

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) PROGRAM REQUIRED.—

(1) IN GENERAL.—Each State shall have a highway safety program, approved by the Secretary, that is designed to reduce traffic accidents and the resulting deaths, injuries, and property damage.

(2) UNIFORM GUIDELINES.—Programs required under paragraph (1) shall comply with uniform guidelines, promulgated by the Secretary and expressed in terms of performance criteria, that—

(A) include programs—

(i) to reduce injuries and deaths resulting from motor vehicles being driven in excess of posted speed limits;

(ii) to encourage the proper use of occupant protection devices (including the use of safety belts and child restraint systems) by occupants of motor vehicles;

(iii) to reduce injuries and deaths resulting from persons driving motor vehicles while impaired by alcohol or a controlled substance;

(iv) to prevent accidents and reduce injuries and deaths resulting from accidents involving motor vehicles and motorcycles;

(v) to reduce injuries and deaths resulting from accidents involving school buses;

(vi) 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);

(vii) to improve law enforcement services in motor vehicle accident prevention, traffic supervision, and post-accident procedures; and

(viii) to increase driver awareness of commercial motor vehicles to prevent crashes and reduce injuries and fatalities;

(B) improve driver performance, including—

(i) driver education;

(ii) driver testing to determine proficiency to operate motor vehicles; and

(iii) driver examinations (physical, mental, and driver licensing);

(C) improve pedestrian performance and bicycle safety;

(D) include provisions for—

(i) an effective record system of accidents (including resulting injuries and deaths);

(ii) accident investigations to determine the probable causes of accidents, injuries, and deaths;

(iii) vehicle registration, operation, and inspection; and

(iv) emergency services; and

(E) to the extent determined appropriate by the Secretary, are 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 (2), 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;

(E) beginning on the first day of the first fiscal year after the date of enactment of the Motor Vehicle and Highway Safety Improvement Act of 2012 for which a State submits its highway safety plan under subsection (k), provide for a data-driven traffic safety enforcement program to prevent traffic violations, crashes, and crash fatalities and injuries in areas most at risk for such incidents, to the satisfaction of the Secretary;

(F) 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 and high-visibility law enforcement mobilizations coordinated by the Secretary;

(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;

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

(v) ensuring that the State will coordinate its highway safety plan, data collection, and information systems with the State strategic highway safety plan (as defined in section 148(a)).

(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.

(c) **USE OF FUNDS.**—

(1) **IN GENERAL.**—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.

(2) **APPORTIONMENT.**—Except for amounts identified in section 403(f), funds described in paragraph (1) 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 ap-

portionments 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. 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. A State may use the funds apportioned under this section, in cooperation with neighboring States, for highway safety programs or related projects that may confer benefits on such neighboring States. 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 20 percent 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.

(3) **REAPPORTIONMENT.**—The Secretary shall promptly apportion the funds withheld from a State's apportionment to the State if the Secretary approves the State's highway safety program or determines that the State has begun implementing an approved program, as appropriate, not later than July 31st 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 paragraph (2) not later than the last day of the fiscal year.

(4) **AUTOMATED TRAFFIC ENFORCEMENT SYSTEMS.**—

(A) **PROHIBITION.**—A State may not expend funds apportioned to that State under this section to carry out a program to purchase, operate, or maintain an automated traffic enforcement system.

(B) **AUTOMATED TRAFFIC ENFORCEMENT SYSTEM DEFINED.**—In this paragraph, the term “automated traffic enforcement system” means any camera which captures an image of a vehicle for the purposes only of red light and speed enforcement, and does not include hand held radar and other devices operated by law enforcement officers to make an on-the-scene traffic stop, issue a traffic citation, or other enforcement action at the time of the violation.

(C) SURVEY.—A State in which an automated traffic enforcement system is installed shall expend funds apportioned to that State under this section to conduct a biennial survey that the Secretary shall make publicly available through the Internet Web site of the Department of Transportation that includes—

- (i) a list of automated traffic enforcement systems in the State;
- (ii) adequate data to measure the transparency, accountability, and safety attributes of each automated traffic enforcement system; and
- (iii) a comparison of each automated traffic enforcement system with—

(I) Speed Enforcement Camera Systems Operational Guidelines (DOT HS 810 916, March 2008); and

(II) Red Light Camera Systems Operational Guidelines (FHWA-SA-05-002, January 2005).

