

(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.
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512.	National ITS Program Plan. <sup>1</sup>
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, relat-

<sup>1</sup> So in original. Does not conform to section catchline.

ed 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.

#### AMENDMENTS

2008—Pub. L. 110-244, title I, § 111(b)(2)(B), June 6, 2008, 122 Stat. 1605, amended Pub. L. 109-59, § 5210. See 2005 Amendment note below.

2005—Pub. L. 109-59, title V, § 5210(c), formerly § 5210(d), Aug. 10, 2005, 119 Stat. 1804, as renumbered by Pub. L. 110-244, title I, § 111(b)(2)(B), June 6, 2008, 122 Stat. 1605, added item 510.

Pub. L. 109-59, title V, §§ 5201(a)(2), 5207(c), 5208(b), 5209(c), 5211(c), 5301(b), 5302(b), Aug. 10, 2005, 119 Stat. 1781, 1798, 1799, 1801, 1804, 1805, substituted “RESEARCH, TECHNOLOGY, AND EDUCATION” for “RESEARCH AND TECHNOLOGY” in chapter heading, “Surface transportation environment and planning cooperative research program” for “Surface transportation-environment cooperative research program” in item 507, “Transportation research and development strategic planning” for “Surface transportation research strategic planning” in item 508, and added items 509 and 511 to 513.

### § 501. Definitions

In this chapter, the following definitions apply:

(1) **FEDERAL LABORATORY.**—The term “Federal laboratory” includes a Government-owned, Government-operated laboratory and a Government-owned, contractor-operated laboratory.

(2) **SAFETY.**—The term “safety” includes highway and traffic safety systems, research, and development relating to vehicle, highway, driver, passenger, bicyclist, and pedestrian characteristics, accident investigations, communications, emergency medical care, and transportation of the injured.

(Added Pub. L. 105-178, title V, § 5101(2), June 9, 1998, 112 Stat. 422.)

#### PRIOR PROVISIONS

A prior section 501, added Pub. L. 90-495, § 30, Aug. 23, 1968, 82 Stat. 830, related to declaration of policy as to highway relocation assistance, prior to repeal by Pub. L. 91-646, title II, § 220(a)(10), Jan. 2, 1971, 84 Stat. 1903.

### § 502. Surface transportation research

(a) **BASIC PRINCIPLES GOVERNING RESEARCH AND TECHNOLOGY INVESTMENTS.**—

(1) **COVERAGE.**—Surface transportation research and technology development shall include all activities leading to technology development and transfer, as well as the introduction of new and innovative ideas, practices, and approaches, through such mechanisms as field applications, education and training, and technical support.

(2) **FEDERAL RESPONSIBILITY.**—Funding and conducting surface transportation research and technology transfer activities shall be considered a basic responsibility of the Federal Government when the work—

(A) is of national significance;

(B) supports research in which there is a clear public benefit and private sector investment is less than optimal;

(C) supports a Federal stewardship role in assuring that State and local governments use national resources efficiently; or

(D) presents the best means to support Federal policy goals compared to other policy alternatives.

(3) **ROLE.**—Consistent with these Federal responsibilities, the Secretary shall—

(A) conduct research;

(B) support and facilitate research and technology transfer activities by State highway agencies;

(C) share results of completed research; and

(D) support and facilitate technology and innovation deployment.

(4) **PROGRAM CONTENT.**—A surface transportation research program shall include—

(A) fundamental, long-term highway research;

(B) research aimed at significant highway research gaps and emerging issues with national implications; and

(C) research related to policy and planning.

(5) **STAKEHOLDER INPUT.**—Federal surface transportation research and development activities shall address the needs of stakeholders. Stakeholders include States, metropolitan planning organizations, local governments, the private sector, researchers, research sponsors, and other affected parties, including public interest groups.

(6) **COMPETITION AND PEER REVIEW.**—Except as otherwise provided in this chapter, the Secretary shall award, to the maximum extent practicable, all grants, contracts, and cooperative agreements for research and development under this chapter based on open competition and peer review of proposals.

(7) **PERFORMANCE REVIEW AND EVALUATION.**—To the maximum extent practicable, all surface transportation research and development projects shall include a component of performance measurement and evaluation. Performance measures shall be established during the proposal stage of a research and development project and shall, to the maximum extent possible, be outcome-based. All evaluations shall be made readily available to the public.

(8) **TECHNOLOGICAL INNOVATION.**—The programs and activities carried out under this section shall be consistent with the surface transportation research and technology development strategic plan developed under section 508.

(b) **GENERAL AUTHORITY.**—

(1) **RESEARCH, DEVELOPMENT, AND TECHNOLOGY TRANSFER ACTIVITIES.**—The Secretary may carry out research, development, and technology transfer activities with respect to—

(A) motor carrier transportation;

(B) all phases of transportation planning and development (including construction, operation, transportation system management and operations, modernization, development, design, maintenance, safety, financing, and traffic conditions); and