



U.S. Department
of Transportation

**National Highway
Traffic Safety
Administration**

Memorandum

Subject: Use of Section 410 Funds to Purchase Radar
or other Speed Enforcement Equipment

Date: **SEP 12 2008**

From: *Marlene Markison*
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Regional Operations and Program Delivery

Reply to
Attn. of:

To: NHTSA Regional Administrators

Several questions have been raised recently regarding the ability of States to use Section 410 funds to purchase radar or other speed enforcement equipment.

Section 410 grant funds are linked to programs, activities, and equipment purchases that support alcohol-impaired driving countermeasures. Specifically, States may use Section 410 funds to support all programs and activities described in the eligibility criteria for programmatic grants. These criteria cover programs for high visibility impaired driving enforcement, prosecution and adjudication outreach, BAC testing, high risk driver laws, alcohol rehabilitation and DWI courts, underage drinking prevention, administrative license revocation, and self-sustaining impaired driving prevention. Additionally, in accordance with the statute, States are permitted to use Section 410 funds in support of these programs to purchase "technology and equipment that counters directly impaired operation of motor vehicles."

From these requirements, it is clear that the Section 410 only allows the use of funds for activities and programs that specifically address impaired driving, including the purchase of equipment that supports these programs. Radar and other speed enforcement equipment are not used to directly counter the impaired operation of motor vehicles and do not qualify for Section 410 funding. Consequently, no State may use its Section 410 funds to purchase these types of items. This determination, however, does not restrict a State from using other types of funding, where supported by Federal statute, to purchase radar and other speed enforcement equipment.

This determination has immediate effect and applies to all purchases using Section 410 funds. Please inform your States of this decision.