(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) RESTRICTION.—Nothing in this section may be construed to authorize the appropriation or expenditure of funds for highway construction, maintenance, or design (other than design of safety features of highways to be incorporated into guidelines).

(h) 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.

(i) 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.

(j) 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.

(k) HIGHWAY SAFETY PLAN AND REPORTING REQUIREMENTS.—

(1) IN GENERAL.—With respect to fiscal year 2014, and each fiscal year thereafter, the Secretary shall require each State, as a condition of the approval of the State’s highway safety program for that fiscal year, to develop and submit to the Secretary for approval a highway safety plan that complies with the requirements under this subsection.

(2) **TIMING.**—Each State shall submit to the Secretary the highway safety plan not later than July 1st of the fiscal year preceding the fiscal year to which the plan applies.

(3) **ELECTRONIC SUBMISSION.**—The Secretary, in coordination with the Governors Highway Safety Association, shall develop procedures to allow States to submit highway safety plans under this subsection, including any attachments to the plans, in electronic form.

(4) **CONTENTS.**—State highway safety plans submitted under paragraph (1) shall include—

(A) performance measures required by the Secretary or otherwise necessary to support additional State safety goals, including—

- (i) documentation of current safety levels for each performance measure;
- (ii) quantifiable annual performance targets for each performance measure; and
- (iii) a justification for each performance target, that explains why each target is appropriate and evidence-based;

(B) a strategy for programming funds apportioned to the State under this section on projects and activities that will allow the State to meet the performance targets described in subparagraph (A);

(C) data and data analysis supporting the effectiveness of proposed countermeasures;

(D) a description of any Federal, State, local, or private funds that the State plans to use, in addition to funds apportioned to the State under this section, to carry out the strategy described in subparagraph (B);

(E) for the fiscal year preceding the fiscal year to which the plan applies, a report on the State's success in meeting State safety goals and performance targets set forth in the previous year's highway safety plan; and

(F) an application for any additional grants available to the State under this chapter.

(5) **PERFORMANCE MEASURES.**—For the first highway safety plan submitted under this subsection, the performance measures required by the Secretary under paragraph (3)(A) shall be limited to those developed by the National Highway Traffic Safety Administration and the Governor's Highway Safety Association and described in the report, "Traffic Safety Performance Measures for States and Federal Agencies" (DOT HS 811 025). For subsequent highway safety plans, the Secretary shall coordinate with the Governor's Highway Safety Association in making revisions to the set of required performance measures.

(6) **REVIEW OF HIGHWAY SAFETY PLANS.**—

(A) **IN GENERAL.**—Not later than 45 days after the date on which a State's highway safety plan is received by the Secretary, the Secretary shall review and approve or disapprove the plan.

(B) **APPROVALS AND DISAPPROVALS.**—

(i) **APPROVALS.**—The Secretary shall approve a State's highway safety plan if the Secretary determines that—

(I) the plan and the performance targets contained in the plan are evidence-based and supported by data; and

(II) the plan, once implemented, will allow the State to meet the State's performance targets.

(ii) **DISAPPROVALS.**—The Secretary shall disapprove a State's highway safety plan if the Secretary determines that—

(I) the plan and the performance targets contained in the plan are not evidence-based or supported by data; or

(II) the plan does not provide for programming of funding in a manner sufficient to allow the State to meet the State's performance targets.

(C) **ACTIONS UPON DISAPPROVAL.**—If the Secretary disapproves a State's highway safety plan, the Secretary shall—

(i) inform the State of the reasons for such disapproval; and

(ii) require the State to resubmit the plan with any modifications that the Secretary determines to be necessary.

(D) **REVIEW OF RESUBMITTED PLANS.**—If the Secretary requires a State to resubmit a highway safety plan, with modifications, the Secretary shall review and approve or disapprove the modified plan not later than 30 days after the date on which the Secretary receives such plan.

(E) **PUBLIC NOTICE.**—A State shall make the State's highway safety plan, and decisions of the Secretary concerning approval or disapproval of a revised plan, available to the public.

[(I) redesignated (j).]

