ity described in subsection (a) may be carried out in advance of construction of a project only if the activity is carried out in accordance with all applicable requirements of Federal law (including regulations) and State transportation planning processes.

(Added Pub. L. 109–59, title VI, §6006(b), Aug. 10, 2005, 119 Stat. 1872.)

REFERENCES IN TEXT

The Plant Protection Act, referred to in subsec. (b)(1), is title IV of Pub. L. 106–224, June 20, 2000, 114 Stat. 438, as amended, which is classified principally to chapter 104 (§7701 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 7701 of Title 7 and Tables.

CHAPTER 4—HIGHWAY SAFETY

Sec.
401. Authority of the Secretary.
402. Highway safety programs.
403. Highway safety research and development.
404. National Highway Safety Advisory Committee.
405. Occupant protection incentive grants.
406. Safety belt performance grants.
407. Innovative project grants.
408. State traffic safety information system improvements.
409. Discovery and admission as evidence of certain reports and surveys.
410. Alcohol-impaired driving countermeasures.
411. State highway safety data improvements.
412. Agency accountability.

AMENDMENTS

2005—Pub. L. 109–59, title II, §§2005(b), 2006(b), 2008(b), Aug. 10, 2005, 119 Stat. 1527, 1529, 1535, substituted ''Safety belt performance grants'' for ''School bus driver training'' in item 406 and ''State traffic safety information system improvements'' for ''Alcohol traffic safety programs'' in item 408 and added item 412.

1998—Pub. L. 105–178, title II, §§2003(a)(2), 2005(b), June 9, 1998, 112 Stat. 327, 334, substituted ''Occupant protection incentive grants'' for ''Repealed'' in item 405 and added item 411.

1991—Pub. L. 102–240, title I, §1035(b), title II, §2004(c), Dec. 18, 1991, 105 Stat. 1978, 2079, substituted ''Discovery and admission'' for ''Admission'' in item 409 and ''Alcohol-impaired driving countermeasures'' for ''Drunk driving prevention programs'' in item 410.

1988—Pub. L. 100–690, title IX, §9002(b), Nov. 18, 1988, 102 Stat. 4525, added item 410.

1987—Pub. L. 100–17, title I, §132(b), Apr. 2, 1987, 101 Stat. 170, added item 409.

1982—Pub. L. 97–364, title I, §101(b), Oct. 25, 1982, 96 Stat. 1740, added item 408.

1978—Pub. L. 95–599, title II, §208(b), Nov. 6, 1978, 92 Stat. 2732, added item 407.

1976—Pub. L. 94–280, title I, §135(d), May 5, 1976, 90 Stat. 442, substituted item 405 ''Repealed'' for ''Federal-aid safer roads demonstration program''.

1975—Pub. L. 93–643, §126(b), Jan. 4, 1975, 88 Stat. 2291, added item 406.

1973—Pub. L. 93–87, title II, §230(b), Aug. 13, 1973, 87 Stat. 294, added item 405.

§401. Authority of the Secretary

The Secretary is authorized and directed to assist and cooperate with other Federal departments and agencies, State and local governments, private industry, and other interested parties, to increase highway safety. For the purposes of this chapter, the term ''State'' means any one of the fifty States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(Added Pub. L. 89–564, title I, §101, Sept. 9, 1966, 80 Stat. 731; amended Pub. L. 93–87, title II, §218, Aug. 13, 1973, 87 Stat. 290; Pub. L. 98–363, §3(b), July 17, 1984, 98 Stat. 436; Pub. L. 100–17, title I, §133(b)(19), Apr. 2, 1987, 101 Stat. 172.)

AMENDMENTS

1987—Pub. L. 100–17 inserted reference in second sentence to Commonwealth of the Northern Mariana Islands.

1984—Pub. L. 98–363 struck out '', except that all expenditures for carrying out this chapter in the Virgin Islands, Guam, and American Samoa shall be paid out of money in the Treasury not otherwise appropriated'' after ''and American Samoa''.

1973—Pub. L. 93–87 inserted definition of ''State'' and provided that all expenditures for carrying out this chapter in the Virgin Islands, Guam, and American Samoa shall be paid out of money in the Treasury not otherwise appropriated.

EFFECTIVE DATE OF 1984 AMENDMENT

Section 3(c) of Pub. L. 98–363 provided that: ''The amendments made by subsections (a) and (b) [amending this section and section 402 of this title] shall apply to fiscal years beginning after the date of enactment of this Act [July 17, 1984].''

SHORT TITLE OF 1991 AMENDMENT

Pub. L. 102–240, title II, §2001, Dec. 18, 1991, 105 Stat. 2070, provided that: ''This part [part A (§§2001–2009) of title II of Pub. L. 102–240, amending sections 402, 403, and 410 of this title, enacting provisions set out as notes under sections 402, 403, and 410 of this title, and amending provisions set out below] may be cited as the 'Highway Safety Act of 1991'.''

SHORT TITLE OF 1988 AMENDMENT

Pub. L. 100–690, title IX, §9001, Nov. 18, 1988, 102 Stat. 4521, provided that: ''This subtitle [subtitle A (§§9001 to 9005) of title IX of Pub. L. 100–690, enacting section 410 of this title and provisions set out as notes under sections 403 and 410 of this title] may be cited as the 'Drunk Driving Prevention Act of 1988'.''

SHORT TITLE OF 1987 AMENDMENT

Section 201 of title II of Pub. L. 100–17 provided that: ''This title [amending sections 402 and 408 of this title and section 2314 of former Title 49, Transportation, enacting provisions set out as notes under this section, section 402 of this title, and section 2204 of former Title 49, and amending provisions set out as a note under this section] be cited as the 'Highway Safety Act of 1987'.''

SHORT TITLE OF 1983 AMENDMENT

Pub. L. 97–424, title II, §201, Jan. 6, 1983, 96 Stat. 2137, provided that: ''This title [amending section 402 of this title and enacting provisions set out as notes under this section and sections 130, 154, and 408 of this title] may be cited as the 'Highway Safety Act of 1982'.''

SHORT TITLE OF 1978 AMENDMENT

Pub. L. 95–599, title II, §201, Nov. 6, 1978, 92 Stat. 2727, provided that: ''This title [enacting section 407 of this title, amending sections 154 and 402 of this title, and enacting provisions set out as notes under this section and sections 130, 307, 402, and 403 of this title] may be cited as the 'Highway Safety Act of 1978'.''

SHORT TITLE OF 1976 AMENDMENT

Pub. L. 94–280, title II, §201, May 5, 1976, 90 Stat. 451, provided that: ''That title [amending sections 104, 151, 402, 404, and 406 of this title and provisions set out as

a note under section 130 of this title and enacting provisions set out as notes under sections 127 and 402 of this title] may be cited as the 'Highway Safety Act of 1976'.''

SHORT TITLE OF 1973 AMENDMENT

Section 201 of title II of Pub. L. 93–87 provided that: ''This title [enacting sections 151 to 153 and 405 of this title, amending this section and sections 104 and 402 to 404 of this title, and enacting provisions set out as notes under this section and sections 130, 144, 151, 217, and 403 of this title] may be cited as the 'Highway Safety Act of 1973'.''

SHORT TITLE OF 1970 AMENDMENT

Pub. L. 91–605, title II, § 201, Dec. 31, 1970, 84 Stat. 1739, provided that: ''This title [enacting sections 144 and 322 of this title, amending provisions set out as notes under this section and section 402 of this title, and enacting provisions set out as notes under this section and section 402 of this title] may be cited as the 'Highway Safety Act of 1970'.''

SHORT TITLE

Section 208 of Pub. L. 89–564 provided that: ''This Act [enacting this chapter, amending sections 105 and 307 of this title, repealing sections 135 and 313 of this title, and enacting provisions set out as notes under this section and sections 303, 307, 402, and 403 of this title] may be cited as the 'Highway Safety Act of 1966'.''

WILDLIFE VEHICLE COLLISION REDUCTION STUDY

Pub. L. 109–59, title I, § 1119(n), Aug. 10, 2005, 119 Stat. 1190, provided that:

''(1) IN GENERAL.—The Secretary [of Transportation] shall conduct a study of methods to reduce collisions between motor vehicles and wildlife (in this subsection referred to as 'wildlife vehicle collisions').

''(2) CONTENTS.—

''(A) AREAS OF STUDY.—The study shall include an assessment of the causes and impacts of wildlife vehicle collisions and solutions and best practices for reducing such collisions.

''(B) METHODS FOR CONDUCTING THE STUDY.—In carrying out the study, the Secretary shall—

''(i) conduct a thorough literature review; and

''(ii) survey current practices of the Department of Transportation.

''(3) CONSULTATION.—In carrying out the study, the Secretary shall consult with appropriate experts in the field of wildlife vehicle collisions.

''(4) REPORT.—

''(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act [Aug. 10, 2005], the Secretary shall submit to Congress a report on the results of the study.

''(B) CONTENTS.—The report shall include a description of each of the following:

''(i) Causes of wildlife vehicle collisions.

''(ii) Impacts of wildlife vehicle collisions.

''(iii) Solutions to and prevention of wildlife vehicle collisions.

''(5) MANUAL.—

''(A) DEVELOPMENT.—Based upon the results of the study, the Secretary shall develop a best practices manual to support State efforts to reduce wildlife vehicle collisions.

''(B) AVAILABILITY.—The manual shall be made available to States not later than 1 year after the date of transmission of the report under paragraph (4).

''(C) CONTENTS.—The manual shall include, at a minimum, the following:

''(i) A list of best practices addressing wildlife vehicle collisions.

''(ii) A list of information, technical, and funding resources for addressing wildlife vehicle collisions.

''(iii) Recommendations for addressing wildlife vehicle collisions.

''(iv) Guidance for developing a State action plan to address wildlife vehicle collisions.

''(6) TRAINING.—Based upon the manual developed under paragraph (5), the Secretary shall develop a training course on addressing wildlife vehicle collisions for transportation professionals.''

WORKER INJURY PREVENTION AND FREE FLOW OF VEHICULAR TRAFFIC

Pub. L. 109–59, title I, § 1402, Aug. 10, 2005, 119 Stat. 1227, provided that: ''Not later than 1 year after the date of enactment of this Act [Aug. 10, 2005], the Secretary [of Transportation] shall issue regulations to decrease the likelihood of worker injury and maintain the free flow of vehicular traffic by requiring workers whose duties place them on or in close proximity to a Federal-aid highway (as defined in section 101 of title 23, United States Code) to wear high visibility garments. The regulations may also require such other worker-safety measures for workers with those duties as the Secretary determines to be appropriate.''

ROADWAY SAFETY IMPROVEMENTS FOR OLDER DRIVERS AND PEDESTRIANS

Pub. L. 109–59, title I, § 1405, Aug. 10, 2005, 119 Stat. 1230, provided that:

''(a) IN GENERAL.—The Secretary [of Transportation] shall carry out a program to improve traffic signs and pavement markings in all States (as such term is defined in section 101 of title 23, United States Code) in a manner consistent with the recommendations included in the publication of the Federal Highway Administration entitled 'Guidelines and Recommendations to Accommodate Older Drivers and Pedestrians (FHWA–RD–01–103)' and dated October 2001.

''(b) FEDERAL SHARE.—The Federal share of the cost of a project carried out under this section shall be determined in accordance with section 120 of title 23, United States Code.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section for each of fiscal years 2005 through 2009.''

WORK ZONE SAFETY GRANTS

Pub. L. 109–59, title I, § 1409(a)–(c), Aug. 10, 2005, 119 Stat. 1232, provided that:

''(a) IN GENERAL.—The Secretary [of Transportation] shall establish and implement a work zone safety grant program under which the Secretary may make grants to nonprofit organizations and not-for-profit organizations to provide training to prevent or reduce highway work zone injuries and fatalities.

''(b) ELIGIBLE ACTIVITIES.—Grants may be made under the program for the following purposes:

''(1) Training for construction craft workers on the prevention of injuries and fatalities in highway and road construction.

''(2) Development of guidelines for the prevention of highway work zone injuries and fatalities.

''(3) Training for State and local government transportation agencies and other groups implementing guidelines for the prevention of highway work zone injuries and fatalities.

''(c) FUNDING.—

''(1) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $5,000,000 for each of fiscal years 2006 through 2009.

''(2) CONTRACT AUTHORITY.—Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall not be transferable.''

PROHIBITION ON OTHER USES

Pub. L. 109–59, title II, § 2001(b), Aug. 10, 2005, 119 Stat. 1520, provided that: ''Except as otherwise provided in chapter 4 of title 23, United States Code, and this title

[enacting section 412 of this title and section 39 of Title 18, Crimes and Criminal Procedure, amending sections 402 to 406, 408, and 410 of this title, and enacting provisions set out as notes under sections 402, 403, 405, and 410 of this title], (including the amendments made by this title), the amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for a program under such chapter shall only be used to carry out such program and may not be used by States or local governments for construction purposes.''

USE OF UNIFORMED POLICE OFFICERS ON FEDERAL-AID HIGHWAY CONSTRUCTION PROJECTS

Pub. L. 105–178, title I, §1213(c), June 9, 1998, 112 Stat. 200, provided that:

''(1) STUDY.—In consultation with the States, State transportation departments, and law enforcement organizations, the Secretary shall conduct a study on the extent and effectiveness of use by States of uniformed police officers on Federal-aid highway construction projects.

''(2) REPORT.—Not later than 2 years after the date of enactment of this Act [June 9, 1998], the Secretary shall submit to Congress a report on the results of the study, including any legislative and administrative recommendations of the Secretary.''

RADIO AND MICROWAVE TECHNOLOGY FOR MOTOR VEHICLE SAFETY WARNING SYSTEM

Pub. L. 104–59, title III, §358(c), Nov. 28, 1995, 109 Stat. 625, provided that:

''(1) STUDY.—The Secretary, in consultation with the Federal Communications Commission and the National Telecommunications and Information Administration, shall conduct a study to develop and evaluate radio and microwave technology for a motor vehicle safety warning system in furtherance of safety in all types of motor vehicles.

''(2) EQUIPMENT.—Equipment developed under the study shall be directed toward, but not limited to, advance warning to operators of all types of motor vehicles of—

''(A) temporary obstructions in a highway;

''(B) poor visibility and highway surface conditions caused by adverse weather; and

''(C) movement of emergency vehicles.

''(3) SAFETY APPLICATIONS.—In conducting the study, the Secretary shall determine whether the technology described in this subsection has other appropriate safety applications.''

WORK ZONE SAFETY PROGRAM

Pub. L. 109–59, title I, §1410, Aug. 10, 2005, 119 Stat. 1233, provided that:

''(a) GRANTS.—The Secretary [of Transportation] shall make grants for fiscal years 2006 through 2009 to a national nonprofit foundation for the operation of the National Work Zone Safety Information Clearinghouse, authorized by section 358(b)(2) of Public Law 104–59 [set out below], created for the purpose of assembling and disseminating, by electronic and other means, information relating to improvement of roadway work zone safety.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $1,000,000 for each of fiscal years 2006 through 2009.

''(c) CONTRACT AUTHORITY.—Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except the Federal share of the cost of activities carried out using such funds shall be 100 percent, and such funds shall remain available until expended and shall not be transferable.''

Pub. L. 104–59, title III, §358(b), Nov. 28, 1995, 109 Stat. 625, provided that: ''In carrying out the work zone safety program under section 1051 of the Intermodal Surface Transportation Efficiency Act of 1991 [Pub. L. 102–240] (23 U.S.C. 401 note; 105 Stat. 2001), the Secretary shall utilize a variety of methods to increase safety at highway construction sites, including each of the following:

''(1) Conducting conferences to explore new techniques and stimulate dialogue for improving work zone safety.

''(2) Establishing a national clearinghouse to assemble and disseminate, by electronic and other means, information relating to the improvement of work zone safety.

''(3) Conducting a national promotional campaign in cooperation with the States to provide timely, site-specific information to motorists when construction workers are actually present.

''(4) Encouraging the use of enforceable speed limits in work zones.

''(5) Developing training programs for work site designers and construction workers to promote safe work zone practices.

''(6) Encouraging the use of unit price bid items in contracts for traffic control devices and implementation of traffic control plans.''

Pub. L. 102–240, title I, §1051, Dec. 18, 1991, 105 Stat. 2001, provided that: ''The Secretary shall develop and implement a work zone safety program which will improve work zone safety at highway construction sites by enhancing the quality and effectiveness of traffic control devices, safety appurtenances, traffic control plans, and bidding practices for traffic control devices and services.''

OLDER DRIVERS AND OTHER SPECIAL DRIVER GROUPS

Pub. L. 104–59, title III, §358(a), Nov. 28, 1995, 109 Stat. 625, provided that:

''(1) STUDY.—The Secretary shall conduct a study of technologies and practices to improve the driving performance of older drivers and other special driver groups.

''(2) DEMONSTRATION ACTIVITIES.—In conducting the study under paragraph (1), the Secretary shall undertake demonstration activities that incorporate and build upon gerontology research related to the study of the normal aging process. The Secretary shall initially implement such activities in those States that have the highest population of aging citizens for whom driving a motor vehicle is their primary mobility mode.

''(3) COOPERATIVE AGREEMENT.—The Secretary shall conduct the study under paragraph (1) by entering into a cooperative agreement with an institution that has demonstrated competencies in gerontological research, population demographics, human factors related to transportation, and advanced technology applied to transportation.''

Section 208 of Pub. L. 100–17, as amended by Pub. L. 100–202, §101(*l*) [title III, §348(h)], Dec. 22, 1987, 101 Stat. 1329–358, 1329–389, directed Secretary to enter into appropriate arrangements with National Academy of Sciences to conduct a comprehensive study and investigation of (1) problems which could inhibit the safety and mobility of older drivers using the Nation's roads, and (2) means of addressing these problems, to request the Academy to report to Secretary and Congress not later than 24 months after Apr. 2, 1987, on the results of such study and investigation, to furnish to the Academy any information which it deems necessary for conducting the investigation and study, and to develop, in conjunction with the study, a pilot program of highway safety improvements to enhance the safety and mobility of older drivers and, not later than 3 years after Apr. 2, 1987, to evaluate the pilot program and report to Congress on the effectiveness of the program in improving the safety and mobility of older drivers.

ANNUAL REPORT BY SECRETARY OF TRANSPORTATION ON HIGHWAY SAFETY PERFORMANCE OF EACH STATE

Pub. L. 97–424, title II, §207, Jan. 6, 1983, 96 Stat. 2139, provided that: ''The Secretary of Transportation shall prepare, publish, and submit to Congress not later than

December 31 of each calendar year beginning after December 31, 1982, a report on the highway safety performance of each State in the preceding calendar year. Such report shall provide data on highway fatalities and injuries and motor vehicle accidents involving fatalities and injuries and travel in urban areas of each State for each system of highways and in rural areas of such State for each system of highways. Such report shall be in such form and contain such other information on highway accidents as will permit an evaluation and comparison of highway safety performance of the States. For purposes of this section (1) the systems of highways in a State are the Federal-aid primary system, the Federal-aid secondary system, the Federal-aid urban system, and the Interstate System (as such terms are defined in section 101 of title 23, United States Code) and the other highways in such State which are not on the Federal-aid system, and (2) the terms 'State', 'rural areas', and 'urban area' have the meaning such terms have under section 101.''

[For termination, effective May 15, 2000, of provisions relating to submittal of report to Congress in section 207 of Pub. L. 97–424, set out above, see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 136 of House Document No. 103–7.]

NATIONAL DRIVER REGISTRATION

Pub. L. 97–364, title II, §§ 201–211, Oct. 25, 1982, 96 Stat. 1740–1748, as amended by Pub. L. 100–223, title III, § 305, Dec. 30, 1987, 101 Stat. 1525; Pub. L. 100–342, § 4(b), June 22, 1988, 102 Stat. 626; Pub. L. 101–380, title IV, § 4105(a), Aug. 18, 1990, 104 Stat. 512; Pub. L. 102–240, title II, § 2007, Dec. 18, 1991, 105 Stat. 2080, directed Secretary of Transportation to establish and maintain a National Driver Register to assist States in exchange of information on motor vehicle driving records of individuals and provided for reports by State officials, accessibility of Register information, a pilot test program, criminal penalties, an advisory committee, and a report to Congress by the Secretary, prior to repeal by Pub. L. 103–272, § 7(b), July 5, 1994, 108 Stat. 1379, and Pub. L. 103–429, § 8(10), Oct. 31, 1994, 108 Stat. 4390, and was restated in part in chapter 303 of Title 49, Transportation.

PILOT PROJECTS FOR HIGHWAY SAFETY EDUCATION AND INFORMATION

Pub. L. 95–599, title II, § 209, Nov. 6, 1978, 92 Stat. 2732, as amended by Pub. L. 97–424, title II, § 206, Jan. 6, 1983, 96 Stat. 2139; Pub. L. 100–17, title II, § 207, Apr. 2, 1987, 101 Stat. 221, provided that:

''(a) The Secretary of Transportation shall carry out six pilot projects designed, through the use of television and radio, to develop and evaluate techniques, methods, and practices to achieve maximum measurable effectiveness in reducing traffic accidents, injuries, and deaths.

''(b) Each pilot project authorized by this section shall be in operation not later than the one hundred and eightieth day after the date of the first appropriation of funds made under authority of this section, and shall be conducted for a one-year period. Not later than the ninetieth day after the end of each such one-year period, the Secretary of Transportation shall report to Congress the results of such project, including, but not limited to, an evaluation of the effectiveness of such project and a statistical analysis of the traffic accidents and fatalities within the project area during such one-year period.

''(c) There is authorized to be appropriated, out of the Highway Trust Fund, to carry out subsections (a) and (b) of this section, $6,000,000, to remain available until expended.

''(d) NATIONAL HIGHWAY SAFETY CAMPAIGN.—Utilizing those techniques, methods, and practices determined most effective under subsection (b), the Secretary of Transportation shall conduct a national highway safety campaign utilizing the local and national television and radio to educate and inform the public of techniques, methods, and practices to reduce the number and severity of highway accidents. Not later than the 180th day after the date of submission of the first report to Congress required by subsection (b) of this section, the Secretary shall commence the conduct of such campaign.

''(e) Such campaign is authorized to be conducted in cooperation with interested government and nongovernment authorities, agencies, organizations, institutions, businesses, and individuals, and shall utilize to the extent possible nongovernmental professional organizations equipped and experienced to conduct such campaign.

''(f) The Secretary of Transportation shall engage such private firms or organizations as he determines necessary to conduct an on-going evaluation of the national campaign authorized by subsection (d) of this section to determine ways and means for encouraging the participation and cooperation of television and radio station licensees, for measuring audience reactions to on-going highway safety programming for evaluating the effectiveness of such programs in terms of the number of lives saved and the reduction in injuries, and for the purpose of developing new programs for the promotion of highway safety. Such evaluation shall include determinations of those programs designed to encourage the voluntary use of safety belts which are most effective and shall include recommendations for new methods and approaches which will result in greater voluntary utilization of safety belts by the public.

''(g) The Secretary of Transportation shall submit a report to the Congress on July 1 of each year in which the campaign is in progress on the results of such evaluation and on the steps being taken by the Secretary of Transportation to implement the recommendations of such evaluation.

''(h) For the purpose of carrying out subsections (d), (e), (f), and (g) of this section, there is authorized to be appropriated out of the Highway Trust Fund, $10,000,000, to remain available until expended. None of the amounts authorized by this subsection shall be available for obligation for any education or information program conducted in connection with the implementation of Federal Motor Vehicle Safety Standard 208 (49 C.F.R. 571.208).

''(i) All provisions of chapter 1 of title 23, United States Code, that are applicable to Federal-aid primary highway funds, other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to the Federal-aid systems, shall apply to the funds authorized to be appropriated to carry out this section, except as determined by the Secretary to be inconsistent with this section and except that the funds authorized to be appropriated to carry out this section shall not be subject to any obligation limitation.''

[For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103–7 (in which a report required under section 209(g) of Pub. L. 95–599, set out above, is listed on page 139), see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.]

HIGHWAY SAFETY EDUCATIONAL PROGRAMING AND STUDY; REPORT TO CONGRESS; SERIES OF HIGHWAY SAFETY TELEVISION PROGRAMS; APPROPRIATIONS AUTHORIZATIONS

Section 211 of Pub. L. 93–87 directed Secretary of Transportation, in cooperation with government and nongovernment authorities and individuals, to conduct a full and complete investigation and study of use of mass media for informing and educating the public of ways and means for reducing number and severity of highway accidents, to report to Congress his findings and recommendations by June 30, 1974, and to develop, in consultation with State and local highway safety officials, a series of highway safety television programs

of varying lengths for use in accordance with provisions of the Communication Act of 1934 (47 U.S.C. 151 et seq.).

HIGHWAY SAFETY CITIZEN PARTICIPATION STUDY

Section 212 of Pub. L. 93–87 authorized the appropriation of $1,000,000 for a study by the Secretary of Transportation, with cooperation of State and local highway safety authorities, of ways and means of encouraging greater citizen participation in highway safety programs, the results of such study and recommendations to be reported to Congress by June 30, 1974.

NATIONAL CENTER FOR STATISTICAL ANALYSIS OF HIGHWAY OPERATIONS

Section 213 of Pub. L. 93–87 authorized the appropriation of $5,000,000 to make a study of the feasibility of establishing a National Center for Statistical Analysis of Highway Operations designed to acquire, store and retrieve accident data, the results of such study and recommendations to be reported to Congress not later than Jan. 1, 1975.

PEDESTRIAN AND BICYCLE SAFETY STUDY

Section 214 of Pub. L. 93–87 authorized the appropriation of $5,000,000 for a study of pedestrian and bicycle safety, including a review of local ordinances, the relationship between alcohol and pedestrian and bicycle safety, etc., the results of such study and recommendations to be reported to Congress not later than Jan. 31, 1975.

