

**National Highway Traffic Safety Admin., DOT**

**§ 1350.3**

405 and 23 CFR 1345.5 (insert reference to section and paragraph), (citations to State law).

[63 FR 52597, Oct. 1, 1998, as amended at 66 FR 38918, July 26, 2001; 70 FR 69081, Nov. 14, 2005]

**§ 1345.6 Award procedures.**

(a) In each Federal fiscal year, grants will be made to eligible States upon submission and approval of the application required by §1345.4(a) and subject to the limitation in §1345.4(b). The release of grant funds under this part shall be subject to the availability of funding for that fiscal year. If there are expected to be insufficient funds to award full grant amounts to all eligible States in any fiscal year, NHTSA may release less than the full grant amounts upon initial approval of the State's application and documentation and the remainder of the full grant amounts, up to the State's proportionate share of available funds, before the end of that fiscal year. Project approval, and the contractual obligation of the Federal government to provide grant funds, shall be limited to the amount of funds released.

(b) If any amounts authorized for grants under this part for a fiscal year are expected to remain unobligated in that fiscal year, the Administrator may transfer such amounts to the programs authorized under 23 U.S.C. 408 and 23 U.S.C. 410, to ensure to the extent possible that each State receives the maximum incentive funding for which it is eligible.

(c) If any amounts authorized for grants under 23 U.S.C. 408 and 23 U.S.C. 410 are transferred to the grant program under this part in a fiscal year, the Administrator shall distribute the transferred amounts so that each eligible State receives a proportionate share of these amounts, subject to the conditions specified in §1345.4.

[63 FR 52597, Oct. 1, 1998, as amended at 70 FR 69081, Nov. 14, 2005]

**PARTS 1346–1349 [RESERVED]**

**PART 1350—INCENTIVE GRANT CRITERIA FOR MOTORCYCLIST SAFETY PROGRAM**

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APPENDIX A TO PART 1350—CERTIFICATIONS SPECIFIC TO GRANT CRITERIA FOR WHICH A STATE PREVIOUSLY RECEIVED A GRANT AWARD

APPENDIX B TO PART 1350—GENERAL CERTIFICATIONS

AUTHORITY: Sec. 2010, Public Law 109-59, 119 Stat. 1535; delegation of authority at 49 CFR 1.50.

SOURCE: 71 FR 40898, July 19, 2006, unless otherwise noted.

**§ 1350.1 Scope.**

This part establishes criteria, in accordance with section 2010 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), for awarding incentive grants to States that adopt and implement effective programs to reduce the number of single- and multi-vehicle crashes involving motorcyclists.

**§ 1350.2 Purpose.**

The purpose of this part is to implement the provisions of section 2010 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and to encourage States to adopt effective motorcyclist safety programs.

**§ 1350.3 Definitions.**

As used in this part—

*FARS* means NHTSA's Fatality Analysis Reporting System.

*Impaired* means alcohol- or drug-impaired as defined by State law, provided that the State's legal alcohol-impairment level does not exceed .08 BAC.

*Majority* means greater than 50 percent.

*Motorcycle* means a motor vehicle with motive power having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground.

*Motorcyclist awareness* means an individual or collective awareness of—

(1) The presence of motorcycles on or near roadways; and

(2) Safe driving practices that avoid injury to motorcyclists.

*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.

*Motorcyclist safety training or Motorcycle rider 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.

*Preceding calendar year* means the calendar year that precedes the beginning of the fiscal year of the grant by one year. (For example, for grant applications in fiscal year 2006, which began in October 2005, the preceding calendar year is the 2004 calendar year and final FARS data, State crash data and FHWA motorcycle registration data from the “preceding calendar year” would, therefore, be such data from calendar year 2004.)

*State* means any of the 50 States, the District of Columbia, and Puerto Rico.

**§ 1350.4 Qualification requirements.**

To qualify for a grant under this part, a State must meet, in the first fiscal year it receives a grant, at least one, and in the second and subsequent fiscal years it receives a grant, at least two, of the following grant criteria:

(a) *Motorcycle rider training course.* To satisfy this criterion, a State must have 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, subject to the following requirements:

- (1) The State must, at a minimum:
  - (i) Use a training curriculum that:

- (A) Is approved by the designated State authority having jurisdiction over motorcyclist safety issues;

- (B) Includes a formal program of instruction in crash avoidance and other safety-oriented operational skills for both in-class and on-the-motorcycle training to motorcyclists; and

- (C) May include innovative training opportunities to meet unique regional needs;

- (ii) Offer at least one motorcycle rider training course either—

- (A) In a majority of the State’s counties or political subdivisions; or

- (B) In counties or political subdivisions that account for a majority of the State’s registered motorcycles;

- (iii) Use motorcycle rider training instructors to teach the curriculum who are certified by the designated State authority having jurisdiction over motorcyclist safety issues or by a nationally recognized motorcycle safety organization with certification capability; and

- (iv) Use quality control procedures to assess motorcycle rider training courses and instructor training courses conducted in the State.

(2) To demonstrate compliance with this criterion in the first fiscal year it seeks to qualify, a State must submit:

- (i) A copy of the official State document (e.g., law, regulation, binding policy directive, letter from the Governor) identifying the designated State authority over motorcyclist safety issues;

- (ii) Document(s) demonstrating that the training curriculum is approved by the designated State authority having jurisdiction over motorcyclist safety issues and includes a formal program of instruction in crash avoidance and other safety-oriented operational skills for both in-class and on-the-motorcycle training to motorcyclists;

- (iii)(A) If the State seeks to qualify under this criterion by showing that it offers at least one motorcycle rider training course in a majority of counties or political subdivisions in the State—A list of the counties or political subdivisions in the State, noting in which counties or political subdivisions and when motorcycle rider training courses were offered in the 12 months preceding the due date of the grant application; or