(m) **TEEN TRAFFIC SAFETY.**—

(1) **IN GENERAL.**—Subject to the requirements of a State's highway safety plan, as approved by the Secretary under subsection (k), a State may use a portion of the amounts received under this section to implement statewide efforts to improve traffic safety for teen drivers.

(2) **USE OF FUNDS.**—Statewide efforts under paragraph (1)—

(A) shall include peer-to-peer education and prevention strategies in schools and communities designed to—

- (i) increase safety belt use;
- (ii) reduce speeding;
- (iii) reduce impaired and distracted driving;
- (iv) reduce underage drinking; and
- (v) reduce other behaviors by teen drivers that lead to injuries and fatalities; and

(B) may include—

(i) working with student-led groups and school advisors to plan and implement teen traffic safety programs;

(ii) providing subgrants to schools throughout the State to support the establishment and expansion of student groups focused on teen traffic safety;

(iii) providing support, training, and technical assistance to establish and expand school and community safety programs for teen drivers;

(iv) creating statewide or regional websites to publicize and circulate information on teen safety programs;

(v) conducting outreach and providing educational resources for parents;

(vi) establishing State or regional advisory councils comprised of teen drivers to

provide input and recommendations to the governor and the governor's safety representative on issues related to the safety of teen drivers;

(vii) collaborating with law enforcement;

(viii) establishing partnerships and promoting coordination among community stakeholders, including public, not-for-profit, and for profit entities;

(ix) increase driver awareness of commercial motor vehicles to prevent crashes and reduce injuries and fatalities; and

(x) support for school-based driver's education classes to improve teen knowledge about—

(I) safe driving practices; and

(II) State graduated driving license requirements, including behind-the-wheel training required to meet those requirements.

(n) **PUBLIC TRANSPARENCY.**—The Secretary shall publicly release on its website information that contains each State's performance with respect to the State's highway safety plan under subsection (k) and performance targets set by the States in such plans. Such information shall be posted on the website within 45 calendar days of approval of a State's highway safety plan.

(o) **UNATTENDED PASSENGERS.**—

(1) **IN GENERAL.**—Each State shall use a portion of the amounts received by the State under this section to carry out a program to educate the public regarding the risks of leaving a child or unattended passenger in a vehicle after the vehicle motor is deactivated by the operator.

(2) **PROGRAM PLACEMENT.**—Nothing in this subsection requires a State to carry out a program described in paragraph (1) through the State transportation or highway safety office.

(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; Pub. L. 112-141, div. C, title I, §31102, July 6, 2012, 126 Stat. 734; Pub. L. 114-94, div. A, title IV, §§4002, 4014(1), Dec. 4, 2015, 129 Stat. 1499, 1513; Pub. L. 115-420, §5(a), Jan. 3, 2019, 132 Stat. 5445; Pub. L. 117-58, div. B, title IV, §§24102(a), 24222(b), Nov. 15, 2021, 135 Stat. 785, 835.)

AMENDMENT OF SECTION

Pub. L. 117-58, div. B, title IV, §24102, Nov. 15, 2021, 135 Stat. 785, made numerous amend-

ments to this section, effective with respect to any grant application or State highway safety plan submitted under chapter 4 of title 23, United States Code, for fiscal year 2024 or thereafter. After such effective date, this section will read as follows:

§ 402. Highway safety programs

(a) **Program Required.**—

(1) **In general.**—Each State shall have in effect a highway safety program that—

(i) is designed to reduce—

(I) traffic crashes; and

(II) deaths, injuries, and property damage resulting from those crashes;

(ii) includes—

(I) an approved, current, triennial highway safety plan in accordance with subsection (k); and

(II) an approved grant application under subsection (l) for the fiscal year;

(iii) demonstrates compliance with the applicable administrative requirements of subsection (b)(1); and

(iv) is approved by the Secretary.