HIGHWAY SAFETY NEEDS STUDY

Section 225 of Pub. L. 93–87 mandated a study by the Secretary of Transportation of highway safety needs of the States, including those of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands and other territories, in order to evaluate continuing safety programs and furnish Congress with information necessary for authorization of appropriations for continuing safety programs, the results of such study, estimates and recommendations to be submitted to Congress not later than Jan. 10, 1976.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION; CREATION; APPOINTMENT OF ADMINISTRATOR AND DEPUTY ADMINISTRATOR; DUTIES; RETROACTIVE EFFECT

Section 201 of Pub. L. 89–564, as amended by Pub. L. 89–670, § 8(h), Oct. 15, 1966, 80 Stat. 943; Pub. L. 90–83, § 10(b), Sept. 11, 1967, 81 Stat. 224; Pub. L. 91–605, title II, § 202(a), Dec. 31, 1970, 84 Stat. 1739, which provided for the creation of National Highway Traffic Safety Administration in the Department of Transportation, was repealed by Pub. L. 97–449, § 7(b), Jan. 12, 1983, 96 Stat. 2444, and reenacted by section 1(b) of Pub. L. 97–449 as section 105 of Title 49, Transportation.

ACTING ADMINISTRATOR OF NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Pub. L. 91–605, title II, § 202(b), Dec. 31, 1970, 84 Stat. 1740, permitted President to authorize any person who immediately before Dec. 31, 1970, held the office of Director of the National Highway Safety Bureau, to act as Administrator of the National Highway Traffic Safety Administration until the appointment of the first Administrator.

ANNUAL REPORT TO CONGRESS ON ADMINISTRATION OF HIGHWAY SAFETY ACT OF 1966

Section 202 of Pub. L. 89–564, as amended by Pub. L. 93–87, title II, § 224, Aug. 13, 1973, 87 Stat. 292, provided that:

''(a) The Secretary shall prepare and submit to the President for transmittal to the Congress on July 1 of each year a comprehensive report on the administration of the Highway Safety Act of 1966 (including chapter 4 of title 23 of the United States Code) for the preceding calendar year. Such report should include but not be restricted to (1) a thorough statistical compilation of the accidents and injuries occurring in such year; (2) a list of all safety standards issued or in effect in such year; (3) the scope of observance of applicable Federal standards; (4) a statement of enforcement actions including judicial decisions, settlements, or pending litigation during the year; (5) a summary of all current research grants and contracts together with a description of the problems to be considered by such grants and contracts; (6) an analysis and evaluation of completed research activities and technological progress achieved during such year together with the relevant policy recommendations flowing therefrom: (7) the effectiveness of State highway safety program (including local highway safety programs) and (8) the extent to which technical information was being disseminated to the scientific community and consumer-oriented material was made available to the motoring public.

''(b) The annual report shall also contain such recommendations for additional legislation as the Secretary deems necessary to promote cooperation among the several States in the improvement of highway safety and to strengthen the national highway safety program.''

[For termination, effective May 15, 2000, of provisions relating to transmittal of report to Congress in section 202 of Pub. L. 89–564, set out above, see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 135 of House Document No. 103–7.]

DETAILED COST ESTIMATE OF HIGHWAY SAFETY ACT OF 1966

Section 207 of Pub. L. 89–564 directed Secretary, in cooperation with the Governors of appropriate State highway safety agencies, make a detailed estimate of the cost of carrying out the Highway Safety Act of 1966 in order to provide a basis for evaluating continuing programs under the Act and to furnish Congress information necessary for authorization of appropriations for fiscal years beginning after June 30, 1969, such estimates to be submitted to Congress not later than Jan. 10, 1968.

INTERSTATE COMPACTS FOR HIGHWAY SAFETY

Pub. L. 85–684, Aug. 20, 1958, 72 Stat. 635, as amended by Pub. L. 88–466, Aug. 20 1964, 78 Stat. 564, provided: ''That the consent of Congress is hereby given to any two or more of the several States, and one or more of the several States and the District of Columbia, to enter into agreements or compacts—

''(1) for cooperative effort and mutual assistance in the establishment and carrying out of traffic safety programs, including, but not limited to, the enactment of uniform traffic laws, driver education and training, coordination of traffic law enforcement, research into safe automobile and highway design, and research programs of the human factors affecting traffic safety, and

''(2) for the establishment of such agencies, joint or otherwise, as they deem desirable for the establishment and carrying out of such traffic safety programs.''

§ 402. Highway safety programs

(a) Each State shall have a highway safety program approved by the Secretary, designed to reduce traffic accidents and deaths, injuries, and property damage resulting therefrom. Such programs shall be in accordance with uniform guidelines promulgated by the Secretary. Such uniform guidelines shall be expressed in terms of performance criteria. In addition, such uniform guidelines shall include programs (1) to reduce injuries and deaths resulting from motor vehi-

cles being driven in excess of posted speed limits, (2) to encourage the proper use of occupant protection devices (including the use of safety belts and child restraint systems) by occupants of motor vehicles, (3) to reduce deaths and injuries resulting from persons driving motor vehicles while impaired by alcohol or a controlled substance, (4) to prevent accidents and reduce deaths and injuries resulting from accidents involving motor vehicles and motorcycles, (5) to reduce injuries and deaths resulting from accidents involving school buses, and[1] (6) to reduce accidents resulting from unsafe driving behavior (including aggressive or fatigued driving and distracted driving arising from the use of electronic devices in vehicles)[2] (7) to improve law enforcement services in motor vehicle accident prevention, traffic supervision, and post-accident procedures. The Secretary shall establish a highway safety program for the collection and reporting of data on traffic-related deaths and injuries by the States. Under such program, the States shall collect and report such data as the Secretary may require. The purposes of the program are to ensure national uniform data on such deaths and injuries and to allow the Secretary to make determinations for use in developing programs to reduce such deaths and injuries and making recommendations to Congress concerning legislation necessary to implement such programs. The program shall provide for annual reports to the Secretary on the efforts being made by the States in reducing deaths and injuries occurring at highway construction sites and the effectiveness and results of such efforts. The Secretary shall establish minimum reporting criteria for the program. Such criteria shall include, but not be limited to, criteria on deaths and injuries resulting from police pursuits, school bus accidents, aggressive driving, fatigued driving, distracted driving, and speeding, on traffic-related deaths and injuries at highway construction sites and on the configuration of commercial motor vehicles involved in motor vehicle accidents. Such uniform guidelines shall be promulgated by the Secretary so as to improve driver performance (including, but not limited to, driver education, driver testing to determine proficiency to operate motor vehicles, driver examinations (both physical and mental) and driver licensing) and to improve pedestrian performance and bicycle safety. In addition such uniform guidelines shall include, but not be limited to, provisions for an effective record system of accidents (including injuries and deaths resulting therefrom), accident investigations to determine the probable causes of accidents, injuries, and deaths, vehicle registration, operation, and inspection, highway design and maintenance (including lighting, markings, and surface treatment), traffic control, vehicle codes and laws, surveillance of traffic for detection and correction of high or potentially high accident locations, enforcement of light transmission standards of window glazing for passenger motor vehicles and light trucks as necessary to improve highway safety, and emergency services. Such guidelines as are applicable to State highway safety programs shall, to the extent determined appropriate by the Secretary, be applicable to federally administered areas where a Federal department or agency controls the highways or supervises traffic operations.

(b) ADMINISTRATION OF STATE PROGRAMS.—

(1) ADMINISTRATIVE REQUIREMENTS.—The Secretary may not approve a State highway safety program under this section which does not—

(A) provide that the Governor of the State shall be responsible for the administration of the program through a State highway safety agency which shall have adequate powers and be suitably equipped and organized to carry out, to the satisfaction of the Secretary, such program;

(B) authorize political subdivisions of the State to carry out local highway safety programs within their jurisdictions as a part of the State highway safety program if such local highway safety programs are approved by the Governor and are in accordance with the minimum standards established by the Secretary under this section;

(C) except as provided in paragraph (3), provide that at least 40 percent of all Federal funds apportioned under this section to the State for any fiscal year will be expended by the political subdivisions of the State, including Indian tribal governments, in carrying out local highway safety programs authorized in accordance with subparagraph (B);

(D) provide adequate and reasonable access for the safe and convenient movement of individuals with disabilities, including those in wheelchairs, across curbs constructed or replaced on or after July 1, 1976, at all pedestrian crosswalks throughout the State; and

(E) provide satisfactory assurances that the State will implement activities in support of national highway safety goals to reduce motor vehicle related fatalities that also reflect the primary data-related crash factors within a State as identified by the State highway safety planning process, including—

(i) national law enforcement mobilizations;

(ii) sustained enforcement of statutes addressing impaired driving, occupant protection, and driving in excess of posted speed limits;

(iii) an annual statewide safety belt use survey in accordance with criteria established by the Secretary for the measurement of State safety belt use rates to ensure that the measurements are accurate and representative; and

(iv) development of statewide data systems to provide timely and effective data analysis to support allocation of highway safety resources.

(2) WAIVER.—The Secretary may waive the requirement of paragraph (1)(C), in whole or in part, for a fiscal year for any State whenever the Secretary determines that there is an insufficient number of local highway safety programs to justify the expenditure in the State of such percentage of Federal funds during the fiscal year.

[1] So in original. The word ''and'' probably should not appear.

[2] So in original. Probably should be followed by ''and''.

(3) USE OF TECHNOLOGY FOR TRAFFIC ENFORCEMENT.—The Secretary may encourage States to use technologically advanced traffic enforcement devices (including the use of automatic speed detection devices such as photoradar) by law enforcement officers.

(c) Funds authorized to be appropriated to carry out this section shall be used to aid the States to conduct the highway safety programs approved in accordance with subsection (a), including development and implementation of manpower training programs, and of demonstration programs that the Secretary determines will contribute directly to the reduction of accidents, and deaths and injuries resulting therefrom. Such funds shall be apportioned 75 per centum in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census, and 25 per centum in the ratio which the public road mileage in each State bears to the total public road mileage in all States. For the purposes of this subsection, a ''public road'' means any road under the jurisdiction of and maintained by a public authority and open to public travel. Public road mileage as used in this subsection shall be determined as of the end of the calendar year preceding the year in which the funds are apportioned and shall be certified to by the Governor of the State and subject to approval by the Secretary. The annual apportionment to each State shall not be less than three-quarters of 1 percent of the total apportionment, except that the apportionment to the Secretary of the Interior shall not be less than 2 percent of the total apportionment and the apportionments to the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall not be less than one-quarter of 1 per centum of the total apportionment. The Secretary shall not apportion any funds under this subsection to any State which is not implementing a highway safety program approved by the Secretary in accordance with this section. For the purpose of the seventh sentence of this subsection, a highway safety program approved by the Secretary shall not include any requirement that a State implement such a program by adopting or enforcing any law, rule, or regulation based on a guideline promulgated by the Secretary under this section requiring any motorcycle operator eighteen years of age or older or passenger eighteen years of age or older to wear a safety helmet when operating or riding a motorcycle on the streets and highways of that State. Implementation of a highway safety program under this section shall not be construed to require the Secretary to require compliance with every uniform guideline, or with every element of every uniform guideline, in every State. Funds apportioned under this section to any State, that does not have a highway safety program approved by the Secretary or that is not implementing an approved program, shall be reduced by amounts equal to not less than 50 per centum of the amounts that would otherwise be apportioned to the State under this section, until such time as the Secretary approves such program or determines that the State is implementing an approved program, as appropriate. The Secretary shall consider the gravity of the State's failure to have or implement an approved program in determining the amount of the reduction. The Secretary shall promptly apportion to the State the funds withheld from its apportionment if he approves the State's highway safety program or determines that the State has begun implementing an approved program, as appropriate, prior to the end of the fiscal year for which the funds were withheld. If the Secretary determines that the State did not correct its failure within such period, the Secretary shall reapportion the withheld funds to the other States in accordance with the formula specified in this subsection not later than 30 days after such determination.

(d) All provisions of chapter 1 of this title that are applicable to National Highway System highway funds other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to the Federal-aid systems, shall apply to the highway safety funds authorized to be appropriated to carry out this section, except as determined by the Secretary to be inconsistent with this section, and except that the aggregate of all expenditures made during any fiscal year by a State and its political subdivisions (exclusive of Federal funds) for carrying out the State highway safety program (other than planning and administration) shall be available for the purpose of crediting such State during such fiscal year for the non-Federal share of the cost of any project under this section (other than one for planning or administration) without regard to whether such expenditures were actually made in connection with such project and except that, in the case of a local highway safety program carried out by an Indian tribe, if the Secretary is satisfied that an Indian tribe does not have sufficient funds available to meet the non-Federal share of the cost of such program, he may increase the Federal share of the cost thereof payable under this Act to the extent necessary. In applying such provisions of chapter 1 in carrying out this section the term ''State transportation department'' as used in such provisions shall mean the Governor of a State for the purposes of this section.

(e) Uniform guidelines promulgated by the Secretary to carry out this section shall be developed in cooperation with the States, their political subdivisions, appropriate Federal departments and agencies, and such other public and private organizations as the Secretary deems appropriate.

(f) The Secretary may make arrangements with other Federal departments and agencies for assistance in the preparation of uniform guidelines for the highway safety programs contemplated by subsection (a) and in the administration of such programs. Such departments and agencies are directed to cooperate in such preparation and administration, on a reimbursable basis.

(g) Nothing in this section authorizes the appropriation or expenditure of funds for (1) highway construction, maintenance, or design (other than design of safety features of highways to be incorporated into guidelines) or (2) any purpose for which funds are authorized by section 403 of this title.

[(h) Repealed. Pub. L. 97–35, title XI, § 1107(c), Aug. 13, 1981, 95 Stat. 626.]

(i) APPLICATION IN INDIAN COUNTRY.—

(1) USE OF TERMS.—For the purpose of application of this section in Indian country, the terms ''State'' and ''Governor of a State'' include the Secretary of the Interior and the term ''political subdivision of a State'' includes an Indian tribe.

(2) EXPENDITURES FOR LOCAL HIGHWAY PROGRAMS.—Notwithstanding subsection (b)(1)(C), 95 percent of the funds apportioned to the Secretary of the Interior under this section shall be expended by Indian tribes to carry out highway safety programs within their jurisdictions.

(3) ACCESS FOR INDIVIDUALS WITH DISABILITIES.—The requirements of subsection (b)(1)(D) shall be applicable to Indian tribes, except to those tribes with respect to which the Secretary determines that application of such provisions would not be practicable.

(4) INDIAN COUNTRY DEFINED.—In this subsection, the term ''Indian country'' means—

(A) all land within the limits of any Indian reservation under the jurisdiction of the United States, notwithstanding the issuance of any patent and including rights-of-way running through the reservation;

(B) all dependent Indian communities within the borders of the United States, whether within the original or subsequently acquired territory thereof and whether within or without the limits of a State; and

(C) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through such allotments.

(j) RULEMAKING PROCEEDING.—The Secretary may periodically conduct a rulemaking process to identify highway safety programs that are highly effective in reducing motor vehicle crashes, injuries, and deaths. Any such rulemaking shall take into account the major role of the States in implementing such programs. When a rule promulgated in accordance with this section takes effect, States shall consider these highly effective programs when developing their highway safety programs.

(k)(1) Subject to the provisions of this subsection, the Secretary shall make a grant to any State which includes, as part of its highway safety program under section 402 of this title, the use of a comprehensive computerized safety recordkeeping system designed to correlate data regarding traffic accidents, drivers, motor vehicles, and roadways. Any such grant may only be used by such State to establish and maintain a comprehensive computerized traffic safety recordkeeping system or to obtain and operate components to support highway safety priority programs identified by the Secretary under this section. Notwithstanding any other provision of law, if a report, list, schedule, or survey is prepared by or for a State or political subdivision thereof under this subsection, such report, list, schedule, or survey shall not be admitted as evidence or used in any suit or action for damages arising out of any matter mentioned in such report, list, schedule, or survey.

(2) No State may receive a grant under this subsection in more than two fiscal years.

(3) The amount of the grant to any State under this subsection for the first fiscal year such State is eligible for a grant under this subsection shall equal 10 per centum of the amount apportioned to such State for fiscal year 1985 under this section. The amount of a grant to any State under this subsection for the second fiscal year such State is eligible for a grant under this subsection shall equal 10 per centum of the amount apportioned to such State for fiscal year 1986 under this section.

(4) A State is eligible for a grant under this subsection if—

(A) it certifies to the Secretary that it has in operation a computerized traffic safety recordkeeping system and identifies proposed means of upgrading the system acceptable to the Secretary; or

(B) it provides to the Secretary a plan acceptable to the Secretary for establishing and maintaining a computerized traffic safety recordkeeping system.

(5) The Secretary, after making the deduction authorized by the second sentence of subsection (c) of this section for fiscal years 1985 and 1986, shall set aside 10 per centum of the remaining funds authorized to be appropriated to carry out this section for the purpose of making grants under this subsection. Funds set aside under this subsection shall remain available for the fiscal year authorized and for the succeeding fiscal year and any amounts remaining unexpended at the end of such period shall be apportioned in accordance with the provisions of subsection (c) of this section.

(*l*) LAW ENFORCEMENT VEHICULAR PURSUIT TRAINING.—A State shall actively encourage all relevant law enforcement agencies in such State to follow the guidelines established for vehicular pursuits issued by the International Association of Chiefs of Police that are in effect on the date of enactment of this subsection or as revised and in effect after such date as determined by the Secretary.

(m) CONSOLIDATION OF GRANT APPLICATIONS.—The Secretary shall establish an approval process by which a State may apply for all grants under this chapter for which a single application process with one annual deadline is appropriate. The Bureau of Indian Affairs shall establish a similar simplified process for applications for grants from Indian tribes under this chapter.

(Added Pub. L. 89–564, title I, § 101, Sept. 9, 1966, 80 Stat. 731; amended Pub. L. 90–495, § 13, Aug. 23, 1968, 82 Stat. 822; Pub. L. 91–605, title II, §§ 202(c), (d), (e), 203(a), Dec. 31, 1970, 84 Stat. 1740, 1741; Pub. L. 93–87, title II, §§ 207, 215–217, 219, 228, 229, 231, Aug. 13, 1973, 87 Stat. 285, 290, 293, 294; Pub. L. 94–280, title II, §§ 204, 208(a), 211, 212, May 5, 1976, 90 Stat. 453, 454, 455; Pub. L. 95–599, title II, § 207(a), (b)(1), (c), (d), Nov. 6, 1978, 92 Stat. 2731, 2732; Pub. L. 97–35, title XI, § 1107(c)–(e), Aug. 13, 1981, 95 Stat. 626; Pub. L. 97–424, title II, § 208, Jan. 6, 1983, 96 Stat. 2140; Pub. L. 98–363, §§ 3(a), 5, July 17, 1984, 98 Stat. 436; Pub. L. 100–17, title I, § 133(b)(20), title II, § 206, Apr. 2, 1987, 101 Stat. 172, 221; Pub. L. 102–240, title II, § 2002, Dec. 18, 1991, 105 Stat. 2070; Pub. L. 104–66, title I, § 1121(d), Dec. 21, 1995, 109 Stat. 724; Pub. L. 105–178, title I, § 1212(a)(2)(A)(i), title II,

§ 2001(a)–(e), June 9, 1998, 112 Stat. 193, 323, 324; Pub. L. 109–59, title II, § 2002(a)–(d), Aug. 10, 2005, 119 Stat. 1521; Pub. L. 110–244, title III, § 303(a)–(c)(1), June 6, 2008, 122 Stat. 1619.)

REFERENCES IN TEXT

This Act, referred to in subsec. (d), probably means Pub. L. 93–87, Aug. 13, 1973, 87 Stat. 250, as amended. For complete classification of this Act to the Code, see Tables.

The date of enactment of this subsection, referred to in subsec. (*l*), is the date of enactment of Pub. L. 109–59, which was approved Aug. 10, 2005.

AMENDMENTS

2008—Subsec. (b). Pub. L. 110–244, § 303(c)(1)(A), repealed amendment by Pub. L. 109–59, § 2002(b)(2). See 2005 Amendment note below.

Subsec. (b)(1)(E). Pub. L. 110–244, § 303(c)(1)(B), renumbered Pub. L. 109–59, § 2002(b)(1), (3), (4). See 2005 Amendment note below.

Subsec. (c). Pub. L. 110–244, § 303(a), in fifth sentence, substituted ''The annual apportionment to each State shall not be less than three-quarters of 1 percent'' for ''The annual apportionment to each State shall not be less than one-half of 1 per centum''.

Subsec. (m). Pub. L. 110–244, § 303(b), in first sentence, substituted ''for which'' for ''through'' and inserted ''is appropriate'' before period at end.

2005—Subsec. (a). Pub. L. 109–59, § 2002(a)(4), inserted ''aggressive driving, fatigued driving, distracted driving,'' after ''school bus accidents,'' in tenth sentence.

Subsec. (a)(2). Pub. L. 109–59, § 2002(a)(1), struck out ''and to increase public awareness of the benefit of motor vehicles equipped with airbags'' before comma at end.

Subsec. (a)(6), (7). Pub. L. 109–59, § 2002(a)(2), (3), added cl. (6) and redesignated former cl. (6) as (7).

Subsec. (b). Pub. L. 109–59, § 2002(b)(2), which directed amendment of subsec. (b)(1) by redesignating cl. (6) as (7) and could not be executed, was repealed by Pub. L. 110–244, § 303(c)(1)(A).

Subsec. (b)(1)(E). Pub. L. 109–59, § 2002(b)(1)–(3), formerly § 2002(b)(1), (3), (4), as renumbered by Pub. L. 110–244, § 303(c)(1)(B), added subpar. (E).

Subsec. (c). Pub. L. 109–59, § 2002(c)(2), which directed amendment of subsec. (c) by substituting ''2 percent'' for ''three-fourths of 1 percent'' in sixth sentence, was executed by making the substitution in fifth sentence to reflect the probable intent of Congress and the amendment by Pub. L. 109–59, § 2002(c)(1). See below.

Pub. L. 109–59, § 2002(c)(1), struck out second sentence which read as follows: ''Such funds shall be subject to a deduction not to exceed 5 per centum for the necessary costs of administering the provisions of this section, and the remainder shall be apportioned among the several States.''

Subsecs. (*l*), (m). Pub. L. 109–59, § 2002(d), added subsecs. (*l*) and (m).

1998—Subsec. (a). Pub. L. 105–178, § 2001(a), in fourth sentence, substituted ''(4) to prevent accidents and'' for ''(4) to'', in eighth sentence, struck out ''include information obtained by the Secretary under section 4007 of the Intermodal Surface Transportation Efficiency Act of 1991 and'' before ''provide for annual reports to the Secretary'', and in twelfth sentence, inserted ''enforcement of light transmission standards of window glazing for passenger motor vehicles and light trucks as necessary to improve highway safety,'' before ''and emergency services''.

Subsec. (b). Pub. L. 105–178, § 2001(b), inserted heading, redesignated pars. (3) to (5) as (1) to (3), respectively, substituted ''paragraph (3)'' for ''paragraph (5)'' in par. (1)(C) and ''paragraph (1)(C)'' for ''paragraph (3)(C)'' in par. (2), and struck out former pars. (1) and (2) which read as follows:

''(b)(1) The Secretary shall not approve any State highway safety program under this section which does not—

''(A) provide that the Governor of the State shall be responsible for the administration of the program through a State highway safety agency which shall have adequate powers, and be suitably equipped and organized to carry out, to the satisfaction of the Secretary, such program.

''(B) authorize political subdivisions of such State to carry out local highway safety programs within their jurisdictions as a part of the State highway safety program if such local highway safety programs are approved by the Governor and are in accordance with the uniform guidelines of the Secretary promulgated under this section.

''(C) provide that at least 40 per centum of all Federal funds apportioned under this section to such State for any fiscal year will be expended by the political subdivisions of such State in carrying out local highway safety programs authorized in accordance with subparagraph (B) of this paragraph.

''(D) provide adequate and reasonable access for the safe and convenient movement of physically handicapped persons, including those in wheelchairs, across curbs constructed or replaced on or after July 1, 1976, at all pedestrian crosswalks throughout the State.

''(E) provide for programs (which may include financial incentives and disincentives) to encourage the use of safety belts by drivers of, and passengers in, motor vehicles.

''(2) The Secretary is authorized to waive the requirement of subparagraph (C) of paragraph (1) of this subsection, in whole or in part, for a fiscal year for any State whenever he determines that there is an insufficient number of local highway safety programs to justify the expenditure in such State of such percentage of Federal funds during such fiscal year.''

Subsec. (c). Pub. L. 105–178, § 2001(c), in sixth sentence, inserted ''the apportionment to the Secretary of the Interior shall not be less than three-fourths of 1 percent of the total apportionment and'' before ''the apportionments to the Virgin Islands''.

Subsec. (d). Pub. L. 105–178, § 1212(a)(2)(A)(i), substituted ''State transportation department'' for ''State highway department''.

Subsec. (i). Pub. L. 105–178, § 2001(d), inserted heading and amended text of subsec. (i) generally. Prior to amendment, text read as follows: ''For the purpose of the application of this section on Indian reservations, 'State' and 'Governor of a State' includes the Secretary of the Interior and 'political subdivision of a State' includes an Indian tribe: *Provided*, That, notwithstanding the provisions of subparagraph (C) of subsection (b)(1) hereof, 95 per centum of the funds apportioned to the Secretary of the Interior after date of enactment, shall be expended by Indian tribes to carry out highway safety programs within their jurisdictions: *And provided further*, That the provisions of subparagraph (E) of subsection (b)(1) hereof shall be applicable except in those tribal jurisdictions in which the Secretary determines such programs would not be practicable.''

