funds apportioned to the State under section 402 for FY 2003 bears to the funds apportioned to all eligible States under section 402 for FY 2003. No State may receive a grant under this section in more than four years.

#### Requirements To Receive a Grant

##### First Year Grants

SAFETEA-LU provides that a State may qualify for a first year grant by demonstrating that it has: (a) Established a highway safety data and traffic records coordinating committee (a "TRCC"); and (b) developed a multiyear highway safety data and traffic records system strategic plan (a "Multiyear Plan" or "Strategic Plan").