(2) **Uniform guidelines.**—Programs required under paragraph (1) shall comply with uniform guidelines, promulgated by the Secretary and expressed in terms of performance criteria, that—

(A) include programs—

(i) to reduce injuries and deaths resulting from motor vehicles being driven in excess of posted speed limits;

(ii) to encourage the proper use of safety belts by occupants of motor vehicles;

(iii) to encourage more widespread and proper use of child restraints, with an emphasis on underserved populations;

(iv) to reduce injuries and deaths resulting from persons driving motor vehicles while impaired by alcohol or a controlled substance;

(v) to prevent crashes and reduce injuries and deaths resulting from crashes involving motor vehicles and motorcycles;

(vi) to reduce injuries and deaths resulting from crashes involving school buses;

(vii) to reduce crashes resulting from unsafe driving behavior (including aggressive or fatigued driving and distracted driving arising from the use of electronic devices in vehicles);

(viii) to improve law enforcement services in motor vehicle crash prevention, traffic supervision, and post-crash procedures;

(ix) to increase driver awareness of commercial motor vehicles to prevent crashes and reduce injuries and fatalities;

(x) to reduce crashes caused by driver misuse or misunderstanding of new vehicle technology;

(xi) to increase vehicle recall awareness;

(xii) to provide to the public information relating to the risks of child heatstroke death when left unattended in a motor vehicle after the motor is deactivated by the operator;

(xiii) to reduce injuries and deaths resulting from the failure by drivers of motor vehicles to move to another traffic lane or reduce the speed of the vehicle when law enforcement, fire service, emergency medical services, or other emergency or first responder vehicles

are stopped or parked on or next to a roadway with emergency lights activated; and
(xiv) to prevent crashes, injuries, and deaths caused by unsecured vehicle loads;

(B) improve driver performance, including—

- (i) driver education;
- (ii) driver testing to determine proficiency to operate motor vehicles; and
- (iii) driver examinations (physical, mental, and driver licensing);

(C) improve pedestrian performance and bicycle safety;

(D) include provisions for—

- (i) an effective record system of crashes (including resulting injuries and deaths);
- (ii) crash investigations to determine the probable causes of crashes, injuries, and deaths;
- (iii) vehicle registration, operation, and inspection; and
- (iv) emergency services; and

(E) to the extent determined appropriate by the Secretary, are applicable to federally administered areas where a Federal department or agency controls the highways or supervises traffic operations.

(3) *Additional considerations.*—A State that has legalized medicinal or recreational marijuana shall take into consideration implementing programs in addition to the programs described in paragraph (2)(A)—

- (A) to educate drivers regarding the risks associated with marijuana-impaired driving; and
- (B) to reduce injuries and deaths resulting from individuals driving motor vehicles while impaired by marijuana.

(b) *Administration of State Programs.*—

(1) *Administrative requirements.*—The Secretary shall 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) provide for a comprehensive, data-driven traffic safety program that results from meaningful public participation and engagement from affected communities, particularly those most significantly impacted by traffic crashes resulting in injuries and fatalities;

(C) except as provided in paragraph (2), 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;

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

(E) as part of a comprehensive program, support—

- (i) data-driven traffic safety enforcement programs that foster effective community collaboration to increase public safety; and

(ii) data collection and analysis to ensure transparency, identify disparities in traffic enforcement, and inform traffic enforcement policies, procedures, and activities; and

(F) 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, high-visibility law enforcement mobilizations coordinated by the Secretary;

(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;

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

(v) ensuring that the State will coordinate its highway safety plan, data collection, and information systems with the State strategic highway safety plan (as defined in section 148(a)); and

(vi) unless the State highway safety program is developed by American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, or the United States Virgin Islands, participation in the Fatality Analysis Reporting System.

(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.

(c) *Use of Funds.*—

(1) *Use for state activities.*—

(A) *In general.*—The 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 crashes, and deaths and injuries resulting therefrom.

(B) *Neighboring states.*—A State, acting in cooperation with any neighboring State, may use funds provided under this section for a highway safety program that may confer a benefit on the neighboring State.

(2) *Apportionment to states.*—

(A) *Definition of public road.*—In this paragraph, the term “public road” means any road that is—

- (i) subject to the jurisdiction of, and maintained by, a public authority; and
- (ii) held open to public travel.

(B) *Apportionment.*—

(i) *In general.*—Except for the amounts identified in section 403(f) and the amounts subject to subparagraph (C), of the funds made available under this section—

(I) 75 percent shall be apportioned to each State based on the ratio that, as determined by the most recent decennial census—

(aa) the population of the State; bears to

(bb) the total population of all States; and

(II) 25 percent shall be apportioned to each State based on the ratio that, subject to clause (ii)—

(aa) the public road mileage in each State; bears to

(bb) the total public road mileage in all States.