Subsec. (j). Pub. L. 105–178, § 2001(e), amended heading and text of subsec. (j) generally. Prior to amendment, text read as follows: ''The Secretary shall, not later than September 1, 1987, begin a rulemaking process to determine those programs most effective in reducing accidents, injuries, and deaths. Not later than April 1, 1988, the Secretary shall promulgate a final rule establishing those programs determined to be most effective in reducing accidents, injuries, and deaths. If such rule is promulgated by April 1, 1988, then it shall take effect October 1, 1988. If such rule is not promulgated by April 1, 1988, it shall take effect October 1, 1989. After a rule is promulgated in accordance with this subsection, the Secretary may from time to time thereafter revise such rule under a rulemaking process described in the first sentence of this subsection. Any rule under this subsection shall be promulgated taking into account consideration of the States having a major role in establishing programs described in the first sentence of this subsection. When a rule promulgated in accord-

ance with this subsection takes effect, only those programs established by such rule as most effective in reducing accidents, injuries, and deaths shall be eligible to receive Federal financial assistance under this section.''

1995—Subsec. (a). Pub. L. 104–66 struck out after fourth sentence ''If the Secretary does not designate as priority programs those programs described in the preceding sentence, the Secretary shall submit to Congress a report describing the reasons for not prioritizing such programs.''

1991—Subsec. (a). Pub. L. 102–240, § 2002(a), inserted after third sentence ''In addition, such uniform guidelines shall include programs (1) to reduce injuries and deaths resulting from motor vehicles being driven in excess of posted speed limits, (2) to encourage the proper use of occupant protection devices (including the use of safety belts and child restraint systems) by occupants of motor vehicles and to increase public awareness of the benefit of motor vehicles equipped with airbags, (3) to reduce deaths and injuries resulting from persons driving motor vehicles while impaired by alcohol or a controlled substance, (4) to reduce deaths and injuries resulting from accidents involving motor vehicles and motorcycles, (5) to reduce injuries and deaths resulting from accidents involving school buses, and (6) to improve law enforcement services in motor vehicle accident prevention, traffic supervision, and post-accident procedures. If the Secretary does not designate as priority programs those programs described in the preceding sentence, the Secretary shall submit to Congress a report describing the reasons for not prioritizing such programs. The Secretary shall establish a highway safety program for the collection and reporting of data on traffic-related deaths and injuries by the States. Under such program, the States shall collect and report such data as the Secretary may require. The purposes of the program are to ensure national uniform data on such deaths and injuries and to allow the Secretary to make determinations for use in developing programs to reduce such deaths and injuries and making recommendations to Congress concerning legislation necessary to implement such programs. The program shall include information obtained by the Secretary under section 4007 of the Intermodal Surface Transportation Efficiency Act of 1991 and provide for annual reports to the Secretary on the efforts being made by the States in reducing deaths and injuries occurring at highway construction sites and the effectiveness and results of such efforts. The Secretary shall establish minimum reporting criteria for the program. Such criteria shall include, but not be limited to, criteria on deaths and injuries resulting from police pursuits, school bus accidents, and speeding, on traffic-related deaths and injuries at highway construction sites and on the configuration of commercial motor vehicles involved in motor vehicle accidents.''

Subsec. (b)(3) to (5). Pub. L. 102–240, § 2002(b), added pars. (3) to (5).

Subsec. (d). Pub. L. 102–240, § 2002(c), substituted ''National Highway System'' for ''Federal-aid primary''.

1987—Subsec. (a). Pub. L. 100–17, § 206(a), (b), substituted ''guidelines'' for ''standards'' wherever appearing and struck out provisions authorizing the Secretary to temporarily amend or waive standards in public interest for purpose of evaluating new or different highway safety programs instituted on an experimental, pilot or demonstration basis.

Subsec. (b)(1)(B). Pub. L. 100–17, § 206(a), substituted ''guidelines'' for ''standards''.

Subsec. (b)(1)(D) to (F). Pub. L. 100–17, § 206(c), redesignated subpars. (E) and (F) as (D) and (E), respectively, and struck out former subpar. (D) which read as follows: ''provide for comprehensive driver training programs, including (1) the initiation of a State program for driver education in the school systems or for a significant expansion and improvement of such a program already in existence, to be administered by appropriate school officials under the supervision of the Governor as set forth in subparagraph (A) of this paragraph; (2) the training of qualified school instructors and their certification; (3) appropriate regulation of other driver training schools, including licensing of the schools and certification of their instructors; (4) adult driver training programs, and programs for the retraining of selected drivers; (5) adequate research, development and procurement of practice driving facilities, simulators, and other similar teaching aids for both school and other driver training use, and (6) driver education programs, including research, that will assure greater safety for bicyclists using public roads in such State.''

Subsec. (c). Pub. L. 100–17, §§ 133(b)(20), 206(a), substituted ''Such'' for ''For the fiscal years ending June 30, 1967, June 30, 1968, and June 30, 1969, such funds shall be apportioned 75 per centum on the basis of population and 25 per centum as the Secretary in his administrative discretion may deem appropriate and thereafter such'', ''American Samoa, and the Commonwealth of the Northern Mariana Islands'' for ''and American Samoa'', ''The Secretary shall'' for ''After December 31, 1969, the Secretary shall'', and ''guideline'' for ''standard'' wherever appearing.

Subsecs. (e) to (g). Pub. L. 100–17, § 206(a), substituted ''guidelines'' for ''standards''.

Subsec. (j). Pub. L. 100–17, § 206(d), amended subsec. (j) generally. Prior to amendment, subsec. (j) read as follows: ''The Secretary of Transportation shall, not later than September 1, 1981, begin a rulemaking process to determine those programs most effective in reducing accidents, injuries, and deaths. Such rule shall be promulgated taking into account consideration of the States having a major role in establishing these programs. Not later than April 1, 1982, the Secretary shall promulgate a final rule establishing those programs determined most effective in reducing accidents, injuries, and deaths. Before such rule shall take effect, it shall be transmitted to Congress. If such rule is not transmitted by April 1, 1982, it shall not take effect before October 1, 1983. If such rule is transmitted by April 1, 1982, it shall take effect October 1, 1982, unless before June 1, 1982, either House of Congress by resolution disapproves such rule. If such rule is disapproved by either House of Congress, the Secretary shall not apportion or obligate any amount authorized to carry out this section for the fiscal year ending September 30, 1983, or any subsequent fiscal year, unless specifically authorized to do so by a statute enacted after the date of enactment of the Omnibus Budget Reconciliation Act of 1981. When a rule promulgated in accordance with this subsection takes effect, only those programs established by such rule as most effective in reducing accidents, injuries, and deaths shall be eligible to receive Federal financial assistance under this chapter.''

1984—Subsec. (c). Pub. L. 98–363, § 3(a), inserted '', except that the apportionments to the Virgin Islands, Guam, and American Samoa shall be not less than one-quarter of 1 per centum of the total apportionment'' in sixth sentence.

Subsec. (k). Pub. L. 98–363, § 5, added subsec. (k).

1983—Subsec. (c). Pub. L. 97–424 struck out provision that apportionments to Virgin Islands, Guam, and American Samoa were not to be less than one third of 1 per centum of total apportionment from provision relating to the minimum apportionment for each State.

1981—Subsec. (b)(1). Pub. L. 97–35, § 1107(e), struck out subpar. (D) which related to aggregate expenditure of funds, and redesignated subpars. (E) to (G) as (D) to (F), respectively.

Subsec. (h). Pub. L. 97–35, § 1107(c), struck out subsec. (h) which related to continuation in effect of uniform safety standards promulgated on or before July 1, 1973.

Subsec. (j). Pub. L. 97–35, § 1107(d), substituted provisions requiring the Secretary to begin by Sept. 1, 1981, a rulemaking process to determine the most effective programs to reduce accidents, injuries, and deaths, and procedures applicable to the process, for provisions authorizing the Secretary to make incentive grants to States most progressive in reducing traffic fatalities, criteria, duration, etc., of such grants, and authorization of appropriations.

1978—Subsec. (a). Pub. L. 95–599, §207(a), inserted ''including, but not limited to, such programs for identifying accident causes, adopting measures to reduce accidents, and evaluating effectiveness of such measures'' after ''one or more States''.

Subsec. (b)(1)(A). Pub. L. 95–599, §207(b)(1), substituted ''State highway safety agency'' for ''State agency''.

Subsec. (b)(1)(G). Pub. L. 95–599, §207(c), added subpar. (G).

Subsec. (d). Pub. L. 95–599, §207(d), inserted ''(other than planning and administration)'' after ''State highway safety program'' and ''(other than one for planning or administration)'' after ''cost of any project under this section''.

1976—Subsec. (c), sixth sentence. Pub. L. 94–280, §211, inserted exception provision requirement that the apportionments to the Virgin Islands, Guam, and American Samoa be not less than one-third of 1 per centum of the total apportionment.

Subsec. (c), eighth and ninth sentences. Pub. L. 94–280, §208(a), inserted eighth and ninth sentences: excluding from any highway safety program approved by the Secretary any requirement that a State implement a Federal safety helmet wearing standard for operators or passengers of motorcycles by adopting or enforcing any law, rule, or regulation based on the Federal standard, and authorizing State implementation of a highway safety program without compliance with every uniform standard in every State; and deleted prior eighth, ninth, and tenth sentences providing for: a 10 per centum reduction of funds apportioned to a State on or after January 1, 1970, for nonimplementation of a highway safety program approved by the Secretary during such a period; suspension of application of such provision during necessary periods when in the public interest; and reapportionment of withheld amounts to other States in accordance with applicable provisions of law, now covered in the tenth through thirteenth sentences.

Subsec. (c), tenth through thirteenth sentences. Pub. L. 94–280, §212, inserted provisions for: a 50 per centum reduction of funds apportioned to a State during time of absence or nonimplementation of a highway safety program; gravity rule in determining amount of reduction of funds; apportionment to a State of withheld funds prior to the end of the fiscal year for which the funds were withheld in event of approval of or State implementation of a highway safety program; and for reapportionment of funds to other States in accordance with the prescribed formula not later than 30 days after determination of absence of correction by a State, similar provisions being formerly covered in prior eighth, ninth, and tenth sentences providing for: a 10 per centum reduction of funds apportioned to a State on or after January 1, 1970, for nonimplementation of a highway safety program approved by the Secretary during such a period; suspension of application of such provision during necessary periods when in the public interest; and reapportionment of withheld amounts to other States in accordance with applicable provisions of law.

Subsec. (j)(3) to (5). Pub. L. 94–280, §204, added par. (3) provisions respecting incentive safety grants, struck out prior par. (3) provisions limiting incentive awards authorized by this section to 25 per centum of each State's apportionment as authorized by this chapter, and added pars. (4) and (5).

1973—Subsec. (a). Pub. L. 93–87, §231(a), provided for promulgation of uniform standards so as to improve bicycle safety.

Subsec. (b)(1)(E)(6). Pub. L. 93–87, §231(b), added item (6) of subpar. (E).

Subsec. (b)(1)(F). Pub. L. 93–87, §228, added subpar. (F).

Subsec. (c). Pub. L. 93–87, §§215–217, provided for use of funds for development and implementation of manpower training programs, and of demonstration programs that the Secretary determines will contribute directly to the reduction of accidents, and deaths and injuries resulting therefrom and inserted ''Such funds'' before ''shall be subject to a deduction''; provided for the determination of public road mileage as of the end of the calendar year preceding the year in which the funds are apportioned and shall be certified to by the Governor of the State and subject to approval by the Secretary; and increased the annual apportionment to each State from ''one-third of 1 per centum'' to ''one-half of 1 per centum'' of the total apportionment, respectively.

Subsec. (d). Pub. L. 93–87, §207(b), inserted at end of first sentence provision that in the case of a local highway safety program carried out by an Indian tribe, if the Secretary is satisfied that an Indian tribe does not have sufficient funds available to meet the non-Federal share of the cost of such program, he may increase the Federal share of the cost thereof payable under this Act to the extent necessary.

Subsec. (h). Pub. L. 93–87, §229, substituted provisions for continuation of uniform safety standards promulgated under this section on or before July 1, 1973, unless otherwise specifically provided by law enacted after Aug. 13, 1973, and prohibiting the Secretary from promulgating any other uniform safety standard under this section (including by revision of a standard continued in effect by the preceding sentence) unless otherwise specifically provided by law enacted after Aug. 13, 1973, for former prohibition against promulgation of any other uniform safety standard unless at least 90 days prior to the effective date of such standard the Secretary shall have submitted such standard to Congress, except in the case of State safety program elements with respect to which uniform standards have been promulgated by the Secretary before Dec. 31, 1970.

Subsec. (i). Pub. L. 93–87, §207(a), added subsec. (i).

Subsec. (j). Pub. L. 93–87, §219, added subsec. (j).

1970—Subsec. (b)(1)(A). Pub. L. 91–605, §203(A), required the Governor of a State be responsible for the administration of the State highway safety program through a State agency suitably organized and possessed of adequate powers to carry out such programs to the satisfaction of the Secretary.

Subsec. (c). Pub. L. 91–605, §202(c), provided a formula for apportionments to States, after June 30, 1969, to carry out this section, whereby 75% of the appropriation is based on the ratio which the population of each State bears to the total population of all the States and 25% of the appropriation is based on the ratio which the public road mileage in each State bears to the total public road mileage in all States, defined ''public road'', provided the annual apportionment to each State not to be less than one-third of 1% of the total apportionment, struck out provisions authorizing appropriations after June 30, 1969 to be apportioned as Congress shall provide and struck out provisions mandating the Secretary to report to Congress his recommendations for a nondiscretionary formula of apportionment for the fiscal year ending June 30, 1970, and the fiscal years thereafter.

Subsec. (d). Pub. L. 91–605, §202(d), provided that the aggregate of all expenditures made during any fiscal year by a State and its political subdivisions for carrying out the State highway safety program be available for crediting such State for the non-Federal share of the cost of any project under this section without regard to whether such expenditures were actually made in connection with such project.

Subsec. (h). Pub. L. 91–605, §202(e), added subsec. (h).

1968—Subsec. (c). Pub. L. 90–495 substituted ''December 31, 1969'' for ''December 31, 1968'' as the last day on which the Secretary may apportion funds to States which are not implementing highway safety programs approved by the Secretary and substituted ''January 1, 1970'' for ''January 1, 1969'' as the date after which funds apportioned to States not having approved safety programs shall be reduced until a safety program is implemented.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by sections 101(s)(2) and 303(c)(1) of Pub. L. 110–244 effective as of the date of enactment of Pub.

L. 109–59 (Aug. 10, 2005) and to be treated as included in Pub. L. 109–59 as of that date, and provisions of Pub. L. 109–59, as in effect on the day before June 6, 2008, that are amended by Pub. L. 110–244 to be treated as not enacted, see section 121(b) of Pub. L. 110–244, set out as a note under section 101 of this title.

Pub. L. 110–244, title III, § 303(a), June 6, 2008, 122 Stat. 1619, provided that the amendment made by section 303(a) is effective Oct. 1, 2007.

EFFECTIVE DATE OF 2005 AMENDMENT

Pub. L. 109–59, title II, § 2022, Aug. 10, 2005, 119 Stat. 1544, provided that: ''Sections 2002 through 2007 of this title [amending this section and sections 403, 405, 406, 408, and 410 of this title and enacting provisions set out as notes under sections 403 and 410 of this title] (and the amendments and repeals made by such sections) shall take effect October 1, 2005.''

EFFECTIVE DATE OF 1991 AMENDMENT

Section 2008 of title II of Pub. L. 102–240 provided that: ''Except as otherwise provided, this title [amending this section and sections 403 and 410 of this title and sections 1392, 1413, and 1414 of Title 15, Commerce and Trade, enacting provisions set out as notes under this section and sections 401, 403, and 410 of this title and section 1392 of Title 15, and amending provisions set out as a note under section 401 of this title], including the amendments made by this title, shall take effect on the date of the enactment of this Act [Dec. 18, 1991], shall apply to funds authorized to be appropriated or made available after September 30, 1991, and shall not apply to funds appropriated or made available on or before such date of enactment.''

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by section 3(a) of Pub. L. 98–363 applicable to fiscal years beginning after July 17, 1984, see section 3(c) of Pub. L. 98–363, set out as a note under section 401 of this title.

EFFECTIVE DATE OF 1981 AMENDMENT

Section 1107(c) of Pub. L. 97–35 provided that the amendment made by that section is effective Oct. 1, 1982.

EFFECTIVE DATE OF 1978 AMENDMENT

Section 207(b)(2) of Pub. L. 95–599 provided that: ''The amendment made by paragraph (1) of this subsection [amending this section] shall take effect January 1, 1979.''

EFFECTIVE DATE OF 1970 AMENDMENT

Section 203(b) of Pub. L. 91–605 provided that: ''The amendment made by subsection (a) of this section [amending this section] shall take effect December 31, 1971.''

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90–495 effective Aug. 23, 1968, see section 37 of Pub. L. 90–495, set out as a note under section 101 of this title.

SAFE ROUTES TO SCHOOL PROGRAM

Pub. L. 109–59, title I, § 1404, Aug. 10, 2005, 119 Stat. 1228, as amended by Pub. L. 110–244, § 101(s)(2), June 6, 2008, 122 Stat. 1577, provided that:

''(a) ESTABLISHMENT.—Subject to the requirements of this section, the Secretary [of Transportation] shall establish and carry out a safe routes to school program for the benefit of children in primary and middle schools.

''(b) PURPOSES.—The purposes of the program shall be—

''(1) to enable and encourage children, including those with disabilities, to walk and bicycle to school;

''(2) to make bicycling and walking to school a safer and more appealing transportation alternative, thereby encouraging a healthy and active lifestyle from an early age; and

''(3) to facilitate the planning, development, and implementation of projects and activities that will improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity of schools.

''(c) APPORTIONMENT OF FUNDS.—

''(1) IN GENERAL.—Subject to paragraphs (2), (3), and (4), amounts made available to carry out this section for a fiscal year shall be apportioned among the States in the ratio that—

''(A) the total student enrollment in primary and middle schools in each State; bears to

''(B) the total student enrollment in primary and middle schools in all States.

''(2) MINIMUM APPORTIONMENT.—No State shall receive an apportionment under this section for a fiscal year of less than $1,000,000.

''(3) SET-ASIDE FOR ADMINISTRATIVE EXPENSES.—Before apportioning under this subsection amounts made available to carry out this section for a fiscal year, the Secretary [of Transportation] shall set aside not more than $3,000,000 of such amounts for the administrative expenses of the Secretary in carrying out this subsection.

''(4) DETERMINATION OF STUDENT ENROLLMENTS.—Determinations under this subsection concerning student enrollments shall be made by the Secretary.

''(d) ADMINISTRATION OF AMOUNTS.—Amounts apportioned to a State under this section shall be administered by the State's department of transportation.

''(e) ELIGIBLE RECIPIENTS.—Amounts apportioned to a State under this section shall be used by the State to provide financial assistance to State, local, tribal, and regional agencies, including nonprofit organizations, that demonstrate an ability to meet the requirements of this section.

''(f) ELIGIBLE PROJECTS AND ACTIVITIES.—

''(1) INFRASTRUCTURE-RELATED PROJECTS.—

''(A) IN GENERAL.—Amounts apportioned to a State under this section may be used for the planning, design, and construction of infrastructure-related projects that will substantially improve the ability of students to walk and bicycle to school, including sidewalk improvements, traffic calming and speed reduction improvements, pedestrian and bicycle crossing improvements, on-street bicycle facilities, off-street bicycle and pedestrian facilities, secure bicycle parking facilities, and traffic diversion improvements in the vicinity of schools.

''(B) LOCATION OF PROJECTS.—Infrastructure-related projects under subparagraph (A) may be carried out on any public road or any bicycle or pedestrian pathway or trail in the vicinity of schools.

''(2) NONINFRASTRUCTURE-RELATED ACTIVITIES.—

''(A) IN GENERAL.—In addition to projects described in paragraph (1), amounts apportioned to a State under this section may be used for noninfrastructure-related activities to encourage walking and bicycling to school, including public awareness campaigns and outreach to press and community leaders, traffic education and enforcement in the vicinity of schools, student sessions on bicycle and pedestrian safety, health, and environment, and funding for training, volunteers, and managers of safe routes to school programs.

''(B) ALLOCATION.—Not less than 10 percent and not more than 30 percent of the amount apportioned to a State under this section for a fiscal year shall be used for noninfrastructure-related activities under this subparagraph.

''(3) SAFE ROUTES TO SCHOOL COORDINATOR.—Each State receiving an apportionment under this section for a fiscal year shall use a sufficient amount of the apportionment to fund a full-time position of coordinator of the State's safe routes to school program.

''(g) CLEARINGHOUSE.—

''(1) IN GENERAL.—The Secretary [of Transportation] shall make grants to a national nonprofit or-

ganization engaged in promoting safe routes to schools to—

''(A) operate a national safe routes to school clearinghouse;

''(B) develop information and educational programs on safe routes to school; and

''(C) provide technical assistance and disseminate techniques and strategies used for successful safe routes to school programs.

''(2) FUNDING.—The Secretary shall carry out this subsection using amounts set aside for administrative expenses under subsection (c)(3).

''(h) TASK FORCE.—

''(1) IN GENERAL.—The Secretary [of Transportation] shall establish a national safe routes to school task force composed of leaders in health, transportation, and education, including representatives of appropriate Federal agencies, to study and develop a strategy for advancing safe routes to school programs nationwide.

''(2) REPORT.—Not later than March 31, 2006, the Secretary shall submit to Congress a report containing the results of the study conducted, and a description of the strategy developed, under paragraph (1) and information regarding the use of funds for infrastructure-related and noninfrastructure-related activities under paragraphs (1) and (2) of subsection (f).

''(3) FUNDING.—The Secretary shall carry out this subsection using amounts set aside for administrative expenses under subsection (c)(3).

''(i) APPLICABILITY OF TITLE 23.—Funds made available to carry out this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that such funds shall not be transferable and shall remain available until expended, and the Federal share of the cost of a project or activity under this section shall be 100 percent.

''(j) TREATMENT OF PROJECTS.—Notwithstanding any other provision of law, projects assisted under this subsection shall be treated as projects on a Federal-aid system under chapter 1 of title 23, United States Code.

''(k) DEFINITIONS.—In this section, the following definitions apply:

''(1) IN THE VICINITY OF SCHOOLS.—The term 'in the vicinity of schools' means, with respect to a school, the area within bicycling and walking distance of the school (approximately 2 miles).

''(2) PRIMARY AND MIDDLE SCHOOLS.—The term 'primary and middle schools' means schools providing education from kindergarten through eighth grade.''

ROADWAY SAFETY

Pub. L. 109–59, title I, §1411, Aug. 10, 2005, 119 Stat. 1234, provided that:

''(a) ROAD SAFETY.—

''(1) IN GENERAL.—The Secretary [of Transportation] shall enter into an agreement to assist in the activities of a national nonprofit organization that is dedicated solely to improving public road safety—

''(A) by improving the quality of data pertaining to public road hazards and design features that affect or increase the severity of motor vehicle crashes;

''(B) by developing and carrying out a public awareness campaign to educate State and local transportation officials, public safety officials, and motorists regarding the extent to which public road hazards and design features are a factor in motor vehicle crashes; and

''(C) by promoting public road safety research and technology transfer activities.

''(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) $500,000 for each of fiscal years 2006 through 2009 to carry out this subsection.

''(3) APPLICABILITY OF TITLE 23.—Funds made available by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the funds shall remain available until expended.

''(b) BICYCLE AND PEDESTRIAN SAFETY GRANTS.—

''(1) IN GENERAL.—The Secretary [of Transportation] shall make grants to a national, not-for-profit organization engaged in promoting bicycle and pedestrian safety—

''(A) to operate a national bicycle and pedestrian clearinghouse;

''(B) to develop information and educational programs; and

''(C) to disseminate techniques and strategies for improving bicycle and pedestrian safety.

''(2) FUNDING.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) $300,000 for fiscal year 2005 and $500,000 for each of fiscal years 2006 through 2009 to carry out this subsection.

''(3) APPLICABILITY OF TITLE 23.—Funds made available by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the funds shall remain available until expended.''

GRANT PROGRAM TO PROHIBIT RACIAL PROFILING

Pub. L. 109–59, title I, §1906, Aug. 10, 2005, 119 Stat. 1468, provided that:

''(a) GRANTS.—Subject to the requirements of this section, the Secretary [of Transportation] shall make grants to a State that—

''(1)(A) has enacted and is enforcing a law that prohibits the use of racial profiling in the enforcement of State laws regulating the use of Federal-aid highways; and

''(B) is maintaining and allows public inspection of statistical information for each motor vehicle stop made by a law enforcement officer on a Federal-aid highway in the State regarding the race and ethnicity of the driver and any passengers; or

''(2) provides assurances satisfactory to the Secretary that the State is undertaking activities to comply with the requirements of paragraph (1).

''(b) ELIGIBLE ACTIVITIES.—A grant received by a State under subsection (a) shall be used by the State—

''(1) in the case of a State eligible under subsection (a)(1), for costs of—

''(A) collecting and maintaining of data on traffic stops;

''(B) evaluating the results of the data; and

''(C) developing and implementing programs to reduce the occurrence of racial profiling, including programs to train law enforcement officers; and

''(2) in the case of a State eligible under subsection (a)(2), for costs of—

''(A) activities to comply with the requirements of subsection (a)(1); and

''(B) any eligible activity under paragraph (1).

''(c) RACIAL PROFILING.—

''(1) IN GENERAL.—To meet the requirement of subsection (a)(1), a State law shall prohibit, in the enforcement of State laws regulating the use of Federal-aid highways, a State or local law enforcement officer from using the race or ethnicity of the driver or passengers to any degree in making routine or spontaneous law enforcement decisions, such as ordinary traffic stops on Federal-aid highways.

''(2) LIMITATION.—Nothing in this subsection shall alter the manner in which a State or local law enforcement officer considers race or ethnicity whenever there is trustworthy information, relevant to the locality or time frame, that links persons of a particular race or ethnicity to an identified criminal incident, scheme, or organization.

