

Guidelines for States using NHTSA Grant Funds for DADSS Projects

General Questions

1. What is DADSS?

The Driver Alcohol Detection System for Safety (DADSS) is a research effort between NHTSA and the Automotive Coalition for Traffic Safety (ACTS), a nonprofit organization composed of the nation's leading auto manufacturers, to develop in-vehicle technologies that will automatically detect when a driver is intoxicated with a BAC at or above .08. The partnership between NHTSA and ACTS began as a cooperative research agreement in 2008 and has been continued under a new agreement in 2013.

2. May States use NHTSA grant funds for DADSS projects?

Yes, with agency approval, State highway safety offices may use certain NHTSA grant funds to sponsor DADSS research projects.

3. What NHTSA grant funds are available?

We have determined that States may spend the following grant funds on DADSS projects:

(a) Section 402 grant funds; (b) Sections 154, 164 transfer funds; and (c) Section 405 funds that are eligible to be spent on Section 402 activities.

(a) 23 U.S.C. § 402 authorizes funds to be spent on “demonstration programs that the Secretary determines will contribute directly to the reduction of accidents, and deaths and injuries resulting therefrom.” Consistent with past practice, the term demonstration project has been interpreted and applied to allow States to use Section 402 funds on traffic safety research efforts as determined appropriate by the agency.

(b) 23 U.S.C. §§ 154 and 164 provide that funds transferred to the apportionment under Section 402 may be “used for alcohol-impaired driving countermeasures.” Within the narrow uses allowed for transfer funds, DADSS activities in a State would meet these requirements. The purpose of the DADSS program is to deploy a technology-based countermeasure that will deter alcohol-impaired driving.

(c) 23 U.S.C. § 405 provides that some of the funds may be used for Section 402 eligible activities. This includes the demonstration programs that are permitted under Section 402. Section 405 contains a use-of-funds section for each priority safety area that targets funding to address specific traffic safety issues. However, some areas allow expanded use of funding based on meeting certain performance or law requirements. These areas include the following: States with high seat belt use rates; mandatory ignition interlock laws; distracted driving grants; and graduated driving licensing grants.

4. Are there fiscal year limitations on grant funds that may be used?

Yes. NHTSA grant funds are subject to the requirements of 23 U.S.C. Chapter 1 (23 U.S.C. § 118) specifying that funds shall remain available for obligation in a State for a period of three years after the last day of the fiscal year for which funds are authorized. This means that States have four years to commit unexpended grant funds to a specific identified project or the funds will lapse. If the funds are identified to a specific project(s) in the last year of their availability, the implementing grant regulation requires that States must also expend the funds on the specific project(s) within the succeeding fiscal year. In other words, if the funds are not committed to a specific project within four years *and* fully expended within five years, NHTSA is required to deobligate the unexpended balance at that point. Under these requirements, States may use grant funds that have been apportioned or allocated to them within the last four years for DADSS projects.

5. What requirements apply to a State using grant funds for DADSS projects?

All statutory requirements still apply to projects that use eligible grant funds. For example, statutory matching requirements apply depending on the type of grant funds used (e.g., Section 402 funds require a 20 percent match, Section 154/164 transfer funds do not require a match, etc.) In addition, all regulatory and circular requirements would continue to apply to the use of funds for DADSS activities, just as they apply to other uses of grant funds, including but not limited to identifying a planned activity as part of an approved highway safety plan, providing project agreement information, and monitoring and accounting for the use of funds. Projects also must have a clear defined safety benefit to the State providing the funding.

(Ver. 6/4/19)