(ii) *Calculation.*—For purposes of clause (i)(II), public road mileage shall be—

(I) determined as of the end of the calendar year preceding the year during which the funds are apportioned;

(II) certified by the Governor of the State; and

(III) subject to approval by the Secretary.

(C) *Minimum apportionments.*—The annual apportionment under this section to—

(i) each State shall be not less than $\frac{3}{4}$ of 1 percent of the total apportionment;

(ii) the Secretary of the Interior shall be not less than 2 percent of the total apportionment; and

(iii) the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall be not less than $\frac{1}{4}$ of 1 percent of the total apportionment.

(D) *Penalty.*—

(i) *In general.*—The funds apportioned under this section to a State that does not have approved or in effect a highway safety program described in subsection (a)(1) shall be reduced by an amount equal to not less than 20 percent of the amount that would otherwise be apportioned to the State under this section, until the date on which the Secretary, as applicable—

(I) approves such a highway safety program; or

(II) determines that the State is implementing such a program.

(ii) *Factor for consideration.*—In determining the amount of the reduction in funds apportioned to a State under this subparagraph, the Secretary shall take into consideration the gravity of the failure by the State to secure approval, or to implement, a highway safety program described in subsection (a)(1).

(E) *Limitations.*—

(i) *In general.*—A highway safety program approved by the Secretary shall not include any requirement that a State shall 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 aged 18 years or older, or a motorcycle passenger

aged 18 years or older, to wear a safety helmet when operating or riding a motorcycle on the streets and highways of that State.

(ii) *Effect of guidelines.*—Nothing in this section requires a State highway safety program to require compliance with every uniform guideline, or with every element of every uniform guideline, in every State.

(3) *Reapportionment.*—

(A) *In general.*—The Secretary shall promptly apportion to a State any funds withheld from the State under paragraph (2)(D) if the Secretary makes an approval or determination, as applicable, described in that paragraph by not later than July 31 of the fiscal year for which the funds were withheld.

(B) *Continuing state failure.*—If the Secretary determines that a State fails to correct a failure to have approved or in effect a highway safety program described in subsection (a)(1) by the date described in subparagraph (A), the Secretary shall reapportion the funds withheld from that State under paragraph (2)(D) for the fiscal year to the other States in accordance with the formula described in paragraph (2)(B) by not later than the last day of the fiscal year.

(4) *Automated traffic enforcement systems.*—

(A) *Automated traffic enforcement system defined.*—In this paragraph, the term “automated traffic enforcement system” means any camera which captures an image of a vehicle for the purposes only of red light and speed enforcement, and does not include hand held radar and other devices operated by law enforcement officers to make an on-the-scene traffic stop, issue a traffic citation, or other enforcement action at the time of the violation.

(B) *Prohibition.*—A State may not expend funds apportioned to that State under this section to carry out a program to purchase, operate, or maintain an automated traffic enforcement system.

(C) *Special rule for school and work zones.*—Notwithstanding subparagraph (B), a State may expend funds apportioned to the State under this section to carry out a program to purchase, operate, or maintain an automated traffic enforcement system in a work zone or school zone.

(D) *Automated traffic enforcement system guidelines.*—An automated traffic enforcement system installed pursuant to subparagraph (C) shall comply with such guidelines applicable to speed enforcement camera systems and red light camera systems as are established by the Secretary.

(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 cred-

iting 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) Restriction.—Nothing in this section may be construed to authorize the appropriation or expenditure of funds for highway construction, maintenance, or design (other than design of safety features of highways to be incorporated into guidelines).

(h) 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.

(i) Rulemaking Proceeding.—The Secretary may periodically conduct a rulemaking process to iden-

tify 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.

(j) 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.

(k) Triennial Highway Safety Plan.—

(1) In general.—For fiscal year 2024, and not less frequently than once every 3 fiscal years thereafter, the Secretary shall require each State, as a condition of the approval of the State's highway safety program for the 3 fiscal years covered by the plan, to develop and submit to the Secretary for approval a triennial highway safety plan that complies with the requirements under this subsection.

(2) Timing.—Each State shall submit to the Secretary a triennial highway safety plan by not later than July 1 of the fiscal year preceding the first fiscal year covered by the plan.

(3) Electronic submission.—The Secretary, in coordination with the Governors Highway Safety Association, shall develop procedures to allow States to submit triennial highway safety plans under this subsection, including any attachments to the plans, in electronic form.