''(d) LIMITATIONS.—

''(1) MAXIMUM AMOUNT OF GRANTS.—The total amount of grants made to a State under this section in a fiscal year may not exceed 5 percent of the amount made available to carry out this section in the fiscal year.

''(2) ELIGIBILITY.—A State may not receive a grant under subsection (a)(2) in more than 2 fiscal years.

''(e) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $7,500,000 for each of fiscal years 2005 through 2009.

''(2) CONTRACT AUTHORITY.—Funds authorized by this subsection shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except the Federal share of the cost of activities carried out using such funds shall be 80 percent, and such funds shall remain available until expended and shall not be transferable.''

HIGH VISIBILITY ENFORCEMENT PROGRAM

Pub. L. 109–59, title II, § 2009, Aug. 10, 2005, 119 Stat. 1535, provided that:

''(a) IN GENERAL.—The Administrator of the National Highway Traffic Safety Administration shall establish and administer a program under which at least 2 high-visibility traffic safety law enforcement campaigns will be carried out for the purposes specified in subsection (b) in each of years 2006 through 2009.

''(b) PURPOSE.—The purpose of each law enforcement campaign under this section shall be to achieve either or both of the following objectives:

''(1) Reduce alcohol-impaired or drug-impaired operation of motor vehicles.

''(2) Increase use of seat belts by occupants of motor vehicles.

''(c) ADVERTISING.—The Administrator may use, or authorize the use of, funds available to carry out this section to pay for the development, production, and use of broadcast and print media advertising in carrying out traffic safety law enforcement campaigns under this section. Consideration shall be given to advertising directed at non-English speaking populations, including those who listen, read, or watch nontraditional media.

''(d) COORDINATION WITH STATES.—The Administrator shall coordinate with the States in carrying out the traffic safety law enforcement campaigns under this section, including advertising funded under subsection (c), with a view to—

''(1) relying on States to provide the law enforcement resources for the campaigns out of funding available under this section and sections 402, 405, 406, and 410 of title 23, United States Code; and

''(2) providing out of National Highway Traffic Safety Administration resources most of the means necessary for national advertising and education efforts associated with the law enforcement campaigns.

''(e) USE OF FUNDS.—Funds made available to carry out this section may only be used for activities described in subsections (a), (c), and (f).

''(f) ANNUAL EVALUATION.—The Secretary [of Transportation] shall conduct an annual evaluation of the effectiveness of campaigns referred to in subsection (a).

''(g) STATE DEFINED.—The term 'State' has the meaning such term has under section 401 of title 23, United States Code.''

MOTORCYCLIST SAFETY

Pub. L. 109–59, title II, § 2010, Aug. 10, 2005, 119 Stat. 1535, provided that:

''(a) AUTHORITY TO MAKE GRANTS.—Subject to the requirements of this section, the Secretary [of Transportation] shall make grants to States that adopt and implement effective programs to reduce the number of single- and multi-vehicle crashes involving motorcyclists.

''(b) MAINTENANCE OF EFFORT.—No grant may be made to a State under this section in a fiscal year unless the State enters into such agreements with the Secretary [of Transportation] as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all the other sources for motorcyclist safety training programs and motorcyclist awareness programs at or above the average level of such expenditures in its 2 fiscal years preceding the date of enactment of this Act [Aug. 10, 2005].

''(c) ALLOCATION.—The amount of a grant made to a State for a fiscal year under this section may not be less than $100,000 and may not exceed 25 percent of the amount apportioned to the State for fiscal year 2003 under section 402 of title 23, United States Code.

''(d) GRANT ELIGIBILITY.—

''(1) IN GENERAL.—A State becomes eligible for a grant under this section by adopting or demonstrating to the satisfaction of the Secretary [of Transportation]—

''(A) for the first fiscal year for which the State will receive a grant under this section, at least 1 of the 6 criteria listed in paragraph (2); and

''(B) for the second, third, and fourth fiscal years for which the State will receive a grant under this section, at least 2 of the 6 criteria listed in paragraph (2).

''(2) CRITERIA.—The criteria for eligibility for a grant under this section are the following:

''(A) MOTORCYCLE RIDER TRAINING COURSES.—An effective motorcycle rider training course that is offered throughout the State, provides a formal program of instruction in accident avoidance and other safety-oriented operational skills to motorcyclists and that may include innovative training opportunities to meet unique regional needs.

''(B) MOTORCYCLISTS AWARENESS PROGRAM.—An effective statewide program to enhance motorist awareness of the presence of motorcyclists on or near roadways and safe driving practices that avoid injuries to motorcyclists.

''(C) REDUCTION OF FATALITIES AND CRASHES INVOLVING MOTORCYCLES.—A reduction for the preceding calendar year in the number of motorcycle fatalities and the rate of motor vehicle crashes involving motorcycles in the State (expressed as a function of 10,000 motorcycle registrations).

''(D) IMPAIRED DRIVING PROGRAM.—Implementation of a statewide program to reduce impaired driving, including specific measures to reduce impaired motorcycle operation.

''(E) REDUCTION OF FATALITIES AND ACCIDENTS INVOLVING IMPAIRED MOTORCYCLISTS.—A reduction for the preceding calendar year in the number of fatalities and the rate of reported crashes involving alcohol- or drug-impaired motorcycle operators (expressed as a function of 10,000 motorcycle registrations).

''(F) FEES COLLECTED FROM MOTORCYCLISTS.—All fees collected by the State from motorcyclists for the purposes of funding motorcycle training and safety programs will be used for motorcycle training and safety programs.

''(e) ELIGIBLE USES.—

''(1) IN GENERAL.—A State may use funds from a grant under this section only for motorcyclist safety training and motorcyclist awareness programs, including—

''(A) improvements to motorcyclist safety training curricula;

''(B) improvements in program delivery of motorcycle training to both urban and rural areas, including—

''(i) procurement or repair of practice motorcycles;

''(ii) instructional materials;

''(iii) mobile training units; and

''(iv) leasing or purchasing facilities for closed-course motorcycle skill training;

''(C) measures designed to increase the recruitment or retention of motorcyclist safety training instructors; and

''(D) public awareness, public service announcements, and other outreach programs to enhance driver awareness of motorcyclists, such as the 'share-the-road' safety messages developed under subsection (g).

''(2) SUBALLOCATIONS OF FUNDS.—An agency of a State that receives a grant under this section may suballocate funds from the grant to a nonprofit organization incorporated in that State to carry out under this section.

''(f) DEFINITIONS.—In this section, the following definitions apply:

''(1) MOTORCYCLIST SAFETY TRAINING.—The term 'motorcyclist safety training' means a formal program of instruction that is approved for use in a State by the designated State authority having jurisdiction over motorcyclist safety issues, which may include the State motorcycle safety administrator or a motorcycle advisory council appointed by the Governor of the State.

''(2) MOTORCYCLIST AWARENESS.—The term 'motorcyclist awareness' means individual or collective awareness of—

''(A) the presence of motorcycles on or near roadways; and

''(B) safe driving practices that avoid injury to motorcyclists.

''(3) MOTORCYCLIST AWARENESS PROGRAM.—The term 'motorcyclist awareness program' means an informational or public awareness program designed to enhance motorcyclist awareness that is developed by or in coordination with the designated State authority having jurisdiction over motorcyclist safety issues, which may include the State motorcycle safety administrator or a motorcycle advisory council appointed by the Governor of the State.

''(4) STATE.—The term 'State' has the same meaning such term has in section 101(a) of title 23, United States Code.

''(g) SHARE-THE-ROAD MODEL LANGUAGE.—Not later than 1 year after the date of enactment of this Act [Aug. 10, 2005], the Secretary [of Transportation], in consultation with the Administrator of the National Highway Traffic Safety Administration, shall develop and provide to the States model language for use in traffic safety education courses, driver's manuals, and other driver's training materials instructing the drivers of motor vehicles on the importance of sharing the roads safely with motorcyclists.''

FIRST RESPONDER VEHICLE SAFETY PROGRAM

Pub. L. 109–59, title II, §2014, Aug. 10, 2005, 119 Stat. 1540, provided that:

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [Aug. 10, 2005], the Secretary [of Transportation], in consultation with the Administrator of the National Highway Traffic Safety Administration, should—

''(1) develop and implement a comprehensive program to promote compliance with State and local laws intended to increase the safe and efficient operation of first responder vehicles;

''(2) compile a list of best practices by State and local governments to promote compliance with the laws described in paragraph (1);

''(3) analyze State and local laws intended to increase the safe and efficient operation of first responder vehicles; and

''(4) develop model legislation to increase the safe and efficient operation of first responder vehicles.

''(b) PARTNERSHIPS.—The Secretary [of Transportation] may enter into partnerships with qualified organizations to carry out this section.

''(c) PUBLIC OUTREACH.—The Secretary [of Transportation] shall use a variety of public outreach strategies to carry out this section, including public service announcements, publication of informational materials, and posting information on the Internet.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary [of Transportation] such sums as may be necessary to carry out this section for fiscal year 2006.''

LAW ENFORCEMENT TRAINING

Pub. L. 109–59, title II, §2017(b), Aug. 10, 2005, 119 Stat. 1542, provided that:

''(1) REQUIREMENT FOR PROGRAM.—The Secretary [of Transportation] shall carry out a program to provide guidance and support to law enforcement agencies in police chase techniques that are consistent with the police chase guidelines issued by the International Association of Chiefs of Police.

''(2) AMOUNT FOR PROGRAM.—Of the funds made available to carry out section 403 of title 23, United States Code, the Secretary shall allocate $500,000 in each of fiscal years 2006 through 2009 to carry out this subsection.''

NATIONAL BICYCLE SAFETY EDUCATION CURRICULUM

Pub. L. 105–178, title I, §1202(e), June 9, 1998, 112 Stat. 170, provided that:

''(1) DEVELOPMENT.—The Secretary is authorized to develop a national bicycle safety education curriculum that may include courses relating to on-road training.

''(2) REPORT.—Not later than 12 months after the date of enactment of this Act [June 9, 1998], the Secretary shall transmit to Congress a copy of the curriculum.

''(3) FUNDING.—From amounts made available under section 210 [probably should be section 206], the Secretary may use not to exceed $500,000 for fiscal year 1999 to carry out this subsection.''

BICYCLE AND PEDESTRIAN SAFETY GRANTS

Pub. L. 105–178, title I, §1212(i), formerly §1212(*o*), June 9, 1998, 112 Stat. 196; renumbered §1212(i), Pub. L. 105–206, title IX, §9003(e)(5), July 22, 1998, 112 Stat. 840, and amended by Pub. L. 108–88, §5(a)(8), Sept. 30, 2003, 117 Stat. 1114; Pub. L. 108–202, §5(a)(8), Feb. 29, 2004, 118 Stat. 481; Pub. L. 108–224, §4(a)(8), Apr. 30, 2004, 118 Stat. 629; Pub. L. 108–263, §4(a)(8), June 30, 2004, 118 Stat. 700; Pub. L. 108–280, §4(a)(8), July 30, 2004, 118 Stat. 879; Pub. L. 108–310, §5(a)(8), Sept. 30, 2004, 118 Stat. 1149; Pub. L. 109–14, §4(a)(8), May 31, 2005, 119 Stat. 326; Pub. L. 109–20, §4(a)(8), July 1, 2005, 119 Stat. 348; Pub. L. 109–35, §4(a)(8), July 20, 2005, 119 Stat. 381; Pub. L. 109–37, §4(a)(8), July 22, 2005, 119 Stat. 396; Pub. L. 109–40, §4(a)(8), July 28, 2005, 119 Stat. 412; Pub. L. 109–59, title I, §1111(b)(4), Aug. 10, 2005, 119 Stat. 1171, provided that:

''(1) IN GENERAL.—The Secretary shall make grants to a national, not-for-profit organization engaged in promoting bicycle and pedestrian safety—

''(A) to operate a national bicycle and pedestrian clearinghouse;

''(B) to develop information and educational programs; and

''(C) to disseminate techniques and strategies for improving bicycle and pedestrian safety.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $500,000 for each of fiscal years 1998 through 2004 and $415,000 for the period of October 1, 2004, through July 30, 2005.

''(3) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the funds shall remain available until expended.''

HIGHWAY SAFETY EDUCATION AND INFORMATION

Pub. L. 105–178, title II, §2001(f), June 9, 1998, 112 Stat. 325, provided that:

''(1) IN GENERAL.—For fiscal years 1999 and 2000, the Secretary shall allow any State to use funds apportioned to the State under section 402 of title 23, United States Code, to purchase television and radio time for highway safety public service messages.

''(2) REPORTS BY STATES.—Any State that uses funds described in paragraph (1) for purchasing television and radio time for highway safety public service messages shall submit to the Secretary a report describing, and assessing the effectiveness of, the messages.

''(3) STUDY.—Based on information contained in the reports submitted under paragraph (2), the Secretary shall prepare and transmit to Congress a report on the

effectiveness of purchasing television and radio time for highway safety public service messages using funds described in paragraph (1).''

EVALUATION OF HANDICAPPED PARKING SYSTEM

Section 1088 of Pub. L. 102–240 directed Secretary to conduct a study on progress being made by States in adopting and implementing uniform system for handicapped parking established in regulations issued pursuant to Pub. L. 100–641 (102 Stat. 3335), set out below, and, not later than 2 years after Dec. 18, 1991, submit to Congress the results of the study.

OBLIGATION LIMITATION

Section 2009(b) of Pub. L. 102–240 provided that: ''If an obligation limitation is placed on sums authorized to be appropriated to carry out section 402 of title 23, United States Code, for fiscal year 1993 or subsequent fiscal years, any amounts made available out of such funds to carry out sections 2004 and 2006 of this Act [amending section 410 of this title and enacting provisions set out as notes under sections 403 and 410 of this title] and section 211(b) of the National Driver Register Act of 1982 [Pub. L. 97–364, set out as a note under section 401 of this title] shall be reduced proportionally.''

HANDICAPPED PARKING SYSTEM

Pub. L. 100–641, §3, Nov. 9, 1988, 102 Stat. 3335, provided that:

''(a) REGULATIONS.—Not later than the 180th day following the date of the enactment of this Act [Nov. 9, 1988], the Secretary of Transportation shall issue regulations—

''(1) which establish a uniform system for handicapped parking designed to enhance the safety of handicapped individuals, and

''(2) which encourage adoption of such system by all the States.

In issuing such regulations, the Secretary shall consult the States.

''(b) DEFINITIONS.—For purposes of this section—

''(1) UNIFORM SYSTEM FOR HANDICAPPED PARKING.—A uniform system for handicapped parking designed to enhance the safety of handicapped individuals is a system which—

''(A) adopts the International Symbol of Access (as adopted by Rehabilitation International in 1969 at its 11th World Congress on Rehabilitation of the Disabled) as the only recognized symbol for the identification of vehicles used for transporting individuals with handicaps which limit or impair the ability to walk;

''(B) provides for the issuance of license plates displaying the International Symbol of Access for vehicles which will be used to transport individuals with handicaps which limit or impair the ability to walk, under criteria determined by the State;

''(C) provides for the issuance of removable windshield placards (displaying the International Symbol of Access) to individuals with handicaps which limit or impair the ability to walk, under criteria determined by the State;

''(D) provides that fees charged for the licensing or registration of a vehicle used to transport individuals with handicaps do not exceed fees charged for the licensing or registration of other similar vehicles operated in the State; and

''(E) for purposes of easy access parking, recognizes licenses and placards displaying the International Symbol of Access which have been issued by other States and countries.

''(2) STATE.—The term 'State' has the meaning such term has when used in chapter 4 of title 23, United States Code.''

PARKING FOR HANDICAPPED PERSONS; STUDY AND REPORT; PROPOSED UNIFORM STATE LAW

Section 161 of Pub. L. 100–17 provided that:

''(a) STUDY.—The Secretary shall conduct a study for the purpose of determining—

''(1) any problems encountered by handicapped persons in parking motor vehicles; and

''(2) whether or not each State should establish parking privileges for handicapped persons and grant to nonresidents of the State the same parking privileges as are granted to residents.

''(b) REPORT.—Not later than 180 days after the date of the enactment of this Act [Apr. 2, 1987], the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives a report on the results of the study conducted under subsection (a).

''(c) DEVELOPMENT OF PROPOSED UNIFORM STATE LAW.—

''(1) REQUIREMENT.—If the Secretary determines under subsection (a) that each State should establish parking privileges for handicapped persons and grant to nonresidents of the State the same parking privileges as are granted to residents, the Secretary shall develop a proposed uniform State law with respect to parking privileges for handicapped persons and submit a copy of the proposed uniform State law to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives and each State.

''(2) FACTORS TO CONSIDER.—In developing the proposed uniform State law, the Secretary shall consult with the States and shall consider any advantages—

''(A) of ensuring that parking privileges for handicapped persons may be utilized whether a handicapped person is a passenger or a driver;

''(B) of the use of the international symbol of access as the exclusive symbol identifying parking zones for handicapped persons and identifying vehicles that may park in such parking zones;

''(C) of displaying the international symbol of access on license plates or license plate decals and on identification placards; and

''(D) of designing any identification placard so that the placard is easily visible when placed in the interior of any vehicle.

''(3) REPORT.—If a proposed uniform State law with respect to parking privileges for handicapped persons is developed and submitted to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation [now Committee on Transportation and Infrastructure] of the House of Representatives under paragraph (1), within 12 months after the date of such submission and each year thereafter, the Secretary shall report to such committees on the extent to which each State has adopted the proposed uniform State law.''

[For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103–7 (in which a report required under section 161(c)(3) of Pub. L. 100–17, set out above, is listed on page 133), see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.]

SCHOOLBUS SAFETY MEASURES; STUDY BY NATIONAL ACADEMY OF SCIENCES AND REPORT; PUBLICATION OF LIST OF MOST EFFECTIVE SAFETY MEASURES IN FEDERAL REGISTER; SCHOOLBUS SAFETY GRANT PROGRAM

Section 204 of Pub. L. 100–17 provided that:

''(a) STUDY.—

''(1) NATIONAL ACADEMY OF SCIENCES.—Not later than 30 days after the date of the enactment of this Act [Apr. 2, 1987], the Secretary shall undertake to enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation of the principal causes of fatalities and injuries to schoolchildren riding in schoolbuses and of the use of seatbelts in schoolbuses and other measures that may improve the safety of schoolbus transportation. The purpose of the study and investigation is to determine those safety meas-

ures that are the most effective in protecting the safety of schoolchildren while boarding, leaving, and riding in schoolbuses.

''(2) REPORT.—In entering into any arrangements with the National Academy of Sciences for conducting the study and investigation under this subsection, the Secretary shall request the National Academy of Sciences to submit, not later than 18 months after the date on which such arrangements are completed, to Congress and the Secretary a report on the results of such study and investigation. The report shall contain a list of those safety measures determined by the Academy to be most effective in protecting the safety of schoolchildren while boarding, leaving, and riding in schoolbuses.

''(3) REVIEW OF REPORT.—Upon receipt of the report under paragraph (2), the Secretary shall review such report for the purpose of determining those safety measures that are the most effective in protecting the safety of schoolchildren while boarding, leaving, and riding in schoolbuses. Not later than 2 months after the date of receipt of such report, the Secretary shall publish in the Federal Register a list of those safety measures which the Secretary determines are the most effective in protecting the safety of such children.

''(4) INFORMATION.—Upon request of the National Academy of Sciences, the Secretary shall furnish to the Academy any information which the Academy deems necessary for the purpose of conducting the study and investigation under this subsection.

''(b) SCHOOLBUS SAFETY GRANT PROGRAM.—

''(1) SET-ASIDE.—Before apportioning any funds made available to carry out section 402 of title 23, United States Code, for each of fiscal years 1989, 1990, and 1991, the Secretary may set aside an amount not to exceed $5,000,000 for making grants to States to implement those schoolbus safety measures published by the Secretary under subsection (a).

''(2) APPLICATION.—Any State interested in receiving under this subsection a grant to implement schoolbus safety measures in fiscal year 1989, 1990, or 1991 shall submit to the Secretary an application for such grant. Applications under this subsection shall be submitted at such time and in such form and contain such information as the Secretary may require by regulation.

''(3) LIMITATION.—No State shall receive more than 30 percent of the funds set aside pursuant to this subsection for any fiscal year in grants under this subsection.''

SPECIAL PARKING PRIVILEGES FOR HANDICAPPED PERSONS

Pub. L. 98–78, title III, §321, Aug. 15, 1983, 97 Stat. 473, provided that:

''(a) The Congress finds that—

''(1) in this Nation there exist millions of handicapped people with severe physical impairments including partial paralysis, limb amputation, chronic heart condition, emphysema, arthritis, rheumatism, and other debilitating conditions which greatly limit their personal mobility;

''(2) these people reside in each of the several States and have need and reason to travel from one State to another for business and recreational purposes;

''(3) each State maintains the right to establish and enforce its own code of regulations regarding the appropriate use of motor vehicles operating within its jurisdiction;

''(4) within a given State handicapped individuals are oftentimes granted special parking privileges to help offset the limitations imposed by their physical impairment;

''(5) these special parking privileges vary from State to State as do the methods and means of identifying vehicles used by disabled individuals, all of which serve to impede both the enforcement of special parking privileges and the handicapped individual's freedom to properly utilize such privileges;

''(6) there are many efforts currently underway to help alleviate these problems through public awareness and administrative change as encouraged by concerned individuals and national associations directly involved in matters relating to the issue of special parking privileges for disabled individuals; and

''(7) despite these efforts the fact remains that many States may need to give the matter legislative consideration to ensure a proper resolution of this issue, especially as it relates to law enforcement and placard responsibility.

''(b) The Congress encourages each of the several States working through the National Governors Conference to—

''(1) adopt the International Symbol of Access as the only recognized and adopted symbol to be used to identify vehicles carrying those citizens with acknowledged physical impairments;

''(2) grant to vehicles displaying this symbol the special parking privileges which a State may provide; and

''(3) permit the International Symbol of Access to appear either on a specialized license plate, or on a specialized placard placed in the vehicles so as to be clearly visible through the front windshield, or on both such places.

''(c) It is the sense of the Congress that agreements of reciprocity relating to the special parking privileges granted handicapped individuals should be developed and entered into by and between the several States so as to—

''(1) facilitate the free and unencumbered use between the several States, of the special parking privileges afforded those people with acknowledged handicapped conditions, without regard to the State of residence of the handicapped person utilizing such privilege;

''(2) improve the ease of law enforcement in each State of its special parking privileges and to facilitate the handling of violators; and

''(3) ensure that motor vehicles carrying individuals with acknowledged handicapped conditions be given fair and predictable treatment throughout the Nation.

''(d) As used in this section the term 'State' means the several States and the District of Columbia.

''(e) The Secretary of Transportation shall provide a copy of this section to the Governor of each State and the Mayor of the District of Columbia.''

MOTORCYCLE HELMET STUDY

Section 210 of Pub. L. 95–599 provided that the Secretary of Transportation make a full and complete study of the effects of the provision contained in the eighth sentence of subsec. (c) of this section and that the Secretary report the results of such study to Congress not later than one year after Nov. 6, 1978.

STUDY OF METHODS OF ENCOURAGING USE OF SAFETY BELTS IN AUTOMOBILES

Section 214 of Pub. L. 95–599 provided that the Secretary of Transportation undertake to enter into arrangements with the National Academy of Sciences to conduct a study and investigation of methods of encouraging the use of safety belts by drivers of, and passengers in, motor vehicles and that the National Academy of Sciences report to the Secretary and the Congress not later than one year after Nov. 6, 1978, on the results of such study.

EVALUATION OF SAFETY STANDARDS; REPORT TO CONGRESS

Section 208(b) of Pub. L. 94–280 provided that: ''The Secretary of Transportation shall, in cooperation with the States, conduct an evaluation of the adequacy and appropriateness of all uniform safety standards established under section 402 of title 23 of the United States Code which are in effect on the date of enactment of

this Act [May 5, 1976]. The Secretary shall report his findings, together with his recommendations, including but not limited to, the need for revision or consolidation of existing standards and the establishment of new standards, to Congress on or before July 1, 1977. Until such report is submitted, the Secretary shall not, pursuant to subsection (c) of section 402 of title 23, United States Code, withhold any apportionment or any funds apportioned to any State because such State is failing to implement a highway safety program approved by the Secretary in accordance with such section 402.''

REPORT TO CONGRESS BY JULY 1, 1967, ON INITIAL STANDARDS

Section 203 of Pub. L. 89–564 required the Secretary of Commerce to report to Congress by July 1, 1967, all standards to be initially applied in carrying out section 402 of this title.

AUTHORIZATION OF APPROPRIATIONS

Section 104 of Pub. L. 89–564 authorized the appropriation of $67,000,000, $100,000,000, and $100,000,000 for the fiscal years ending June 30, 1967, 1968, and 1969, respectively, to carry out this section.

STUDY OF RELATIONSHIP BETWEEN CONSUMPTION OF ALCOHOL AND HIGHWAY SAFETY

Section 204 of Pub. L. 89–564, as amended by Pub. L. 97–449, §2(a), Jan. 12, 1983, 96 Stat. 2439, directed the Secretary to make a thorough and complete study of the relationship between the consumption of alcohol and its effect upon highway safety and drivers of motor vehicles, in consultation with such other government and private agencies as may be necessary. Such study shall cover review and evaluation of State and local laws and enforcement methods and procedures relating to driving under the influence of alcohol, State and local programs for the treatment of alcoholism, and such other aspects of this overall problem as may be useful. The results of this study were required to be reported to the Congress by the Secretary on or before July 1, 1967, with recommendations for legislation if warranted.

EX. ORD. NO. 13043. INCREASING SEAT BELT USE IN THE UNITED STATES

Ex. Ord. No. 13043, Apr. 16, 1997, 62 F.R. 19217, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Highway Safety Act of 1966, 23 U.S.C. 402 and 403, as amended, section 7902(c) of title 5, United States Code, and section 19 of the Occupational Safety and Health Act of 1970, 29 U.S.C. 668, as amended, and in order to require that Federal employees use seat belts while on official business; to require that motor vehicle occupants use seat belts in national park areas and on Department of Defense (''Defense'') installations; to encourage Tribal Governments to adopt and enforce seat belt policies and programs for occupants of motor vehicles traveling on highways in Indian Country; and to encourage Federal contractors, subcontractors, and grantees to adopt and enforce on-the-job seat belt use policies and programs, it is hereby ordered as follows:

SECTION 1. *Policies*. (a) *Seat Belt Use by Federal Employees*. Each Federal employee occupying any seating position of a motor vehicle on official business, whose seat is equipped with a seat belt, shall have the seat belt properly fastened at all times when the vehicle is in motion.

(b) *Seat Belt Use in National Parks and on Defense Installations*. Each operator and passenger occupying any seating position of a motor vehicle in a national park area or on a Defense installation, whose seat is equipped with a seat belt or child restraint system, shall have the seat belt or child restraint system properly fastened, as required by law, at all times when the vehicle is in motion.

(c) *Seat Belt Use by Government Contractors, Subcontractors and Grantees*. Each Federal agency, in contracts, subcontracts, and grants entered into after the date of this order, shall seek to encourage contractors, subcontractors, and grantees to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented, or personally owned vehicles.

(d) *Tribal Governments*. Tribal Governments are encouraged to adopt and enforce seat belt policies and programs for occupants of motor vehicles traveling on highways in Indian Country that are subject to their jurisdiction.

SEC. 2. *Scope of Order*. All agencies of the executive branch are directed to promulgate rules and take other appropriate measures within their existing programs to further the policies of this order. This includes, but is not limited to, conducting education, awareness, and other appropriate programs for Federal employees about the importance of wearing seat belts and the consequences of not wearing them. It also includes encouraging Federal contractors, subcontractors, and grantees to conduct such programs. In addition, the National Park Service and the Department of Defense are directed to initiate rulemaking to consider regulatory changes with respect to enhanced seat belt use requirements and standard (primary) enforcement of such requirements in national park areas and on Defense installations, consistent with the policies outlined in this order, and to widely publicize and actively enforce such regulations. The term ''agency'' as used in this order means an Executive department, as defined in 5 U.S.C. 101, or any employing unit or authority of the Federal Government, other than those of the legislative and judicial branches.

SEC. 3. *Coordination*. The Secretary of Transportation shall provide leadership and guidance to the heads of executive branch agencies to assist them with the employee seat belt programs established pursuant to this order. The Secretary of Transportation shall also cooperate and consult with the legislative and judicial branches of the Government to encourage and help them to adopt seat belt use programs.

SEC. 4. *Reporting Requirements*. The Secretary of Transportation, in cooperation with the heads of executive branch agencies, and after consultation with the judicial and legislative branches of Government, shall submit an annual report to the President. The report shall include seat belt use rates and statistics of crashes, injuries, and related costs involving Federal employees on official business and occupants of motor vehicles driven in national park areas, on Defense installations, and on highways in Indian Country. The report also shall identify specific agency programs that have made significant progress towards achieving the goals of this order or are notable and deserving of recognition. All agencies of the executive branch shall provide information to, and otherwise cooperate with, the Secretary of Transportation to assist with the preparation of the annual report.

SEC. 5. *Other Powers and Duties*. Nothing in this order shall be construed to impair or alter the powers and duties of the heads of the various Federal agencies pursuant to the Highway Safety Act of 1966, 23 U.S.C. 402 and 403, as amended, section 19 of the Occupational Safety and Health Act of 1970, 29 U.S.C. 668, as amended, or sections 7901, 7902, and 7903 of title 5, United States Code, nor shall it be construed to affect any right, duty, or procedure under the National Labor Relations Act, 29 U.S.C. 151 *et seq*.

SEC. 6. *General Provisions*. (a) Executive Order 12566 of September 26, 1986, is revoked. To the extent that this order is inconsistent with any provisions of any prior Executive order, this order shall control.

(b) If any provision of this order or application of any such provision is held to be invalid, the remainder of this order and other applications of such provision shall not be affected.

(c) Nothing in this order shall be construed to create a new cause of action against the United States, or to

alter in any way the United States liability under the Federal Tort Claims Act, 28 U.S.C. 2671-2680.

(d) The Secretary of Defense shall implement the provisions of this order insofar as practicable for vehicles of the Department of Defense.

(e) The Secretary of the Treasury and the Attorney General, consistent with their protective and law enforcement responsibilities, shall determine the extent to which the requirements of this order apply to the protective and law enforcement activities of their respective agencies.

WILLIAM J. CLINTON.

EX. ORD. NO. 13513. FEDERAL LEADERSHIP ON REDUCING TEXT MESSAGING WHILE DRIVING

Ex. Ord. No. 13513, Oct. 1, 2009, 74 F.R. 51225, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 7902(c) of title 5, United States Code, and the Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. 101 *et seq*. [see Short Title note set out under section 251 of Title 41, Public Contracts], and in order to demonstrate Federal leadership in improving safety on our roads and highways and to enhance the efficiency of Federal contracting, it is hereby ordered as follows:

SECTION 1. *Policy*. With nearly 3 million civilian employees, the Federal Government can and should demonstrate leadership in reducing the dangers of text messaging while driving. Recent deadly crashes involving drivers distracted by text messaging while behind the wheel highlight a growing danger on our roads. Text messaging causes drivers to take their eyes off the road and at least one hand off the steering wheel, endangering both themselves and others. Every day, Federal employees drive Government-owned, Government-leased, or Government-rented vehicles (collectively, GOV) or privately-owned vehicles (POV) on official Government business, and some Federal employees use Government-supplied electronic devices to text or e-mail while driving. A Federal Government-wide prohibition on the use of text messaging while driving on official business or while using Government-supplied equipment will help save lives, reduce injuries, and set an example for State and local governments, private employers, and individual drivers. Extending this policy to cover Federal contractors is designed to promote economy and efficiency in Federal procurement. Federal contractors and contractor employees who refrain from the unsafe practice of text messaging while driving in connection with Government business are less likely to experience disruptions to their operations that would adversely impact Federal procurement.

SEC. 2. *Text Messaging While Driving by Federal Employees*. Federal employees shall not engage in text messaging (a) when driving GOV, or when driving POV while on official Government business, or (b) when using electronic equipment supplied by the Government while driving.

SEC. 3. *Scope of Order*. (a) All agencies of the executive branch are directed to take appropriate action within the scope of their existing programs to further the policies of this order and to implement section 2 of this order. This includes, but is not limited to, considering new rules and programs, and reevaluating existing programs to prohibit text messaging while driving, and conducting education, awareness, and other outreach for Federal employees about the safety risks associated with texting while driving. These initiatives should encourage voluntary compliance with the agency's text messaging policy while off duty.

(b) Within 90 days of the date of this order, each agency is directed, consistent with all applicable laws and regulations: (i) to take appropriate measures to implement this order, (ii) to adopt measures to ensure compliance with section 2 of this order, including through appropriate disciplinary actions, and (iii) to notify the Secretary of Transportation of the measures it undertakes hereunder.

(c) Agency heads may exempt from the requirements of this order, in whole or in part, certain employees, devices, or vehicles in their respective agencies that are engaged in or used for protective, law enforcement, or national security responsibilities or on the basis of other emergency conditions.

SEC. 4. *Text Messaging While Driving by Government Contractors, Subcontractors, and Recipients and Subrecipients*. Each Federal agency, in procurement contracts, grants, and cooperative agreements, and other grants to the extent authorized by applicable statutory authority, entered into after the date of this order, shall encourage contractors, subcontractors, and recipients and subrecipients to adopt and enforce policies that ban text messaging while driving company-owned or -rented vehicles or GOV, or while driving POV when on official Government business or when performing any work for or on behalf of the Government. Agencies should also encourage Federal contractors, subcontractors, and grant recipients and subrecipients as described in this section to conduct initiatives of the type described in section 3(a) of this order.

SEC. 5. *Coordination*. The Secretary of Transportation, in consultation with the Administrator of General Services and the Director of the Office of Personnel Management, shall provide leadership and guidance to the heads of executive branch agencies to assist them with any action pursuant to this order.

SEC. 6. *Definitions*.

(a) The term ''agency'' as used in this order means an executive agency, as defined in 5 U.S.C. 105, except for the Government Accountability Office.

(b) ''Texting'' or ''Text Messaging'' means reading from or entering data into any handheld or other electronic device, including for the purpose of SMS texting, e-mailing, instant messaging, obtaining navigational information, or engaging in any other form of electronic data retrieval or electronic data communication.

(c) ''Driving'' means operating a motor vehicle on an active roadway with the motor running, including while temporarily stationary because of traffic, a traffic light or stop sign, or otherwise. It does not include operating a motor vehicle with or without the motor running when one has pulled over to the side of, or off, an active roadway and has halted in a location where one can safely remain stationary.

SEC. 7. *General Provisions*. (a) Nothing in this order shall be construed to impair or otherwise affect or alter:

(i) Authority granted by law or Executive Order to an agency, or the head thereof;

(ii) Powers and duties of the heads of the various departments and agencies pursuant to the Highway Safety Act of 1966, as amended, 23 U.S.C. 402 and 403, section 19 of the Occupational Safety and Health Act of 1970, as amended, 29 U.S.C. 668, sections 7901 and 7902 of title 5, United States Code, or the Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. 101 *et seq*.;

(iii) Rights, duties, or procedures under the National Labor Relations Act, 29 U.S.C. 151 *et seq*.; or

(iv) Functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA.

§ 403. Highway safety research and development

(a) AUTHORITY OF THE SECRETARY.—The Secretary is authorized to use funds appropriated to carry out this section to—

(1) conduct research on all phases of highway safety and traffic conditions, including accident causation, highway or driver characteristics, communications, and emergency care;

(2) conduct ongoing research into driver behavior and its effect on traffic safety;

(3) conduct research on, launch initiatives to counter, and conduct demonstration projects on fatigued driving by drivers of motor vehicles and distracted driving in such vehicles, including the effect that the use of electronic devices and other factors deemed relevant by the Secretary have on driving;

(4) conduct training or education programs in cooperation with other Federal departments and agencies, States, private sector persons, highway safety personnel, and law enforcement personnel;

(5) conduct research on, and evaluate the effectiveness of, traffic safety countermeasures, including seat belts and impaired driving initiatives;

(6) conduct research on, evaluate, and develop best practices related to driver education programs (including driver education curricula, instructor training and certification, program administration and delivery mechanisms) and make recommendations for harmonizing driver education and multistage graduated licensing systems;

(7) conduct research, training, and education programs related to older drivers;

(8) conduct demonstration projects; and

(9) conduct research, training, and programs relating to motorcycle safety, including impaired driving.

(b) DRUGS AND DRIVER BEHAVIOR.—In addition to the research authorized by subsection (a), the Secretary, in consultation with other Government and private agencies as may be necessary, is authorized to carry out safety research on the following:

(1) The relationship between the consumption and use of drugs and their effect upon highway safety and drivers of motor vehicles.

(2) Driver behavior research, including the characteristics of driver performance, the relationships of mental and physical abilities or disabilities to the driving task, and the relationship of frequency of driver crash involvement to highway safety.

(3) Measures that may deter drugged driving.

(4) Programs to train law enforcement officers on motor vehicle pursuits conducted by the officers.

(5) Technology to detect drug use and enable States to efficiently process toxicology evidence.

(6) Research on the effects of illicit drugs and the compound effects of alcohol and illicit drugs on impairment.

(c) The research authorized by subsections (a) and (b) of this section may be conducted by the Secretary through grants and contracts with public and private agencies, institutions, and individuals.

(d) The Secretary may, where he deems it to be in furtherance of the purposes of section 402 of this title, vest in State or local agencies, on such terms and conditions as he deems appropriate, title to equipment purchased for demonstration projects with funds authorized by this section.

(e) In addition to the research authorized by subsection (a) of this section, the Secretary shall, either independently or in cooperation with other Federal departments or agencies, conduct research into, and make grants to or contracts with State or local agencies, institutions, and individuals for projects to demonstrate the administrative adjudication of traffic infractions. Such administrative adjudication demonstration projects shall be designed to improve highway safety by developing fair, efficient, and effective processes and procedures for traffic infraction adjudication, utilizing appropriate punishment, training, and rehabilitative measures for traffic offenders. The Secretary shall report to Congress by July 1, 1975, and each year thereafter during the continuance of the program, on the research and demonstration projects authorized by this subsection, and shall include in such report a comparison of the fairness, efficiency, and effectiveness of administrative adjudication of traffic infractions with other methods of handling such infractions.

(f) COLLABORATIVE RESEARCH AND DEVELOPMENT.—

(1) IN GENERAL.—For the purpose of encouraging innovative solutions to highway safety problems, stimulating voluntary improvements in highway safety, and stimulating the marketing of new highway safety-related technology by private industry, the Secretary is authorized to undertake, on a cost-shared basis, collaborative research and development with non-Federal entities, including State and local governments, colleges, and universities and corporations, partnerships, sole proprietorships, and trade associations that are incorporated or established under the laws of any State or the United States. This collaborative research may include crash data collection and analysis; driver and pedestrian behavior; and demonstrations of technology.

(2) COOPERATIVE AGREEMENTS.—In carrying out this subsection, the Secretary may enter into cooperative research and development agreements, as defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a); except that in entering into such agreements, the Secretary may agree to provide not more than 50 percent of the cost of any research or development project selected by the Secretary under this subsection.

(3) PROJECT SELECTION.—In selecting projects to be conducted under this subsection, the Secretary shall establish a procedure to consider the views of experts and the public concerning the project areas.

(4) APPLICABILITY OF STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT.—The research, development, or utilization of any technology pursuant to an agreement under the provisions of this subsection, including the terms under which technology may be licensed and the resulting royalties may be distributed, shall be subject to the provisions of the Stevenson-Wydler Technology Innovation Act of 1980.

(g) INTERNATIONAL COOPERATION.—The Administrator of the National Highway Traffic Safety

Administration may participate and cooperate in international activities to enhance highway safety.

(Added Pub. L. 89–564, title I, § 101, Sept. 9, 1966, 80 Stat. 733; amended Pub. L. 93–87, title II, §§ 208(a), 220–222, 226(a), Aug. 13, 1973, 87 Stat. 286, 291, 292; Pub. L. 102–240, title II, § 2003, Dec. 18, 1991, 105 Stat. 2071; Pub. L. 105–178, title II, § 2002(a), (b)(1), June 9, 1998, 112 Stat. 325; Pub. L. 109–59, title II, §§ 2003(a), (b), 2013(e), Aug. 10, 2005, 119 Stat. 1522, 1540.)

REFERENCES IN TEXT

The Stevenson-Wydler Technology Innovation Act of 1980, referred to in subsec. (f)(4), is Pub. L. 96–480, Oct. 21, 1980, 94 Stat. 2311, as amended, which is classified generally to chapter 63 (§ 3701 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 3701 of Title 15 and Tables.

AMENDMENTS

2005—Subsec. (a). Pub. L. 109–59, § 2003(a), reenacted heading without change and amended text of subsec. (a) generally, substituting provisions relating to authority of Secretary to use funds for highway safety research programs for former provisions which related to, in par. (1), general authority of Secretary, in par. (2), additional authority of Secretary, and, in par. (3), definition of ''safety''.

Subsec. (b)(5), (6). Pub. L. 109–59, § 2013(e), added pars. (5) and (6).

Subsec. (g). Pub. L. 109–59, § 2003(b), added subsec. (g).

1998—Subsec. (a)(2)(A). Pub. L. 105–178, § 2002(a), inserted '', including training in work zone safety management'' after ''personnel''.

Subsec. (b)(3), (4). Pub. L. 105–178, § 2002(b)(1), added pars. (3) and (4).

1991—Subsec. (a). Pub. L. 102–240, § 2003(a), added subsec. (a) and struck out former subsec. (a) which read as follows: ''The Secretary is authorized to use funds appropriated to carry out this subsection to carry out safety research which he is authorized to conduct by subsection (a) of section 307 of this title. In addition, the Secretary may use the funds appropriated to carry out this section, either independently or in cooperation with other Federal departments or agencies, for making grants to or contracting with State or local agencies, institutions, and individuals for (1) training or education of highway safety personnel, (2) research fellowships in highway safety, (3) development of improved accident investigation procedures, (4) emergency service plans, (5) demonstration projects, and (6) related activities which the Secretary deems will promote the purposes of this section. The Secretary shall assure that no fees are charged for any meetings or services attendant thereto or other activities relating to training and education of highway safety personnel.''

Subsec. (b). Pub. L. 102–240, § 2003(a), added subsec. (b) and struck out former subsec. (b) which read as follows: ''In addition to the research authorized by subsection (a) of this section, the Secretary, in consultation with such other Government and private agencies as may be necessary, is authorized to carry out safety research on the following:

''(1) The relationship between the consumption and use of drugs and their effect upon highway safety and drivers of motor vehicles; and

''(2) Driver behavior research, including the characteristics of driver performance, the relationships of mental and physical abilities or disabilities to the driving task, and the relationship of frequency of driver accident involvement to highway safety.''

Subsec. (c). Pub. L. 102–240, § 2003(c), substituted ''subsections (a) and (b)'' for ''subsection (b)''.

Subsec. (f). Pub. L. 102–240, § 2003(b), added subsec. (f) and struck out former subsec. (f) which read as follows: ''In addition to the research authorized by subsection (a) of this section, the Secretary shall carry out research, development, and demonstration projects to improve and evaluate the effectiveness of various types of driver education programs in reducing traffic accidents and deaths, injuries, and property damage resulting therefrom. The research, development, and demonstration projects authorized by this subsection may be carried out by the Secretary through grants and contracts with public and private agencies, institutions, and individuals. The Secretary shall report to the Congress by July 1, 1975, and each year thereafter during the continuance of the program, on the research, development, and demonstration projects authorized by this subsection, and shall include in such report an evaluation of the effectiveness of driver education programs in reducing traffic accidents and deaths, injuries, and property damage resulting therefrom.''

1973—Subsec. (a). Pub. L. 93–87, §§ 208(a), 220, designated existing provisions as subsec. (a); substituted in first sentence ''this subsection'' for ''this section''; substituted in second sentence ''for making grants to or contracting with State or local agencies, institutions, and individuals for (1) training or education of highway safety personnel'' for ''for (1) grants to State or local agencies, institutions, and individuals for training or education of highway safety personnel'' and ''(6) related activities which the Secretary deems will promote the purposes of this section'' for (6) related activities which are deemed by the Secretary to be necessary to carry out the purposes of this section''; and inserted requirement that the Secretary assure that no fees be charged for any meeting or services attendant thereto or other activities relating to training and education of highway safety personnel.

Subsecs. (b), (c). Pub. L. 93–87, § 208(a), added subsecs. (b) and (c).

Subsecs. (d) to (f). Pub. L. 93–87, §§ 221, 222, 226(a), added subsecs. (d) to (f).

EFFECTIVE DATE OF 2005 AMENDMENT

Amendment by section 2003(a), (b) of Pub. L. 109–59 effective Oct. 1, 2005, see section 2022 of Pub. L. 109–59, set out as a note under section 402 of this title.

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102–240, except as otherwise provided, effective Dec. 18, 1991, and applicable to funds authorized to be appropriated or made available after Sept. 30, 1991, and not applicable to funds appropriated or made available on or before Dec. 18, 1991, see section 2008 of Pub. L. 102–240, set out as a note under section 402 of this title.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103–7 (in which a report required under subsec. (e) of this section is listed on page 134), see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.

RESEARCH ON DISTRACTED, INATTENTIVE, AND FATIGUED DRIVERS

Pub. L. 109–59, title II, § 2003(d), Aug. 10, 2005, 119 Stat. 1523, provided that: ''In conducting research under section 403(a)(3) of title 23, United States Code, the Secretary [of Transportation] shall carry out not less than 2 demonstration projects to evaluate new and innovative means of combating traffic system problems caused by distracted, inattentive, or fatigued drivers. The demonstration projects shall be in addition to any other research carried out under such section.''

DRUG-IMPAIRED DRIVING ENFORCEMENT

Pub. L. 109–59, title II, § 2013, Aug. 10, 2005, 119 Stat. 1539, provided that:

''(a) ILLICIT DRUG.—In this section, the term 'illicit drug' includes substances listed in schedules I through V of section 112(e) [202(c)] of the Controlled Substances Act (21 U.S.C. 812) not obtained by a legal and valid prescription.

''(b) DUTIES.—The Secretary [of Transportation] shall—

''(1) advise and coordinate with other Federal agencies on how to address the problem of driving under the influence of an illegal drug; and

''(2) conduct research on the prevention, detection, and prosecution of driving under the influence of an illegal drug.

''(c) REPORT.—

''(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act [Aug. 10, 2005], the Secretary [of Transportation], in cooperation with the National Institutes of Health, shall submit to Congress a report on the problem of drug-impaired driving.

''(2) CONTENTS.—The report shall include, at a minimum, the following:

''(A) An assessment of methodologies and technologies for measuring driver impairment resulting from use of the most common illicit drugs (including the use of such drugs in combination with alcohol).

''(B) Effective and efficient methods for training law enforcement personnel, including drug recognition experts, to detect or measure the level of impairment of a driver who is under the influence of an illicit drug by the use of technology or otherwise.

''(C) A description of the role of drugs as causal factor in traffic crashes and the extent of the problem of drug-impaired driving.

''(D) A description and assessment of current State and Federal laws relating to drug-impaired driving.

''(E) Recommendations for addressing the problem of drug-impaired driving, including recommendations on levels of impairment.

''(F) Recommendations for developing a model statute relating to drug-impaired driving.

''(d) MODEL STATUTE.—

''(1) IN GENERAL.—The Secretary [of Transportation] shall develop a model statute for States relating to drug-impaired driving.

''(2) CONTENTS.—Based on recommendations and findings contained in the report submitted under subsection (c), the model statute may include—

''(A) threshold levels of impairment for illicit drugs;

''(B) practicable methods for detecting the presence of illicit drugs; and

''(C) penalties for drug impaired driving.

''(3) DATE.—The model statute shall be provided to States not later than 1 year after date of submission of the report under subsection (c).

''(e) RESEARCH AND DEVELOPMENT.—[Amended section 403(b) of this title.]

''(f) FUNDING.—Out of amounts made available to carry out section 403 of title 23, United States Code, for each of fiscal years 2006 through 2009, the Secretary [of Transportation] shall make available $1,200,000 for such fiscal year to carry out this section.''

SAFETY STUDIES

Pub. L. 105–178, title II, § 2007, June 9, 1998, 112 Stat. 336, provided that:

''(a) BLOWOUT RESISTANT TIRES STUDY.—The Secretary shall conduct a study on the benefit to public safety of the use of blowout resistant tires on commercial motor vehicles and the potential to decrease the incidence of accidents and fatalities from accidents occurring as a result of blown out tires.

''(b) SCHOOL BUS OCCUPANT SAFETY STUDY.—The Secretary shall conduct a study to assess occupant safety in school buses. The study shall examine available information about occupant safety and analyze options for improving occupant safety.

''(c) REPORTS.—Not later than 2 years after the date of enactment of this Act [June 9, 1998], the Secretary shall transmit to Congress a report on the results of each study conducted under this section.

''(d) LIMITATION ON FUNDING.—The Secretary may not expend more than $200,000 from funds made available by section 403 of title 23, United States Code, for conducting each study under this section.''

SCHOOL TRANSPORTATION SAFETY

Pub. L. 105–178, title IV, § 4030, June 9, 1998, 112 Stat. 418, provided that:

''(a) STUDY.—Not later than 3 months after the date of enactment of this Act [June 9, 1998], the Secretary shall offer to enter into an agreement with the Transportation Research Board of the National Academy of Sciences to conduct, subject to the availability of appropriations, a study of the safety issues attendant to the transportation of school children to and from school and school-related activities by various transportation modes.

''(b) TERMS OF AGREEMENT.—The agreement under subsection (a) shall provide that—

''(1) the Transportation Research Board, in conducting the study, shall consider—

''(A) in consultation with the National Transportation Safety Board, the Bureau of Transportation Statistics, and other relevant entities, available crash injury data;

''(B) vehicle design and driver training requirements, routing, and operational factors that affect safety; and

''(C) other factors that the Secretary considers to be appropriate;

''(2) if the data referred to in paragraph (1)(A) is unavailable or insufficient, the Transportation Research Board shall recommend a new data collection regimen and implementation guidelines; and

''(3) a panel shall conduct the study and shall include—

''(A) representatives of—

''(i) highway safety organizations;

''(ii) school transportation;

''(iii) mass transportation operators;

''(iv) employee organizations; and

''(v) bicycling organizations;

''(B) academic and policy analysts; and

''(C) other interested parties.

''(c) REPORT.—Not later than 12 months after the Secretary enters into an agreement under subsection (a), the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that contains the results of the study.

''(d) AUTHORIZATION.—There are authorized to be appropriated to the Department of Transportation to carry out this section $200,000 for fiscal year 2000 and $200,000 for fiscal year 2001. Such sums shall remain available until expended.''

DRUG RECOGNITION EXPERT TRAINING PROGRAM

Section 2006 of Pub. L. 102–240 provided that:

''(a) ESTABLISHMENT.—The Secretary, acting through the National Highway Traffic Safety Administration, shall establish a regional program for implementation of drug recognition programs and for training law enforcement officers (including enforcement officials under the motor carrier safety assistance program) to recognize and identify individuals who are operating a motor vehicle while under the influence of alcohol or one or more controlled substances or other drugs.

''(b) ADVISORY COMMITTEE.—The Secretary shall establish a citizens advisory committee that shall report to Congress annually on the progress of the implementation of subsection (a). Members of the committee shall include 1 member of each of the following: Mothers Against Drunk Driving; a narcotics control organization; American Medical Association; American Bar

Association; and such other organizations as the Secretary deems appropriate. The committee shall be subject to the provisions of the [Federal] Advisory Committee Act [5 U.S.C. App.] and shall terminate 2 years after the date of the enactment of this Act [Dec. 18, 1991].