(4) Contents.—Each State triennial highway safety plan submitted under paragraph (1) shall include, with respect to the 3 fiscal years covered by the plan, based on the information available on the date of submission under paragraph (2)—

(A) performance measures required by the Secretary or otherwise necessary to support additional State safety goals, including—

(i) documentation of current safety levels for each performance measure;

(ii) quantifiable performance targets that demonstrate constant or improved performance for each performance measure; and

(iii) a justification for each performance target, that explains why each target is appropriate and evidence-based;

(B) a countermeasure strategy for programming funds under this section for projects that will allow the State to meet the performance targets described in subparagraph (A), including a description—

(i) that demonstrates the link between the effectiveness of each proposed countermeasure strategy and those performance targets; and

(ii) of the manner in which each countermeasure strategy is informed by uniform guidelines issued by the Secretary;

(C) data and data analysis supporting the effectiveness of proposed countermeasures;

(D) a description of any Federal funds that the State plans to use, in addition to funds apportioned to the State under this section, to carry out the strategy described in subparagraph (B); and

(E) a report on the State's success in meeting State safety goals and performance targets set forth in the most recently submitted highway safety plan.

(5) *Performance measures.*—The Secretary shall develop minimum performance measures under paragraph (4)(A) in consultation with the Governors Highway Safety Association.

(6) *Review of triennial highway safety plans.*—

(A) *In general.*—Except as provided in subparagraph (B), the Secretary shall review and approve or disapprove a triennial highway safety plan of a State by not later than 60 days after the date on which the plan is received by the Secretary.

(B) *Additional information.*—

(i) *In general.*—The Secretary may request a State to submit to the Secretary such additional information as the Secretary determines to be necessary for review of the triennial highway safety plan of the State.

(ii) *Extension of deadline.*—On providing to a State a request for additional information under clause (i), the Secretary may extend the deadline to approve or disapprove the triennial highway safety plan of the State under subparagraph (A) for not more than an additional 90 days, as the Secretary determines to be necessary to accommodate that request, subject to clause (iii).

(iii) *Timing.*—Any additional information requested under clause (i) shall be submitted to the Secretary by not later than 7 business days after the date of receipt by the State of the request.

(C) *Approvals and disapprovals.*—

(i) *Approvals.*—The Secretary shall approve a State's triennial highway safety plan if the Secretary determines that—

(I) the plan and the performance targets contained in the plan are evidence-based and supported by data; and

(II) the plan, once implemented, will allow the State to meet the State's performance targets.

(ii) *Disapprovals.*—The Secretary shall disapprove a State's triennial highway safety plan if the Secretary determines that—

(I) the plan and the performance targets contained in the plan are not evidence-based or supported by data; or

(II) the plan does not provide for programming of funding in a manner sufficient to allow the State to meet the State's performance targets.

(D) *Actions upon disapproval.*—If the Secretary disapproves a State's triennial highway safety plan, the Secretary shall—

(i) inform the State of the reasons for such disapproval; and

(ii) require the State to resubmit the plan with any modifications that the Secretary determines to be necessary.

(E) *Review of resubmitted plans.*—If the Secretary requires a State to resubmit a triennial highway safety plan, with modifications, the Secretary shall review and approve or disapprove the modified plan not later than 30 days after the date on which the Secretary receives such plan.

(F) *Public notice.*—A State shall make the State's triennial highway safety plan, and decisions of the Secretary concerning approval or disapproval of a revised plan, available to the public.

(l) *Annual Grant Application and Reporting Requirements.*—

(1) *Annual grant application.*—

(A) *In general.*—To be eligible to receive grant funds under this chapter for a fiscal year, each State shall submit to the Secretary an annual grant application that, as determined by the Secretary—

(i) demonstrates alignment with the approved triennial highway safety plan of the State; and

(ii) complies with the requirements under this subsection.

(B) *Timing.*—The deadline for submission of annual grant applications under this paragraph shall be determined by the Secretary in accordance with section 406(d)(2).