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $4,000,000 for each of fiscal years 1992 through 1997.

''(d) DEFINITION.—For purposes of this section, the term 'controlled substance' means any controlled substance, as defined under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), whose use the Secretary has determined poses a risk to transportation safety.''

PILOT PROGRAM FOR DRUG RECOGNITION EXPERT TRAINING

Pub. L. 100–690, title IX, §9004, Nov. 18, 1988, 102 Stat. 4525, provided that:

''(a) ESTABLISHMENT.—The Secretary of Transportation, acting through the National Highway Traffic Safety Administration, shall establish a 3-year pilot, regional program for training law enforcement officers to recognize and identify individuals who are operating a motor vehicle while under the influence of alcohol or 1 or more controlled substances or other drugs.

''(b) REPORT.—Not later than 1 year after the completion of the pilot program under this section, the Secretary of Transportation shall transmit to Congress a report on the effectiveness of such pilot program together with any recommendations.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for fiscal year 1989, $7,000,000 for fiscal year 1990, and $9,000,000 for fiscal year 1991. Such sums shall remain available until expended.''

PILOT GRANT PROGRAM FOR RANDOM TESTING FOR ILLEGAL DRUG USE

Pub. L. 100–690, title IX, §9005, Nov. 18, 1988, 102 Stat. 4526, provided that:

''(a) ESTABLISHMENT OF PILOT PROGRAM.—The Secretary shall design, within 9 months after the date of the enactment of this Act [Nov. 18, 1988], and implement, within 15 months after the date of the enactment of this Act, a pilot State grant program for the purpose of testing individuals described in subsection (e)(1) to determine whether such individuals have used, without lawful authorization, a controlled substance.

''(b) STATE PARTICIPATION.—The Secretary shall solicit the participation of States from those States interested in participating in such a program not more than 4 States to participate in the program.

''(c) STATE SELECTION PROCESS.—The Secretary shall ensure that the selection made pursuant to this section is representative of varying geographical and population characteristics of the Nation, and takes into consideration the historical geographical incidence of motor vehicle accidents involving loss of human life. In selecting the States for participation, the Secretary shall attempt to solicit States which meet the following criteria:

''(1) One of the States shall be a western State which is one of the 3 most populous States, with numerous large cities, with at least one city exceeding 7,000,000 people. The State should have a diverse demographic population with larger than average drug use according to reliable surveys.

''(2) One of the remaining States should be a southern State, one a northeastern State, and one a central State.

''(3) One of the remaining States should be mainly rural and among the least populous States.

''(4) One of the remaining States should have less than average drug use according to reliable surveys.

''(d) LENGTH OF PROGRAM.—The pilot program authorized by this section shall continue for a period of 1 year. The Secretary shall consider alternative methodologies for implementing a system of random testing of such individuals.

''(e) REQUIREMENTS FOR STATE PARTICIPATION.—

''(1) PERSONS TO BE TESTED.—Each State participating in the test program shall test for controlled substances in accordance with paragraph (2) individuals who—

''(A) are applicants seeking the privilege to drive, and

''(B) have never been issued a driver's license by any State.

''(2) TYPES OF TESTING.—To deter drug use and promote highway safety, all individuals described in paragraph (1) shall be subject to random testing—

''(A) prior to issuance of driver's licenses, and

''(B) during the first year following the date of issuance of such licenses.

''(3) DENIAL OF DRIVING PRIVILEGES.—Each State participating in the test program shall deny an individual driving privileges if drug testing required by paragraph (1) indicates that such individual has used illicit drugs, with such denial lasting for a period of at least 1 year following such test or subsequent confirmatory test.

''(4) REINSTITUTION OF DRIVING PRIVILEGES.—The program described in paragraph (3) may allow for reinstitution of driving privileges after a period of 3 months if such reinstitution is accompanied by a requirement that the individual be available for a period of 9 months for drug testing on a regular basis. If any such test indicates that the individual has used illicit drugs, then driving privileges must be denied for 1 year following such test or confirmatory test.

''(f) REGULATIONS.—The Secretary may issue regulations to assist States in implementing the programs described in subsection (e) and to grant temporary exceptions in appropriate circumstances.

''(g) REPORT.—Not later than 30 months after the date of the enactment of this Act [Nov. 18, 1988], the Secretary shall prepare and transmit to Congress a comprehensive report setting forth the results of the pilot program conducted under this section. Such report shall include any recommendations of the Secretary concerning the desirability and implementation of a system for random testing of such operators of motor vehicles.

''(h) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this test program, there is authorized to be appropriated $5,000,000 for fiscal year 1990.

''(i) DEFINITIONS.—For purposes of this section—

''(1) CONTROLLED SUBSTANCE.—The term 'controlled substance' means any controlled substance as defined under section 102(6) of the Controlled Substance Act (21 U.S.C. 802(6)) whose use the Secretary has determined poses a risk to transportation safety.

''(2) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

''(3) STATE.—The term 'State' has the meaning such term has when used in chapter 1 of title 23, United States Code.''

DRUG AND HIGHWAY SAFETY STUDY AND REPORT

Pub. L. 99–570, title III, §3402, Oct. 27, 1986, 100 Stat. 3207–102, directed Secretary of Transportation to conduct a study to determine relationship between usage of controlled substances and highway safety and, not later than one year after Oct. 27, 1986, submit to Congress a report on results of study.

NATIONAL DRIVER REGISTER STUDY

Pub. L. 95–599, title II, §204, Nov. 6, 1978, 92 Stat. 2729, directed Secretary of Transportation to make a full and complete investigation and study of the need for, and, if necessary, ways and means to establish, a national driver register to assist States in electronically exchanging information regarding motor vehicle driving records of certain individuals, with Secretary to

issue a final report to Congress not later than one year after Nov. 6, 1978.

DETECTION AND PREVENTION OF MARIJUANA AND OTHER DRUG USE BY OPERATORS OF MOTOR VEHICLES

Pub. L. 95–599, title II, § 212, Nov. 6, 1978, 92 Stat. 2734, directed Secretary to report to Congress not later than Dec. 31, 1979, concerning the progress of efforts to detect and prevent marijuana and drug use by motor vehicle operators, capabilities of law enforcement officials to detect the use of marijuana and drugs by motor vehicle operators, and a description of Federal and State projects undertaken into methods of detection and prevention.

FORM AND USE OF REPORTS OF HIGHWAY TRAFFIC ACCIDENTS OR RESEARCH PROJECTS IN COURT; AVAILABILITY TO PUBLIC

Pub. L. 89–564, title I, § 106, Sept. 9, 1966, 80 Stat. 735, as amended by Pub. L. 105–178, title V, § 5119(f), June 9, 1998, 112 Stat. 452, provided that: ''All facts contained in any report of any Federal department or agency or any officer, employee, or agent thereof, relating to any highway traffic accident or the investigation thereof conducted pursuant to chapter 4 of title 23 of the United States Code shall be available for use in any civil, criminal, or other judicial proceeding arising out of such accident, and any such officer, employee, or agent may be required to testify in such proceedings as to the facts developed in such investigation. Any such report shall be made available to the public in a manner which does not identify individuals. All completed reports on research projects, demonstration projects, and other related activities conducted under section 403 and chapter 5 of title 23, United States Code, shall be made available to the public in a manner which does not identify individuals.''

APPROPRIATIONS AUTHORIZATIONS

Section 208(b) of Pub. L. 93–87 provided that: ''There is authorized to be appropriated to carry out the amendments made by this section [amending this section] by the National Highway Traffic Safety Administration, out of the Highway Trust Fund, the sum of $10,000,000 per fiscal year for each of the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976.''

Section 226(b) of Pub. L. 93–87 provided that: ''For the purpose of carrying out the amendment made by subsection (a) of this section [amending this section], there is authorized to be appropriated $10,000,000 out of the Highway Trust Fund.''

AUTHORIZATION OF ADDITIONAL APPROPRIATIONS

Authorization of appropriation of additional sum of $10,000,000 for the fiscal year ending June 30, 1967, $20,000,000 for the fiscal year ending June 30, 1968, and $25,000,000 for the fiscal year ending June 30, 1969, for the purpose of carrying out this section and section 307(a) of this title, see section 105 of Pub. L. 89–564, set out as a note under section 307 of this title.

§ 404. National Highway Safety Advisory Committee

(a)(1) There is established in the Department of Transportation a National Highway Safety Advisory Committee, composed of the Secretary or an officer of the Department appointed by him, the Federal Highway Administrator, the National Highway Traffic Safety Administrator, and thirty-five members appointed by the President, no more than four of whom shall be Federal officers or employees. The Secretary shall select the Chairman of the Committee from among the Committee members. The appointed members, having due regard for the purposes of this chapter, shall be selected from among representatives of various State and local governments, including State legislatures, of public and private interests contributing to, affected by, or concerned with highway safety, including the national organizations of passenger car, bus, and truck owners, and of other public and private agencies, organizations, or groups demonstrating an active interest in highway safety, as well as research scientists and other individuals who are expert in this field.

(2)(A) Each member appointed by the President shall hold office for a term of three years, except that (i) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (ii) the terms of office of members first taking office after the date of enactment of this section shall expire as follows: Twelve at the end of one year after the date such committee members are appointed by the President, twelve at the end of two years after the date such committee members are appointed by the President, and eleven at the end of three years after the date such committee members are appointed, as designated by the President at the time of appointment, and (iii) the term of any member shall be extended until the date on which the successor's appointment is effective. None of the members appointed by the President who has served a three-year term, other than Federal officers or employees, shall be eligible for reappointment within one year following the end of his preceding term.

(B) Members of the Committee who are not officers or employees of the United States shall, while attending meetings or conferences of such Committee or otherwise engaged in the business of such Committee, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding $100 per diem, including travel-time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized in section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b–2) for persons in the Government service employed intermittently. Payments under this section shall not render members of the Committee employees or officials of the United States for any purpose.

(b) The National Highway Safety Advisory Committee shall advise, consult with, and make recommendations to, the Secretary on matters relating to the activities and functions of the Department in the field of highway safety. The Committee is authorized (1) to review research projects or programs submitted to or recommended by it in the field of highway safety and recommend to the Secretary, for prosecution under this title, any such projects which it believes show promise of making valuable contributions to human knowledge with respect to the cause and prevention of highway accidents; and (2) to review, prior to issuance, standards proposed to be issued by order of the Secretary under the provisions of section 402(a) of this title and to make recommendations thereon. Such recommendations shall be published in connection with the Secretary's determination or order.

(c) The National Highway Safety Advisory Committee shall meet from time to time as the Secretary shall direct, but at least once each year.

(d) The Secretary shall provide to the National Highway Safety Committee from among the personnel and facilities of the Department of Transportation such staff and facilities as are necessary to carry out the functions of such Committee.

(Added Pub. L. 89–564, title I, § 101, Sept. 9, 1966, 80 Stat. 733; amended Pub. L. 90–150, Nov. 24, 1967, 81 Stat. 507; Pub. L. 93–87, title II, § 223, Aug. 13, 1973, 87 Stat. 292; Pub. L. 94–280, title II, § 209, May 5, 1976, 90 Stat. 455; Pub. L. 109–59, title II, § 2019, Aug. 10, 2005, 119 Stat. 1543.)

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (a)(2)(A), is Sept. 9, 1966.

Section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b–2), referred to in subsec. (a)(2)(B), was repealed by Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 632. Section 7(b) of Pub. L. 89–554 provided that references to sections of former Title 5, Executive Departments and Government Officers and Employees, are to be deemed to be references to corresponding provisions of Title 5, Government Organization and Employees. Provisions similar to section 73b–2 of former title 5 are now contained in section 5703 of Title 5, Government Organization and Employees.

AMENDMENTS

2005—Subsec. (d). Pub. L. 109–59 substituted ''Transportation'' for ''Commerce''.

1976—Subsec. (a)(1). Pub. L. 94–280 substituted provision for selection by the Secretary of the Chairman of the Committee from among the Committee members for prior provision making the Secretary or an officer of the Department appointed by him the Chairman of the Committee.

1973—Subsec. (a)(1). Pub. L. 93–87 added the National Highway Traffic Safety Administrator to the membership of the National Highway Safety Advisory Committee.

1967—Subsec. (a)(1). Pub. L. 90–150, § 1(1), substituted ''Department of Transportation'' for ''Department of Commerce'', increased number of Committee appointees from twenty-nine to thirty-five, and provided for selection of members from representatives of national organizations of passenger car, bus, and truck owners.

Subsec. (a)(2)(A). Pub. L. 90–150, § 1(2), substituted provisions for expirations of term of office of initial appointees one, two, and three years after date of appointment for twelve, twelve, and eleven members, respectively, for former provisions for such expiration one, two, and three years following enactment date of Sept. 9, 1966, for ten, ten, and nine members, respectively, and prohibited reappointment within one year after end of preceding term of member serving a three-year term of office.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided for by law. See section 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 405. Occupant protection incentive grants

(a) GENERAL AUTHORITY.—

(1) AUTHORITY TO MAKE GRANTS.—Subject to the requirements of this section, the Secretary shall make grants under this section to States that adopt and implement effective programs to reduce highway deaths and injuries resulting from individuals riding unrestrained or improperly restrained in motor vehicles. Such grants may be used by recipient States only to implement and enforce, as appropriate, such programs.

(2) MAINTENANCE OF EFFORT.—No grant may be made to a State under this section in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all other sources for programs described in paragraph (1) at or above the average level of such expenditures in its 2 fiscal years preceding the date of enactment of the SAFETEA–LU.

(3) MAXIMUM PERIOD OF ELIGIBILITY.—No State may receive grants under this section in more than 6 fiscal years beginning after September 30, 2003.

(4) FEDERAL SHARE.—The Federal share of the cost of implementing and enforcing, as appropriate, in a fiscal year a program adopted by a State pursuant to paragraph (1) shall not exceed—

(A) in each of the first and second fiscal years beginning after September 30, 2003, in which the State receives a grant under this section, 75 percent;

(B) in each of the third and fourth fiscal years beginning after September 30, 2003, in which the State receives a grant under this section, 50 percent; and

(C) in each of the fifth and sixth fiscal years beginning after September 30, 2003, in which the State receives a grant under this section, 25 percent.

(b) GRANT ELIGIBILITY.—A State shall become eligible for a grant under this section by adopting or demonstrating to the satisfaction of the Secretary at least 4 of the following:

(1) SAFETY BELT USE LAW.—The State has in effect a safety belt use law that makes unlawful throughout the State the operation of a passenger motor vehicle whenever an individual (other than a child who is secured in a child restraint system) in the front seat of the vehicle (and, beginning in fiscal year 2001, in any seat in the vehicle) does not have a safety belt properly secured about the individual's body.

(2) PRIMARY SAFETY BELT USE LAW.—The State provides for primary enforcement of the safety belt use law of the State.

(3) MINIMUM FINE OR PENALTY POINTS.—The State imposes a minimum fine or provides for the imposition of penalty points against the driver's license of an individual—

(A) for a violation of the safety belt use law of the State; and

(B) for a violation of the child passenger protection law of the State.

(4) SPECIAL TRAFFIC ENFORCEMENT PROGRAM.—The State has implemented a statewide special traffic enforcement program for

occupant protection that emphasizes publicity for the program.

(5) CHILD PASSENGER PROTECTION EDUCATION PROGRAM.—The State has implemented a statewide comprehensive child passenger protection education program that includes education programs about proper seating positions for children in air bag equipped motor vehicles and instruction on how to reduce the improper use of child restraint systems.

(6) CHILD PASSENGER PROTECTION LAW.—The State has in effect a law that requires minors who are riding in a passenger motor vehicle to be properly secured in a child safety seat or other appropriate restraint system.

(c) GRANT AMOUNTS.—The amount of a grant for which a State qualifies under this section for a fiscal year shall equal up to 100 percent of the amount apportioned to the State for fiscal year 2003 under section 402.

[(d) Repealed. Pub. L. 109–59, title II, § 2002(e), Aug. 10, 2005, 119 Stat. 1522.]

(e) APPLICABILITY OF CHAPTER 1.—The provisions contained in section 402(d) shall apply to this section.

(f) DEFINITIONS.—In this section, the following definitions apply:

(1) CHILD SAFETY SEAT.—The term ''child safety seat'' means any device (except safety belts) designed for use in a motor vehicle to restrain, seat, or position a child who weighs 50 pounds or less.

(2) MOTOR VEHICLE.—The term ''motor vehicle'' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways, but does not include a vehicle operated only on a rail line.

(3) MULTIPURPOSE PASSENGER VEHICLE.—The term ''multipurpose passenger vehicle'' means a motor vehicle with motive power (except a trailer), designed to carry not more than 10 individuals, that is constructed either on a truck chassis or with special features for occasional off-road operation.

(4) PASSENGER CAR.—The term ''passenger car'' means a motor vehicle with motive power (except a multipurpose passenger vehicle, motorcycle, or trailer) designed to carry not more than 10 individuals.

(5) PASSENGER MOTOR VEHICLE.—The term ''passenger motor vehicle'' means a passenger car or a multipurpose passenger motor vehicle.

(6) SAFETY BELT.—The term ''safety belt'' means—

(A) with respect to open-body passenger vehicles, including convertibles, an occupant restraint system consisting of a lap belt or a lap belt and a detachable shoulder belt; and

(B) with respect to other passenger vehicles, an occupant restraint system consisting of integrated lap and shoulder belts.

(Added Pub. L. 105–178, title II, § 2003(a)(1), June 9, 1998, 112 Stat. 325; amended Pub. L. 109–59, title II, §§ 2002(e), 2004, Aug. 10, 2005, 119 Stat. 1522, 1524.)

REFERENCES IN TEXT

The date of enactment of the SAFETEA–LU, referred to in subsec. (a)(2), is the date of enactment of Pub. L. 109–59, which was approved Aug. 10, 2005.

PRIOR PROVISIONS

A prior section 405, added Pub. L. 93–87, title II, § 230(a), Aug. 13, 1973, 87 Stat. 293; amended Pub. L. 93–643, § 121, Jan. 4, 1975, 88 Stat. 2289, related to the Federal-aid safer roads demonstration program, prior to repeal by Pub. L. 94–280, title I, § 135(c), May 5, 1976, 90 Stat. 442.

AMENDMENTS

2005—Subsec. (a)(2). Pub. L. 109–59, § 2004(a)(1), substituted ''SAFETEA–LU'' for ''Transportation Equity Act for the 21st Century''.

Subsec. (a)(3). Pub. L. 109–59, § 2004(a)(2), substituted ''2003'' for ''1997''.

Subsec. (a)(4). Pub. L. 109–59, § 2004(a)(3), inserted ''beginning after September 30, 2003,'' after ''years'' in subpars. (A) to (C).

Subsec. (c). Pub. L. 109–59, § 2004(c), substituted ''100 percent'' for ''25 percent'' and ''2003'' for ''1997''.

Subsec. (d). Pub. L. 109–59, § 2002(e), struck out heading and text of subsec. (d). Text read as follows: ''Funds authorized to be appropriated to carry out this section in a fiscal year shall be subject to a deduction not to exceed 5 percent for the necessary costs of administering the provisions of this section.''

EFFECTIVE DATE OF 2005 AMENDMENT

Amendment by Pub. L. 109–59 effective Oct. 1, 2005, see section 2022 of Pub. L. 109–59, set out as a note under section 402 of this title.

CHILD SAFETY AND CHILD BOOSTER SEAT INCENTIVE GRANTS

Pub. L. 109–59, title II, § 2011, Aug. 10, 2005, 119 Stat. 1538, provided that:

''(a) GENERAL AUTHORITY.—Subject to the requirements of this section, the Secretary [of Transportation] shall make grants to States that are enforcing a law requiring that any child riding in a passenger motor vehicle in the State who is too large to be secured in a child safety seat be secured in a child restraint that meets the requirements prescribed by the Secretary under section 3 of Anton's Law [Pub. L. 107–318] (49 U.S.C. 30127 note; 116 Stat. 2772).

''(b) MAINTENANCE OF EFFORT.—No grant may be made to a State under this section in a fiscal year unless the State enters into such agreements with the Secretary [of Transportation] as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all other sources for child safety seat and child restraint programs at or above the average level of such expenditures in its 2 fiscal years preceding the date of enactment of this Act [Aug. 10, 2005].

''(c) FEDERAL SHARE.—The Federal share of the costs of activities funded using amounts from grants under this section shall not exceed—

''(1) for the first 3 fiscal years for which a State receives a grant under this section, 75 percent; and

''(2) for the fourth fiscal year for which a State receives a grant under this section, 50 percent.

''(d) USE OF GRANT AMOUNTS.—

''(1) ALLOCATIONS.—Of the amounts received by a State in grants under this section for a fiscal year not more than 50 percent shall be used to fund programs for purchasing and distributing child safety seats and child restraints to low-income families.

''(2) REMAINING AMOUNTS.—Amounts received by a State in grants under this section, other than amounts subject to paragraph (1), shall be used to carry out child safety seat and child restraint programs, including the following:

''(A) A program to support enforcement of child restraint laws.

''(B) A program to train child passenger safety professionals, police officers, fire and emergency medical personnel, educators, and parents concerning all aspects of the use of child safety seats and child restraints.

''(C) A program to educate the public concerning the proper use and installation of child safety seats and child restraints.

''(e) GRANT AMOUNT.—The amount of a grant to a State for a fiscal year under this section may not exceed 25 percent of the amount apportioned to the State for fiscal year 2003 under section 402 of title 23, United States Code.

''(f) APPLICABILITY OF CHAPTER 1.—The provisions contained in section 402(d) of such title shall apply to this section.

''(g) REPORT.—A State that receives a grant under this section shall transmit to the Secretary [of Transportation] a report documenting the manner in which the grant amounts were obligated and expended and identifying the specific programs carried out using the grant funds. The report shall be in a form prescribed by the Secretary and may be combined with other State grant reporting requirements under of [sic] chapter 4 of title 23, United States Code.

''(h) DEFINITIONS.—In this section, the following definitions apply:

''(1) CHILD RESTRAINT.—The term 'child restraint' means any product designed to provide restraint to a child (including booster seats and other products used with a lap and shoulder belt assembly) that meets applicable Federal motor vehicle safety standards prescribed by the National Highway Traffic Safety Administration.

''(2) CHILD SAFETY SEAT.—The term 'child safety seat' has the meaning such term has in section 405(f) of title 23, United States Code.

''(3) PASSENGER MOTOR VEHICLE.—The term 'passenger motor vehicle' has the meaning such term has in section 405(f) of such title.

''(4) STATE.—The term 'State' has the meaning such term has in section 101(a) of such title.''

CHILD PASSENGER PROTECTION EDUCATION GRANTS

Pub. L. 105–178, title II, § 2003(b), June 9, 1998, 112 Stat. 327, provided that:

''(1) IN GENERAL.—The Secretary may make a grant to a State that submits an application, in such form and manner as the Secretary may prescribe, that is approved by the Secretary to carry out the activities specified in paragraph (2) through—

''(A) the child passenger protection program of the State; and

''(B) at the option of the State, a grant program established by the State to carry out 1 or more of the activities specified in paragraph (2) by a political subdivision of the State or an appropriate private entity.

''(2) USE OF FUNDS.—Funds provided to a State as a grant under this subsection shall be used to implement child passenger protection programs that—

''(A) are designed to prevent deaths and injuries to children;

''(B) educate the public concerning—

''(i) all aspects of the proper installation of child restraints using standard seatbelt hardware, supplemental hardware, and modification devices (if needed), including special installation techniques;

''(ii) appropriate child restraint design, selection, and placement; and

''(iii) harness threading and harness adjustment on child restraints; and

''(C) train and retrain child passenger safety professionals, police officers, fire and emergency medical personnel, and other educators concerning all aspects of child restraint use.

''(3) GRANT AWARDS.—The Secretary may make a grant under this subsection without regard to whether a State is eligible to receive, or has received, a grant under section 405 of title 23, United States Code (as inserted by subsection (a) of this section).

''(4) FEDERAL SHARE.—The Federal share of the cost of a program carried out using funds made available from a grant under this subsection may not exceed 80 percent.

''(5) REPORT.—Each State that receives a grant under this subsection shall transmit to the Secretary a report for the period covered by the grant that, at a minimum, describes the program activities carried out with the funds made available under the grant.

''(6) REPORT TO CONGRESS.—Not later than June 1, 2002, the Secretary shall transmit to Congress a report on the implementation of this subsection that includes a description of the programs carried out and materials developed and distributed by the States that receive grants under this subsection.

''(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $7,500,000 for each of fiscal years 2000 and 2001.''

§ 406. Safety belt performance grants

(a) IN GENERAL.—The Secretary shall make grants to States in accordance with the provisions of this section to encourage the enactment and enforcement of laws requiring the use of safety belts in passenger motor vehicles.

(b) GRANTS FOR ENACTING PRIMARY SAFETY BELT USE LAWS.—

(1) IN GENERAL.—The Secretary shall make a single grant to each State that either—

(A) enacts for the first time after December 31, 2002, and has in effect and is enforcing a conforming primary safety belt use law for all passenger motor vehicles; or

(B) in the case of a State that does not have such a primary safety belt use law, has after December 31, 2005, a State safety belt use rate of 85 percent or more for each of the 2 calendar years immediately preceding the fiscal year of a grant, as measured under criteria determined by the Secretary.

(2) AMOUNT.—The amount of a grant available to a State in fiscal year 2006 or in a subsequent fiscal year under paragraph (1) shall equal 475 percent of the amount apportioned to the State under section 402(c) for fiscal year 2003.

(3) JULY 1 CUT-OFF.—For the purpose of determining the eligibility of a State for a grant under paragraph (1)(A), a conforming primary safety belt use law enacted after June 30th of any year shall—

(A) not be considered to have been enacted in the Federal fiscal year in which that June 30th falls; but

(B) be considered as if it were enacted after October 1 of the next Federal fiscal year.

(4) SHORTFALL.—If the total amount of grants provided for by this subsection for a fiscal year exceeds the amount of funds available for such grants for that fiscal year, the Secretary shall make grants under this subsection to States in the order in which—

(A) the conforming primary safety belt use law came into effect; or

(B) the State's safety belt use rate was 85 percent or more for 2 consecutive calendar years (as measured under by criteria determined by the Secretary), whichever first occurs.

(5) CATCH-UP GRANTS.—The Secretary shall make a grant to any State eligible for a grant under this subsection that did not receive a grant for a fiscal year because of the application of paragraph (4), in the next fiscal year if the State's conforming primary safety belt use law remains in effect or its safety belt use rate

is 85 percent or more for the 2 consecutive calendar years preceding such next fiscal year (subject to the condition in paragraph (4)).

(c) GRANTS FOR PRE-2003 LAWS.—

(1) IN GENERAL.—To the extent that amounts made available for grants under this section for any of fiscal years 2006 through 2009 exceed the total amount of grants to be awarded under subsection (b) for the fiscal year, including amounts to be awarded for catch-up grants under subsection (b)(5), the Secretary shall make a single grant to each State that enacted, has in effect, and is enforcing a conforming primary safety belt use law for all passenger motor vehicles that was in effect before January 1, 2003.

(2) AMOUNT; INSTALLMENTS.—The amount of a grant available to a State under this subsection shall be equal to 200 percent of the amount of funds apportioned to the State under section 402(c) for fiscal year 2003. The Secretary may award the grant in annual installments.

(d) ALLOCATION OF UNALLOCATED FUNDS.—

(1) ADDITIONAL GRANTS.—The Secretary shall make additional grants under this section of any amounts made available for grants under this section that, on July 1, 2009, have not been allocated to States under this section.

(2) ALLOCATION.—The additional grants made under this subsection shall be allocated among all States that, as of that date, have enacted, have in effect, and are enforcing conforming primary safety belt laws for all passenger motor vehicles. The allocations shall be made in accordance with the formula for apportioning funds among the States under section 402(c).

(e) USE OF GRANT FUNDS.—

(1) IN GENERAL.—Subject to paragraph (2), a State may use a grant under this section for any safety purpose under this title or for any project that corrects or improves a hazardous roadway location or feature or proactively addresses highway safety problems, including—

(A) intersection improvements;

(B) pavement and shoulder widening;

(C) installation of rumble strips and other warning devices;

(D) improving skid resistance;

(E) improvements for pedestrian or bicyclist safety;

(F) railway-highway crossing safety;

(G) traffic calming;

(H) the elimination of roadside obstacles;

(I) improving highway signage and pavement marking;

(J) installing priority control systems for emergency vehicles at signalized intersections;

(K) installing traffic control or warning devices at locations with high accident potential;

(L) safety-conscious planning; and

(M) improving crash data collection and analysis.

(2) SAFETY ACTIVITY REQUIREMENT.—Notwithstanding paragraph (1), the Secretary shall ensure that at least $1,000,000 of amounts received by States under this section are obligated for safety activities under this chapter.

(3) SUPPORT ACTIVITY.—The Secretary or his designee may engage in activities with States and State legislators to consider proposals related to safety belt use laws.

(f) CARRY-FORWARD OF EXCESS FUNDS.—If the amount available for grants under this section for any fiscal year exceeds the sum of the grants made under this section for that fiscal year, the excess amount and obligational authority shall be carried forward and made available for grants under this section in the succeeding fiscal year.

(g) FEDERAL SHARE.—The Federal share payable for grants under this section shall be 100 percent.

(h) PASSENGER MOTOR VEHICLE DEFINED.—In this section, the term ''passenger motor vehicle'' means—

(1) a passenger car;

(2) a pickup truck; and

(3) a van, minivan, or sport utility vehicle with a gross vehicle weight rating of less than 10,000 pounds.

(Added Pub. L. 93–643, § 126(a), Jan. 4, 1975, 88 Stat. 2291; amended Pub. L. 94–280, title II, § 205, May 5, 1976, 90 Stat. 453; Pub. L. 95–599, title I, § 129(g), Nov. 6, 1978, 92 Stat. 2708; Pub. L. 109–59, title II, § 2005(a), Aug. 10, 2005, 119 Stat. 1524.)

AMENDMENTS

2005—Pub. L. 109–59 amended section catchline and text generally, substituting provisions relating to safety belt performance grants for provisions relating to school bus driver training.

1978—Subsec. (c). Pub. L. 95–599 substituted ''section shall not exceed 75 per centum'' for ''title shall not exceed 70 per centum''.

1976—Subsecs. (b), (c). Pub. L. 94–280 redesignated as subsec. (c) the authorization provisions previously set out as a second subsec. (b), provided for obligation of at least $7,000,000 for fiscal years 1977 and 1978 to carry out this section, and provided for availability of funds for obligation in the same manner and to the same extent as if the funds were apportioned under section 402(c) of this title.

EFFECTIVE DATE OF 2005 AMENDMENT

Amendment by Pub. L. 109–59 effective Oct. 1, 2005, see section 2022 of Pub. L. 109–59, set out as a note under section 402 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment Pub. L. 95–599 effective with respect to obligations incurred after Nov. 6, 1978, see section 129(h) of Pub. L. 95–599, set out as a note under section 120 of this title.

§ 407. Innovative project grants

(a) In addition to other grants authorized by this chapter, the Secretary may make grants in any fiscal year to those States, political subdivisions thereof, and nonprofit organizations which develop innovative approaches to highway safety problems in accordance with criteria to be established by the Secretary in cooperation with the States, political subdivisions thereof, and such nonprofit organizations as the Secretary deems appropriate.

(b) The Secretary shall establish a procedure for the selection of grant applications submitted under this section. In developing such proce-

dure, the Secretary shall consult with the States and political subdivisions thereof, appropriate Federal departments and agencies, and such other public and nonprofit organizations as the Secretary deems appropriate.

(c) Any State, political subdivision thereof, and nonprofit organization may make an application under this section to carry out an innovative project described in subsection (a) of this section. Such application shall be in such form and contain such information as the Secretary, by regulation, prescribes.

(d) Not to exceed 2 per centum of the funds authorized to be appropriated to carry out this section shall be available to the Secretary for the necessary costs of administering the provisions of this section.

(e) The Secretary shall submit an annual report to the Congress which provides a description of each application received for a grant under this section and an evaluation of innovative projects carried out with grants made under this section.

(Added Pub. L. 95–599, title II, § 208(a), Nov. 6, 1978, 92 Stat. 2732.)

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of reporting provisions in subsec. (e) of this section, see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 31 of House Document No. 103–7.

§ 408. State traffic safety information system improvements

(a) GRANT AUTHORITY.—Subject to the requirements of this section, the Secretary shall make grants to eligible States to support the development and implementation of effective programs by such States to—

(1) improve the timeliness, accuracy, completeness, uniformity, integration, and accessibility of the safety data of the State that is needed 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 data systems of the State with national data systems and data systems of other States and enhance the ability of the Secretary to observe and analyze national trends in crash occurrences, rates, outcomes, and circumstances.

(b) FIRST-YEAR GRANTS.—To be eligible for a first-year grant under this section in a fiscal year, a State shall demonstrate to the satisfaction of the Secretary that the State has—

(1) established a highway safety data and traffic records coordinating committee with a multidisciplinary membership that includes, among others, managers, collectors, and users of traffic records and public health and injury control data systems; and

(2) developed a multiyear highway safety data and traffic records system strategic plan—

(A) that addresses existing deficiencies in the State's highway safety data and traffic records system;

(B) that is approved by the highway safety data and traffic records coordinating committee;

(C) that specifies how existing deficiencies in the State's highway safety data and traffic records system were identified;

(D) that prioritizes, on the basis of the identified highway safety data and traffic records system deficiencies of the State, the highway safety data and traffic records system needs and goals of the State, including the activities under subsection (a);

(E) that identifies performance-based measures by which progress toward those goals will be determined; and

(F) that specifies how the grant funds and any other funds of the State are to be used to address needs and goals identified in the multiyear plan.

(c) SUCCESSIVE YEAR GRANTS.—A State shall be eligible for a grant under this subsection in a fiscal year succeeding the first fiscal year in which the State receives a grant under subsection (b) if the State—

(1) certifies to the Secretary that an assessment or audit of the State's highway safety data and traffic records system has been conducted or updated within the preceding 5 years;

(2) certifies to the Secretary that its highway safety data and traffic records coordinating committee continues to operate and supports the multiyear plan;

(3) specifies how the grant funds and any other funds of the State are to be used to address needs and goals identified in the multiyear plan;

(4) demonstrates to the Secretary measurable progress toward achieving the goals and objectives identified in the multiyear plan; and

(5) submits to the Secretary a current report on the progress in implementing the multiyear plan.

(d) GRANT AMOUNT.—Subject to subsection (e)(3), the amount of a year grant made to a State for a fiscal year under this section shall equal the higher of—

(1) the amount determined by multiplying—

(A) the amount appropriated to carry out this section for such fiscal year, by

(B) the ratio that the funds apportioned to the State under section 402 for fiscal year 2003 bears to the funds apportioned to all States under such section for fiscal year 2003; or

(2)(A) $300,000 in the case of the first fiscal year a grant is made to a State under this section after the date of enactment of this subparagraph; or

(B) $500,000 in the case of a succeeding fiscal year a grant is made to the State under this section after such date of enactment.

(e) ADDITIONAL REQUIREMENTS AND LIMITATIONS.—

(1) MODEL DATA ELEMENTS.—The Secretary, in consultation with States and other appro-

priate parties, shall determine the model data elements that are useful for the observation and analysis of State and national trends in occurrences, rates, outcomes, and circumstances of motor vehicle traffic accidents. In order to be eligible for a grant under this section, a State shall submit to the Secretary a certification that the State has adopted and uses such model data elements, or a certification that the State will use grant funds provided under this section toward adopting and using the maximum number of such model data elements as soon as practicable.

(2) DATA ON USE OF ELECTRONIC DEVICES.—The model data elements required under paragraph (1) shall include data elements, as determined appropriate by the Secretary, in consultation with the States and appropriate elements of the law enforcement community, on the impact on traffic safety of the use of electronic devices while driving.

(3) MAINTENANCE OF EFFORT.—No grant may be made to a State under this section in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all other sources for highway safety data programs at or above the average level of such expenditures maintained by such State in the 2 fiscal years preceding the date of enactment of the SAFETEA–LU.

(4) FEDERAL SHARE.—The Federal share of the cost of adopting and implementing in a fiscal year a State program described in subsection (a) may not exceed 80 percent.

(5) LIMITATION ON USE OF GRANT PROCEEDS.—A State may use the proceeds of a grant received under this section only to implement the program described in subsection (a) for which the grant is made.

(f) APPLICABILITY OF CHAPTER 1.—Section 402(d) of this title shall apply in the administration of this section.

(Added Pub. L. 97–364, title I, § 101(a), Oct. 25, 1982, 96 Stat. 1738; amended Pub. L. 98–363, §§ 4, 7, July 17, 1984, 98 Stat. 436, 438; Pub. L. 100–17, title II, § 203(a), (b), Apr. 2, 1987, 101 Stat. 219; Pub. L. 109–59, title II, § 2006(a), Aug. 10, 2005, 119 Stat. 1527.)

REFERENCES IN TEXT

The date of enactment of this subparagraph, referred to in subsec. (d)(2), is the date of enactment of Pub. L. 109–59, which was approved Aug. 10, 2005.

The date of enactment of the SAFETEA–LU, referred to in subsec. (e)(3), is the date of enactment of Pub. L. 109–59, which was approved Aug. 10, 2005.

AMENDMENTS

2005—Pub. L. 109–59 amended section catchline and text generally, substituting provisions relating to State traffic safety information system improvements for provisions relating to alcohol traffic safety programs.

1987—Subsec. (c). Pub. L. 100–17, § 203(a), substituted ''5'' for ''three'' in introductory provisions and ''third, fourth, and fifth fiscal years'' for ''third fiscal year'' in par. (3).

Subsec. (g). Pub. L. 100–17, § 203(b), inserted ''and except that sums authorized by this subsection shall remain available until expended'' before period at end of second sentence.

1984—Subsec. (a). Pub. L. 98–363, §§ 4(a), 7(a), struck out ''basic and supplemental'' after ''Secretary shall make'' and inserted ''or a controlled substance'' after ''alcohol''.

Subsec. (c)(1). Pub. L. 98–363, § 4(b), inserted ''and controlled substance'' after ''alcohol''.

Subsec. (d)(3). Pub. L. 98–363, § 7(b), added par. (3).

Subsec. (e)(3). Pub. L. 98–363, § 7(c), added par. (3).

Subsec. (f)(8). Pub. L. 98–363, § 4(c), added par. (8).

EFFECTIVE DATE OF 2005 AMENDMENT

Amendment by Pub. L. 109–59 effective Oct. 1, 2005, see section 2022 of Pub. L. 109–59, set out as a note under section 402 of this title.

EFFECTIVENESS OF DRUNK DRIVING LAWS

Pub. L. 104–59, title III, § 358(d), Nov. 28, 1995, 109 Stat. 626, required the Secretary to conduct a study to evaluate the effectiveness of certain State laws on reducing drunk driving.

REGULATIONS; CONGRESSIONAL VETO OF SUPPLEMENTAL GRANTS

Pub. L. 97–364, title I, § 101(c), Oct. 25, 1982, 96 Stat. 1740, required the Secretary of Transportation, before Feb. 1, 1983, to issue regulations to implement this section.

§ 409. Discovery and admission as evidence of certain reports and surveys

Notwithstanding any other provision of law, reports, surveys, schedules, lists, or data compiled or collected for the purpose of identifying, evaluating, or planning the safety enhancement of potential accident sites, hazardous roadway conditions, or railway-highway crossings, pursuant to sections 130, 144, and 148 of this title or for the purpose of developing any highway safety construction improvement project which may be implemented utilizing Federal-aid highway funds shall not be subject to discovery or admitted into evidence in a Federal or State court proceeding or considered for other purposes in any action for damages arising from any occurrence at a location mentioned or addressed in such reports, surveys, schedules, lists, or data.

(Added Pub. L. 100–17, title I, § 132(a), Apr. 2, 1987, 101 Stat. 170; amended Pub. L. 102–240, title I, § 1035(a), Dec. 18, 1991, 105 Stat. 1978; Pub. L. 104–59, title III, § 323, Nov. 28, 1995, 109 Stat. 591; Pub. L. 109–59, title I, § 1401(a)(3)(C), Aug. 10, 2005, 119 Stat. 1225.)

AMENDMENTS

2005—Pub. L. 109–59 substituted ''148'' for ''152''.

1995—Pub. L. 104–59 inserted ''or collected'' after ''data compiled''.

1991—Pub. L. 102–240 substituted ''Discovery and admission'' for ''Admission'' in section catchline and ''subject to discovery or admitted into evidence in a Federal or State court proceeding'' for ''admitted into evidence in Federal or State court'' in text.

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102–240 effective Dec. 18, 1991, and applicable to funds authorized to be appropriated or made available after Sept. 30, 1991, and, with certain exceptions, not applicable to funds appropriated or made available on or before Sept. 30, 1991, see section 1100 of Pub. L. 102–240, set out as a note under section 104 of this title.

§ 410. Alcohol-impaired driving countermeasures

(a) GENERAL AUTHORITY.—

(1) AUTHORITY TO MAKE GRANTS.—Subject to the requirements of this section, the Secretary shall make grants to States that adopt and implement effective programs to reduce traffic safety problems resulting from individuals driving while under the influence of alcohol. Such grants may only be used by recipient States to implement and enforce such programs.

(2) MAINTENANCE OF EFFORT.—No grant may be made to a State under this subsection in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all other sources for alcohol traffic safety programs at or above the average level of such expenditures in its 2 fiscal years preceding the date of enactment of the SAFETEA–LU.

(3) FEDERAL SHARE.—The Federal share of the cost of implementing and enforcing in a fiscal year a program adopted by a State pursuant to paragraph (1) shall not exceed—

(A) in each of the first and second fiscal years in which the State receives a grant under this section, 75 percent;

(B) in each of the third and fourth fiscal years in which the State receives a grant under this section, 50 percent; and

(C) in each of the fifth, sixth,,[1] seventh, and eighth fiscal years in which the State receives a grant under this section, 25 percent.

(b) ELIGIBILITY REQUIREMENTS.—To be eligible for a grant under subsection (a), a State shall—

(1) have an alcohol related fatality rate of 0.5 or less per 100,000,000 vehicle miles traveled as of the date of the grant, as determined by the Secretary using the most recent Fatality Analysis Reporting System of the National Highway Traffic Safety Administration; or

(2)(A) for fiscal year 2006 by carrying out 3 of the programs and activities under subsection (c);

(B) for fiscal year 2007 by carrying out 4 of the programs and activities under subsection (c); or

(C) for fiscal years 2008 and 2009 by carrying out 5 of the programs and activities under subsection (c).

(c) STATE PROGRAMS AND ACTIVITIES.—The programs and activities referred to in subsection (b) are the following:

(1) CHECK POINT, SATURATION PATROL PROGRAM.—A State program to conduct a series of high visibility, statewide law enforcement campaigns in which law enforcement personnel monitor for impaired driving, either through the use of sobriety check points or saturation patrols, on a nondiscriminatory, lawful basis for the purpose of determining whether the operators of the motor vehicles are driving while under the influence of alcohol—

(A) if the State organizes the campaigns in cooperation with related periodic national campaigns organized by the National Highway Traffic Safety Administration, except that this subparagraph does not preclude a State from initiating sustained high visibility, Statewide law enforcement campaigns independently of the cooperative efforts; and

(B) if, for each fiscal year, the State demonstrates to the Secretary that the State and the political subdivisions of the State that receive funds under this section have increased, in the aggregate, the total number of impaired driving law enforcement activities at high incident locations (or any other similar activity approved by the Secretary) initiated in such State during the preceding fiscal year by a factor that the Secretary determines meaningful for the State over the number of such activities initiated in such State during the preceding fiscal year.

(2) PROSECUTION AND ADJUDICATION OUTREACH PROGRAM.—A State prosecution and adjudication program under which—

(A) the State works to reduce the use of diversion programs by educating and informing prosecutors and judges through various outreach methods about the benefits and merits of prosecuting and adjudicating defendants who repeatedly commit impaired driving offenses;

(B) the courts in a majority of the judicial jurisdictions of the State are monitored on the courts' adjudication of cases of impaired driving offenses; or

(C) annual statewide outreach is provided for judges and prosecutors on innovative approaches to the prosecution and adjudication of cases of impaired driving offenses that have the potential for significantly improving the prosecution and adjudication of such cases.

(3) TESTING OF BAC.—An effective system for increasing from the previous year the rate of blood alcohol concentration testing of motor vehicle drivers involved in fatal accidents.

(4) HIGH RISK DRIVERS.—A law that establishes stronger sanctions or additional penalties for individuals convicted of operating a motor vehicle while under the influence of alcohol whose blood alcohol concentration is 0.15 percent or more than for individuals convicted of the same offense but with a lower blood alcohol concentration. For purposes of this paragraph, ''additional penalties'' includes—

(A) a 1-year suspension of a driver's license, but with the individual whose license is suspended becoming eligible after 45 days of such suspension to obtain a provisional driver's license that would permit the individual to drive—

(i) only to and from the individual's place of employment or school; and

(ii) only in an automobile equipped with a certified alcohol ignition interlock device; and

(B) a mandatory assessment by a certified substance abuse official of whether the individual has an alcohol abuse problem with possible referral to counseling if the official

[1] So in original.

determines that such a referral is appropriate.

(5) PROGRAMS FOR EFFECTIVE ALCOHOL REHABILITATION AND DWI COURTS.—A program for effective inpatient and outpatient alcohol rehabilitation based on mandatory assessment and appropriate treatment for repeat offenders or a program to refer impaired driving cases to courts that specialize in driving while impaired cases that emphasize the close supervision of high-risk offenders.

(6) UNDERAGE DRINKING PROGRAM.—An effective strategy, as determined by the Secretary, for preventing operators of motor vehicles under age 21 from obtaining alcoholic beverages and for preventing persons from making alcoholic beverages available to individuals under age 21. Such a strategy may include—

(A) the issuance of tamper-resistant drivers' licenses to individuals under age 21 that are easily distinguishable in appearance from drivers' licenses issued to individuals age 21 or older; and

(B) a program provided by a nonprofit organization for training point of sale personnel concerning, at a minimum—

(i) the clinical effects of alcohol;

(ii) methods of preventing second party sales of alcohol;

(iii) recognizing signs of intoxication;

(iv) methods to prevent underage drinking; and

(v) Federal, State, and local laws that are relevant to such personnel; and

(C) having a law in effect that creates a 0.02 percent blood alcohol content limit for drivers under 21 years old.

(7) ADMINISTRATIVE LICENSE REVOCATION.—An administrative driver's license suspension or revocation system for individuals who operate motor vehicles while under the influence of alcohol that requires that—

(A) in the case of an individual who, in any 5-year period beginning after the date of enactment of the Transportation Equity Act for the 21st Century, is determined on the basis of a chemical test to have been operating a motor vehicle while under the influence of alcohol or is determined to have refused to submit to such a test as proposed by a law enforcement officer, the State agency responsible for administering drivers' licenses, upon receipt of the report of the law enforcement officer—

(i) suspend the driver's license of such individual for a period of not less than 90 days if such individual is a first offender in such 5-year period; except that under such suspension an individual may operate a motor vehicle, after the 15-day period beginning on the date of the suspension, to and from employment, school, or an alcohol treatment program if an ignition interlock device is installed on each of the motor vehicles owned or operated, or both, by the individual; and

(ii) suspend the driver's license of such individual for a period of not less than 1 year, or revoke such license, if such individual is a repeat offender in such 5–year period; except that such individual to operate a motor vehicle, after the 45-day period beginning on the date of the suspension or revocation, to and from employment, school, or an alcohol treatment program if an ignition interlock device is installed on each of the motor vehicles owned or operated, or both, by the individual; and

(B) the suspension and revocation referred to under clauses (i) and (ii)[2] take effect not later than 30 days after the date on which the individual refused to submit to a chemical test or received notice of having been determined to be driving under the influence of alcohol, in accordance with the procedures of the State.

(8) SELF SUSTAINING IMPAIRED DRIVING PREVENTION PROGRAM.—A program under which a significant portion of the fines or surcharges collected from individuals who are fined for operating a motor vehicle while under the influence of alcohol are returned to communities for comprehensive programs for the prevention of impaired driving.

(d) USES OF GRANTS.—Subject to subsection (g)(2), grants made under this section may be used for all programs and activities described in subsection (c), and to defray the following costs:

(1) Labor costs, management costs, and equipment procurement costs for the high visibility, Statewide law enforcement campaigns under subsection (c)(1).

(2) The costs of the training of law enforcement personnel and the procurement of technology and equipment, including video equipment and passive alcohol sensors, to counter directly impaired operation of motor vehicles.

(3) The costs of public awareness, advertising, and educational campaigns that publicize use of sobriety check points or increased law enforcement efforts to counter impaired operation of motor vehicles.

(4) The costs of public awareness, advertising, and educational campaigns that target impaired operation of motor vehicles by persons under 34 years of age.

(5) The costs of the development and implementation of a State impaired operator information system.

(6) The costs of operating programs that result in vehicle forfeiture or impoundment or license plate impoundment.

(e) ADDITIONAL AUTHORITIES FOR CERTAIN AUTHORIZED USES.—

(1) COMBINATION OF GRANT PROCEEDS.—Grant funds used for a campaign under subsection (d)(3) may be combined, or expended in coordination, with proceeds of grants under section 402.

(2) COORDINATION OF USES.—Grant funds used for a campaign under paragraph (3) or (4) of subsection (d) may be expended—

(A) in coordination with employers, schools, entities in the hospitality industry, and nonprofit traffic safety groups; and

[2] So in original. Probably should be ''clauses (i) and (ii) of subparagraph (A)''.

(B) in coordination with sporting events and concerts and other entertainment events.

(f) ALLOCATION.—Subject to subsection (g), funds made available to carry out this section shall be allocated among States that meet the eligibility criteria in subsection (b) on the basis of the apportionment formula under section 402(c).

(g) GRANTS TO HIGH FATALITY RATE STATES.—

(1) IN GENERAL.—The Secretary shall make a separate grant under this section to each State that—

(A) is among the 10 States with the highest impaired driving related fatalities as determined by the Secretary using the most recent Fatality Analysis Reporting System of the National Highway Traffic Safety Administration; and

(B) prepares a plan for grant expenditures under this subsection that is approved by the Administrator of the National Highway Traffic Safety Administration.

(2) REQUIRED USES.—At least one-half of the amounts allocated to States under this subsection may only be used for the program described in subsection (c)(1).

(3) ALLOCATION.—Funds made available under this subsection shall be allocated among States described in paragraph (1) on the basis of the apportionment formula under section 402(c), except that no State shall be allocated more than 30 percent of the funds made available to carry out this subsection for a fiscal year.

(4) FUNDING.—Not more than 15 percent per fiscal year of amounts made available to carry out this section for a fiscal year shall be made available by the Secretary for making grants under this subsection.

(h) APPLICABILITY OF CHAPTER 1.—The provisions contained in section 402(d) shall apply to this section.

(i) DEFINITIONS.—In this section, the following definitions apply:

(1) ALCOHOLIC BEVERAGE.—The term ''alcoholic beverage'' has the meaning given such term in section 158(c).

(2) CONTROLLED SUBSTANCES.—The term ''controlled substances'' has the meaning given such term in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

(3) MOTOR VEHICLE.—The term ''motor vehicle'' has the meaning given such term in section 405.

(4) IMPAIRED OPERATOR.—The term ''impaired operator'' means a person who, while operating a motor vehicle—

(A) has a blood alcohol content of 0.08 percent or higher; or

(B) is under the influence of a controlled substance.

(5) IMPAIRED DRIVING RELATED FATALITY RATE.—The term ''impaired driving related fatality rate'' means the rate of alcohol related fatalities, as calculated in accordance with regulations which the Administrator of the National Highway Traffic Safety Administration shall prescribe.

(Added Pub. L. 100–690, title IX, §9002(a), Nov. 18, 1988, 102 Stat. 4521; amended Pub. L. 101–516, title III, §336, Nov. 5, 1990, 104 Stat. 2186; Pub. L. 102–240, title II, §2004(a), Dec. 18, 1991, 105 Stat. 2073; Pub. L. 102–388, title VI, §§601–606, Oct. 6, 1992, 106 Stat. 1569, 1570; Pub. L. 104–59, title III, §324, Nov. 28, 1995, 109 Stat. 591; Pub. L. 105–18, title II, §8003, June 12, 1997, 111 Stat. 195; Pub. L. 105–130, §6(b), Dec. 1, 1997, 111 Stat. 2558; Pub. L. 105–178, title II, §2004(a), June 9, 1998, 112 Stat. 328; Pub. L. 108–88, §6(e)(1), Sept. 30, 2003, 117 Stat. 1120; Pub. L. 108–310, §6(e)(1), Sept. 30, 2004, 118 Stat. 1152; Pub. L. 109–59, title II, §2007(a), (b), Aug. 10, 2005, 119 Stat. 1529; Pub. L. 110–244, title III, §303(c)(2), (3), June 6, 2008, 122 Stat. 1619.)

REFERENCES IN TEXT

The date of enactment of the SAFETEA–LU, referred to in subsec. (a)(2), is the date of enactment of Pub. L. 109–59, which was approved Aug. 10, 2005.

The date of enactment of the Transportation Equity Act for the 21st Century, referred to in subsec. (c)(7)(A), is the date of enactment of Pub. L. 105–178, which was approved June 9, 1998.

AMENDMENTS

2008—Subsec. (a)(3). Pub. L. 110–244, §303(c)(2)(A), (B), amended Pub. L. 109–59, §2007(b)(1)(A), (B). See 2005 Amendment note below.

Subsec. (a)(3)(C). Pub. L. 110–244, §303(c)(2)(C), repealed amendment by Pub. L. 109–59, §2007(b)(1)(C). See 2005 Amendment note below.

Subsec. (a)(4). Pub. L. 110–244, §303(c)(2)(B), amended Pub. L. 109–59, §2007(b)(1)(B). See 2005 Amendment note below.

Subsec. (c)(7)(B). Pub. L. 110–244, §303(c)(3), substituted ''clauses (i) and (ii)'' for ''clause (i)''.

2005—Subsec. (a)(2). Pub. L. 109–59, §2007(a), substituted ''under this subsection'' for ''under this section'' and ''SAFETEA–LU'' for ''Transportation Equity Act for the 21st Century''.

Subsec. (a)(3). Pub. L. 109–59, §2007(b)(1)(A), (B), as amended by Pub. L. 110–244, §303(c)(2)(A), (B), redesignated par. (4) as (3) and struck out heading and text of former par. (3). Text read as follows: ''No State may receive grants under this section in more than 8 fiscal years beginning after September 30, 1997.''

Subsec. (a)(3)(C). Pub. L. 109–59, §2007(b)(1)(C), which directed amendment of par. (3) by striking out second comma after ''sixth'', was repealed by Pub. L. 110–244, §303(c)(2)(C).

Subsec. (a)(4). Pub. L. 109–59, §2007(b)(1)(B), as amended by Pub. L. 110–244, §303(c)(2)(B), redesignated par. (4) as (3).

Subsec. (b) to (i). Pub. L. 109–59, §2007(b)(2)–(4), added subsecs. (b) to (g), redesignated former subsecs. (e) and (f) as (h) and (i), respectively, added pars. (4) and (5) to subsec. (i), and struck out former subsecs. (b) to (d), which related to eligibility for basic grant, supplemental grants, and administrative expenses, respectively.

2004—Subsec. (a)(3). Pub. L. 108–310, §6(e)(1)(A), substituted ''8'' for ''7''.

Subsec. (a)(4)(C). Pub. L. 108–310, §6(e)(1)(B), substituted '', seventh, and eighth'' for ''and seventh''.

2003—Subsec. (a)(3). Pub. L. 108–88, §6(e)(1)(A), substituted ''7'' for ''6''.

Subsec. (a)(4)(C). Pub. L. 108–88, §6(e)(1)(B), substituted '', sixth, and seventh'' for ''and sixth''.

1998—Pub. L. 105–178 reenacted section catchline without change and amended text generally. Prior to amendment, section related to alcohol-impaired driving countermeasures, providing for general authority in subsec. (a), maintenance of effort in subsec. (b), maximum period of eligibility and Federal share for grants in subsec. (c), basic grant eligibility in subsec. (d),

amount of basic grant in subsec. (e), supplemental grants in subsec. (f), administrative expenses in subsec. (g), applicability of chapter 1 of this title in subsec. (h), definitions in subsec. (i), and authorization of appropriations in subsec. (j).

1997—Subsec. (c). Pub. L. 105–130, § 6(b)(1)(A), substituted ''6 fiscal years'' for ''5 fiscal years'' in introductory provisions.

Subsec. (c)(3). Pub. L. 105–130, § 6(b)(1)(B), substituted ''fifth, and sixth fiscal years'' for ''and fifth fiscal years''.

Subsec. (d)(2)(B). Pub. L. 105–130, § 6(b)(2), substituted ''3 fiscal years'' for ''two fiscal years''.

Subsec. (j). Pub. L. 105–130, § 6(b)(3), substituted ''1997,'' for ''1997, and'' and inserted before period at end '', and $12,500,000 for the period of October 1, 1997, through March 31, 1998''.

Pub. L. 105–18 inserted '', and an additional $500,000 for fiscal year 1997'' after ''1997''.

1995—Subsec. (d)(1)(E). Pub. L. 104–59, § 324(a), substituted ''December 18, 1991'' for ''the date of enactment of this section'' in introductory provisions.

Subsec. (d)(3). Pub. L. 104–59, § 324(b)(1), designated existing provisions as subpar. (A) and added subpar. (B).

Subsec. (d)(7). Pub. L. 104–59, § 324(b)(2), added par. (7).

Subsec. (f). Pub. L. 104–59, § 324(c), redesignated pars. (2) to (7) as (1) to (6), respectively, and struck out former par. (1) which read as follows:

''(1) BLOOD ALCOHOL CONCENTRATION FOR PERSONS UNDER AGE 21.—Subject to subsection (c), a State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in fiscal year 1992 under section 402 of this title if the State is eligible for a basic grant in the fiscal year and provides that any person under age 21 with a blood alcohol concentration of 0.02 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated.''

1992—Subsec. (c). Pub. L. 102–388, § 601(2), (3), added subsec. (c) and redesignated former subsec. (c) as (d).

Subsec. (d). Pub. L. 102–388, §§ 601(2), 602, redesignated subsec. (c) as (d), substituted ''5 or more of the following'' for ''4 or more of the following'' in introductory provisions, struck out ''within the time period specified in subparagraph (F)'' after ''revocation'' in par. (1)(C), and added par. (6). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 102–388, §§ 601(2), 603, redesignated subsec. (d) as (e) and amended it generally. Prior to amendment, subsec. (e) read as follows: ''AMOUNT OF BASIC GRANTS.—The amount of a basic grant to be made in a fiscal year under this section to a State eligible to receive such grant shall be 65 percent of the amount of funds apportioned to such State in such fiscal year under this section.'' Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 102–388, §§ 601(2), 604, redesignated subsec. (e) as (f) and substituted ''Subject to subsection (c), a State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in fiscal year 1992 under section 402 of this title'' for ''A State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in the fiscal year under this section'' in pars. (1) to (7). Former subsec. (f) redesignated (g).

Subsec. (g). Pub. L. 102–388, §§ 601(1), (2), 605, redesignated subsec. (f) as (g), struck out '', and the remainder shall be apportioned among the several States'' before the period at end, and struck out former subsec. (g) which provided for apportionment of the remainder of the funds authorized to be appropriated to carry out this section among the States according to certain formulas.

Subsec. (j). Pub. L. 102–388, § 606, amended subsec. (j) generally. Prior to amendment, subsec. (j) read as follows: ''FUNDING FOR FISCAL YEARS 1993–1997.—From sums made available to carry out section 402 of this title, the Secretary shall make available $25,000,000 for each of fiscal years 1993 through 1997 to carry out this section.''

1991—Pub. L. 102–240 substituted section catchline for one which read: ''Drunk driving prevention programs'' and amended text generally, substituting present provisions for provisions authorizing grants to those States which adopt and implement drunk driving prevention programs described in this section, requiring States to maintain expenditures for drunk driving prevention programs, providing for Federal share payable, maximum amount of basic grants and eligibility for basic grants, providing for supplemental grants to States which implement specific measures to fight drunk driving, and providing for definitions and appropriations for this section.

1990—Subsec. (e)(1)(C). Pub. L. 101–516 struck out ''within the time period specified in subparagraph (F)'' after ''revocation''.

Subsec. (e)(2). Pub. L. 101–516 inserted ''a significant portion of'' after ''under which'' and substituted ''apprehended and fined for'' for ''convicted of''.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by section 303(c)(2) of Pub. L. 110–244 effective as of the date of enactment of Pub. L. 109–59 (Aug. 10, 2005) and to be treated as included in Pub. L. 109–59 as of that date, and provisions of Pub. L. 109–59, as in effect on the day before June 6, 2008, that are amended by Pub. L. 110–244 to be treated as not enacted, see section 121(b) of Pub. L. 110–244, set out as a note under section 101 of this title.

Pub. L. 110–244, title III, § 303(c)(3), June 6, 2008, 122 Stat. 1619, provided that the amendment made by section 303(c)(3) is effective Aug. 10, 2005.

EFFECTIVE DATE OF 2005 AMENDMENT

Amendment by Pub. L. 109–59 effective Oct. 1, 2005, see section 2022 of Pub. L. 109–59, set out as a note under section 402 of this title.

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105–178, title II, § 2004(b), June 9, 1998, 112 Stat. 332, provided that: ''The amendment made by subsection (a) [amending this section] shall take effect on October 1, 1998.''

EFFECTIVE DATE OF 1992 AMENDMENT; TRANSITION PROVISIONS

Section 607 of title VI of Pub. L. 102–388 provided that:

''(a) EFFECTIVE DATE.—The amendments made by sections 601 through 606 [amending this section] shall take effect October 1, 1992.

''(b) STATES ELIGIBLE FOR BASIC GRANTS UNDER SECTION 410 BEFORE DATE OF ENACTMENT.—A State that received a basic grant in fiscal year 1992 under section 410 of title 23, United States Code, as in effect on September 30, 1992, and that continues to meet the criteria for a basic grant, as in effect on September 30, 1992, shall be eligible for a basic grant under such section 410, as amended by this title.''

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102–240, except as otherwise provided, effective Dec. 18, 1991, and applicable to funds authorized to be appropriated or made available after Sept. 30, 1991, and not applicable to funds appropriated or made available on or before Dec. 18, 1991, see section 2008 of Pub. L. 102–240, set out as a note under section 402 of this title.

REGULATIONS

Pub. L. 109–59, title II, § 2007(c), Aug. 10, 2005, 119 Stat. 1533, provided that: ''Not later than 12 months after the date of enactment of this Act [Aug. 10, 2005], the National Highway Traffic Safety Administration shall issue guidelines to the States specifying the types and formats of data that States should collect relating to drivers who are arrested or convicted for violation of laws prohibiting the impaired operation of motor vehicles.''

Pub. L. 100–690, title IX, §9002(c), Nov. 18, 1988, 102 Stat. 4525, provided that: ''The Secretary of Transportation shall issue and publish in the Federal Register proposed regulations to implement section 410 of title 23, United States Code, not later than 6 months after the date of the enactment of this section [Nov. 18, 1988]. The final regulations for such implementation shall be issued, published in the Federal Register, and transmitted to Congress not later than 12 months after such date of enactment.''

EFFECTIVENESS OF LAWS ESTABLISHING MAXIMUM BLOOD ALCOHOL CONCENTRATIONS

Pub. L. 105–178, title II, §2008, June 9, 1998, 112 Stat. 337, provided that:

''(a) STUDY.—The Comptroller General shall conduct a study to evaluate the effectiveness of State laws that—

''(1) deem any individual with a blood alcohol concentration of 0.08 percent or greater while operating a motor vehicle to be driving while intoxicated; and

''(2) deem any individual under the age of 21 with a blood alcohol concentration of 0.02 percent or greater while operating a motor vehicle to be driving while intoxicated;

in reducing the number and severity of alcohol-involved crashes.

''(b) REPORT.—Not later than 2 years after the date of enactment of this Act [June 9, 1998], the Comptroller General shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the results of the study conducted under this section.''

EFFECTIVENESS OF DRUNK DRIVING LAWS

Pub. L. 104–59, title III, §358(d), Nov. 28, 1995, 109 Stat. 626, provided that: ''The Secretary shall conduct a study to evaluate the effectiveness on reducing drunk driving and appropriateness of laws enacted in the States which allow a health care provider who treats an individual involved in a vehicular accident to report the blood alcohol level, if known, of such individual to the local law enforcement agency which has jurisdiction over the accident site if the blood alcohol concentration level exceeds the maximum level permitted under State law.''

STATES ELIGIBLE FOR GRANTS BEFORE DECEMBER 18, 1991

Section 2004(b) of Pub. L. 102–240 provided that: ''A State which, before the date of the enactment of this Act [Dec. 18, 1991], was eligible to receive a grant under section 410 of title 23, United States Code, as in effect on the day before such date of enactment, may elect to receive in a fiscal year grants under such section 410, as so in effect, in lieu of receiving in such fiscal year grants under such section 410, as amended by this Act.''

ALCOHOL IMPAIRMENT STANDARDS AND INFORMATION EXCHANGE

Section 9003 of Pub. L. 100–690 provided that:

''(a) ALCOHOL IMPAIRMENT STANDARDS.—

''(1) STUDY.—Not later than 30 days after the date of enactment of this Act [Nov. 18, 1988], the Secretary of Transportation shall undertake to enter into appropriate arrangements with the National Academy of Sciences to conduct a study to determine the blood alcohol concentration level at or above which any individual when operating any motor vehicle should be deemed to be driving while under the influence of alcohol.

''(2) REPORT.—In entering into any arrangement with the National Academy of Sciences for conducting the study under this subsection, the Secretary shall request the National Academy of Sciences to submit, not later than 15 months after the date of the enactment of this Act, to the Secretary a report on the results of such study. Upon its receipt, the Secretary shall immediately transmit the report to Congress.

''(b) FEDERAL-STATE EXCHANGE OF INFORMATION.—

''(1) STUDY.—The Secretary of Transportation shall conduct a study regarding the exchange of information between the Federal Government and State law enforcement officials on all arrests for drunk driving offenses in all States. In conducting such study, the Secretary shall consider the usefulness of such information to law enforcement officials as well as any legal restraints on the exchange or use of such information. One purpose of such study shall be to identify effective methods, if any, for the exchange of such information.

''(2) REPORT.—Not later than 1 year after the date of the enactment of this Act [Nov. 18, 1988], the Secretary shall transmit to Congress a report on the results of the study conducted under this section.

''(c) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to carry out this section $300,000 for fiscal year 1989.''

MINIMUM DRINKING AGE

Pub. L. 97–424, title II, §209, Jan. 6, 1983, 96 Stat. 2140, provided that: ''The Congress strongly encourages each State to prohibit the sale of alcoholic beverages to persons who are less than 21 years of age.''

§411. State highway safety data improvements

(a) GENERAL AUTHORITY.—

(1) AUTHORITY TO MAKE GRANTS.—Subject to the requirements of this section, the Secretary shall make grants to States that adopt and implement effective programs—

(A) to improve the timeliness, accuracy, completeness, uniformity, and accessibility of the data of the State that is needed to identify priorities for national, State, and local highway and traffic safety programs;

(B) to evaluate the effectiveness of efforts to make such improvements;

(C) to link these State data systems, including traffic records, with other data systems within the State, such as systems that contain medical and economic data; and

(D) to improve the compatibility of the data system of the State with national data systems and data systems of other States and to enhance the ability of the Secretary to observe and analyze national trends in crash occurrences, rates, outcomes, and circumstances.

Such grants may be used by recipient States only to implement such programs.

(2) MODEL DATA ELEMENTS.—The Secretary, in consultation with States and other appropriate parties, shall determine the model data elements necessary to observe and analyze national trends in crash occurrences, rates, outcomes, and circumstances. In order to become eligible for a grant under this section, a State shall demonstrate how the multiyear highway safety data and traffic records plan of the State described in subsection (b)(1) will be incorporated into data systems of the State.

(3) MAINTENANCE OF EFFORT.—No grant may be made to a State under this section in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all other sources for highway safety data programs at or above the average level of such ex-

penditures in its 2 fiscal years preceding the date of enactment of the Transportation Equity Act for the 21st Century.

(4) MAXIMUM PERIOD OF ELIGIBILITY.—No State may receive grants under this section in more than 6 fiscal years beginning after September 30, 1997.

(5) FEDERAL SHARE.—The Federal share of the cost of implementing and enforcing, as appropriate, in a fiscal year a program adopted by a State pursuant to paragraph (1) shall not exceed—

(A) in the first and second fiscal years in which the State receives a grant under this section, 75 percent;

(B) in the third and fourth fiscal years in which the State receives a grant under this section, 50 percent; and

(C) in the fifth and sixth fiscal years in which the State receives a grant under this section, 25 percent.

(b) FIRST-YEAR GRANTS.—

(1) ELIGIBILITY.—A State shall become eligible for a first-year grant under this subsection in a fiscal year if the State either—

(A) demonstrates, to the satisfaction of the Secretary, that the State has—

(i) established a highway safety data and traffic records coordinating committee with a multidisciplinary membership, including the administrators, collectors, and users of such data (including the public health, injury control, and motor carrier communities);

(ii) completed, within the preceding 5 years, a highway safety data and traffic records assessment or an audit of the highway safety data and traffic records system of the State; and

(iii) initiated the development of a multiyear highway safety data and traffic records strategic plan that—

(I) identifies and prioritizes the highway safety data and traffic records needs and goals of the State;

(II) identifies performance-based measures by which progress toward those goals will be determined; and

(III) will be submitted to the highway safety data and traffic records coordinating committee of the State for approval; or

(B) provides, to the satisfaction of the Secretary—

(i) a certification that the State has met the requirements of clauses (i) and (ii) of subparagraph (A);

(ii) a multiyear highway safety data and traffic records strategic plan that—

(I) meets the requirements of subparagraph (A)(iii); and

(II) specifies how the incentive funds of the State for the fiscal year will be used to address needs and goals identified in the plan; and

(iii) a certification that the highway safety data and traffic records coordinating committee of the State continues to operate and supports the multiyear plan described in clause (ii).

(2) GRANT AMOUNTS.—The amount of a first-year grant made to a State for a fiscal year under this subsection shall equal—

(A) if the State is eligible for the grant under paragraph (1)(A), $125,000; and

(B) if the State is eligible for the grant under paragraph (1)(B), an amount determined by multiplying—

(i) the amount appropriated to carry out this section for such fiscal year; by

(ii) the ratio that the funds apportioned to the State under section 402 for fiscal year 1997 bears to the funds apportioned to all States under section 402 for fiscal year 1997;

except that no State eligible for a grant under paragraph (1)(B) shall receive less than $250,000.

(3) STATES NOT MEETING CRITERIA.—The Secretary may award a grant of up to $25,000 for 1 year to any State that does not meet the criteria established in paragraph (1). The grant may only be used to conduct activities needed to enable the State to qualify for a first-year grant in the next fiscal year.

(c) SUCCEEDING YEAR GRANTS.—

(1) ELIGIBILITY.—A State shall be eligible for a grant under this subsection in a fiscal year succeeding the first fiscal year in which the State receives a grant under subsection (b) if the State, to the satisfaction of the Secretary—

(A) submits or updates a multiyear highway safety data and traffic records strategic plan that meets the requirements of subsection (b)(1);

(B) certifies that the highway safety data and traffic records coordinating committee of the State continues to operate and supports the multiyear plan; and

(C) reports annually on the progress of the State in implementing the multiyear plan.

(2) GRANT AMOUNTS.—The amount of a succeeding year grant made to the State for a fiscal year under this paragraph shall equal the amount determined by multiplying—

(A) the amount appropriated to carry out this section for such fiscal year; by

(B) the ratio that the funds apportioned to the State under section 402 for fiscal year 1997 bears to the funds apportioned to all States under section 402 for fiscal year 1997;

except that no State eligible for a grant under this paragraph shall receive less than $225,000.

(d) ADMINISTRATIVE EXPENSES.—Funds authorized to be appropriated to carry out this section in a fiscal year shall be subject to a deduction not to exceed 5 percent for the necessary costs of administering the provisions of this section.

(e) APPLICABILITY OF CHAPTER 1.—The provisions contained in section 402(d) shall apply to this section.

(Added Pub. L. 105–178, title II, § 2005(a), June 9, 1998, 112 Stat. 332; amended Pub. L. 110–244, title III, § 303(c)(4), June 6, 2008, 122 Stat. 1619.)

REFERENCES IN TEXT

The date of enactment of the Transportation Equity Act for the 21st Century, referred to in subsec. (a)(3), is

the date of enactment of Pub. L. 105–178, which was approved June 9, 1998.

AMENDMENTS

2008—Subsecs. (c) to (e). Pub. L. 110–244 redesignated subsecs. (c), relating to administrative expenses, and (d) as (d) and (e), respectively.

§ 412. Agency accountability

(a) TRIENNIAL STATE MANAGEMENT REVIEWS.—At least once every 3 years the Secretary shall conduct a review of each State highway safety program. The review shall include a management evaluation of all grant programs funded under this chapter. The Secretary shall provide review-based recommendations on how each State could improve the management and oversight of its grant activities and may provide a management and oversight plan for such grant programs.

(b) RECOMMENDATIONS BEFORE SUBMISSION.—In order to provide guidance to State highway safety agencies on matters that should be addressed in the goals and initiatives of the State highway safety program before the program is submitted for review, the Secretary shall provide data-based recommendations to each State at least 90 days before the date on which the program is to be submitted for approval.

(c) STATE PROGRAM REVIEW.—The Secretary shall—

(1) conduct a program improvement review of a highway safety program under this chapter of a State that does not make substantial progress over a 3-year period in meeting its priority program goals; and

(2) provide technical assistance and safety program requirements to be incorporated in the State highway safety program for any goal not achieved.

(d) REGIONAL HARMONIZATION.—The Secretary and the Inspector General of the Department of Transportation shall undertake an administrative review of the practices and procedures of the management reviews and program reviews of State highway safety programs under this chapter conducted by the regional offices of the National Highway Traffic Safety Administration and prepare a written report of best practices and procedures for use by the regional offices in conducting such reviews. The report shall be completed within 180 days after the date of enactment of this section.

(e) BEST PRACTICES GUIDELINES.—

(1) UNIFORM GUIDELINES.—The Secretary shall issue uniform management review guidelines and program review guidelines based on the report under subsection (d). Each regional office shall use the guidelines in executing its State administrative review duties under this section.

(2) PUBLICATION.—The Secretary shall make publicly available on the Web site (or successor electronic facility) of the Administration the following documents upon their completion:

(A) The Secretary's management review guidelines and program review guidelines.

(B) All State highway safety programs submitted under this chapter.

(C) State annual accomplishment reports.

(D) The Administration's Summary Report of findings from Management Reviews and Improvement Plans.

(3) REPORTS TO STATE HIGHWAY SAFETY AGENCIES.—The Secretary may not make publicly available a program, report, or review under paragraph (2) that is directed to a State highway safety agency until after the date on which the program, report, or review is submitted to that agency under this chapter.

(f) GAO REVIEW.—

(1) ANALYSIS.—The Comptroller General shall analyze the effectiveness of the Administration's oversight of traffic safety grants under this chapter by determining the usefulness of the Administration's advice to the States regarding administration and State activities under this chapter, the extent to which the States incorporate the Administration's recommendations into their highway safety programs, and the improvements that result in a State's highway safety program that may be attributable to the Administration's recommendations.

(2) REPORT.—Not later than September 30, 2008, the Comptroller General shall submit a report on the results of the analysis to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(Added Pub. L. 109–59, title II, § 2008(a), Aug. 10, 2005, 119 Stat. 1533.)

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (d), is the date of enactment of Pub. L. 109–59, which was approved Aug. 10, 2005.

CHAPTER 5—RESEARCH, TECHNOLOGY, AND EDUCATION

Sec.
501. Definitions.
502. Surface transportation research.
503. Technology deployment program.[1]
504. Training and education.
505. State planning and research.
506. International highway transportation outreach program.
507. Surface transportation environment and planning cooperative research program.[1]
508. Transportation research and development strategic planning.
509. National cooperative freight transportation research program.
510. Future strategic highway research program.
511. Multistate corridor operations and management.
512. National ITS Program Plan.[1]
513. Use of funds for ITS activities.

PRIOR PROVISIONS

A prior chapter 5, added Pub. L. 90–495, § 30, Aug. 23, 1968, 82 Stat. 830, consisting of sections 501 to 512, related to highway relocation assistance, prior to repeal by Pub. L. 91–646, title II, § 220(a)(10), Jan. 2, 1971, 84 Stat. 1903. See section 4601 et seq. of Title 42, The Public Health and Welfare. For Effective Date of Repeal and Savings Provisions, see sections 221 and 220(b) of Pub. L. 91–646, set out as notes under sections 4601 and 4621, respectively, of Title 42.

[1] So in original. Does not conform to section catchline.