(C) *Contents.*—An annual grant application under this paragraph shall include, at a minimum—

(i) such updates, as necessary, to any analysis included in the triennial highway safety plan of the State;

(ii) an identification of each project and subrecipient to be funded by the State using the grants during the upcoming grant year, subject to the condition that the State shall separately submit, on a date other than the date of submission of the annual grant application, a description of any projects or subrecipients to be funded, as that information becomes available;

(iii) a description of the means by which the strategy of the State to use grant funds was adjusted and informed by the previous report of the State under paragraph (2); and

(iv) an application for any additional grants available to the State under this chapter.

(D) *Review.*—The Secretary shall review and approve or disapprove an annual grant application under this paragraph by not later than 60 days after the date of submission of the application.

(2) *Reporting requirements.*—Not later than 120 days after the end of each fiscal year for which a grant is provided to a State under this chapter, the State shall submit to the Secretary an annual report that includes—

(A) an assessment of the progress made by the State in achieving the performance targets identified in the triennial highway safety plan of the State, based on the most currently available Fatality Analysis Reporting System data; and

(B)(i) a description of the extent to which progress made in achieving those performance targets is aligned with the triennial highway safety plan of the State; and

(ii) if applicable, any plans of the State to adjust a strategy for programming funds to achieve the performance targets.

(m) *Teen Traffic Safety.*—

(1) *In general.*—Subject to the requirements of the applicable triennial highway safety plan of

the State, as approved by the Secretary under subsection (k), a State may use a portion of the amounts received under this section to implement statewide efforts to improve traffic safety for teen drivers.

(2) *Use of funds.*—Statewide efforts under paragraph (1)—

(A) shall include peer-to-peer education and prevention strategies in schools and communities designed to—

- (i) increase safety belt use;
- (ii) reduce speeding;
- (iii) reduce impaired and distracted driving;
- (iv) reduce underage drinking; and
- (v) reduce other behaviors by teen drivers that lead to injuries and fatalities; and

(B) may include—

- (i) working with student-led groups and school advisors to plan and implement teen traffic safety programs;
- (ii) providing subgrants to schools throughout the State to support the establishment and expansion of student groups focused on teen traffic safety;
- (iii) providing support, training, and technical assistance to establish and expand school and community safety programs for teen drivers;
- (iv) creating statewide or regional websites to publicize and circulate information on teen safety programs;
- (v) conducting outreach and providing educational resources for parents;
- (vi) establishing State or regional advisory councils comprised of teen drivers to provide input and recommendations to the governor and the governor's safety representative on issues related to the safety of teen drivers;
- (vii) collaborating with law enforcement;
- (viii) establishing partnerships and promoting coordination among community stakeholders, including public, not-for-profit, and for profit entities;
- (ix) increase driver awareness of commercial motor vehicles to prevent crashes and reduce injuries and fatalities; and
- (x) support for school-based driver's education classes to improve teen knowledge about—
 - (I) safe driving practices; and
 - (II) State graduated driving license requirements, including behind-the-wheel training required to meet those requirements.

(n) *Public Transparency.*—

(1) *In general.*—The Secretary shall publicly release on a Department of Transportation website, by not later than 45 calendar days after the applicable date of availability—

(A) each triennial highway safety plan approved by the Secretary under subsection (k);

(B) each State performance target under subsection (k); and

(C) an evaluation of State achievement of applicable performance targets under subsection (k).

(2) *State highway safety plan website.*—

(A) *In general.*—In carrying out paragraph (1), the Secretary shall establish a public website that is easily accessible, navigable, and

searchable for the information required under that paragraph, in order to foster greater transparency in approved State highway safety programs.

(B) *Contents.*—The website established under subparagraph (A) shall—

(i) include the applicable triennial highway safety plan, and the annual report, of each State submitted to, and approved by, the Secretary under subsection (k); and

(ii) provide a means for the public to search the website for State highway safety program content required under subsection (k), including—

(I) performance measures required by the Secretary;

(II) progress made toward meeting the applicable performance targets during the preceding program year;

(III) program areas and expenditures; and

(IV) a description of any sources of funds, other than funds provided under this section, that the State proposes to use to carry out the triennial highway safety plan of the State.

(o) *Unattended Passengers.*—

(1) *In general.*—Each State shall use a portion of the amounts received by the State under this section to carry out a program to educate the public regarding the risks of leaving a child or unattended passenger in a vehicle after the vehicle motor is deactivated by the operator.

(2) *Program placement.*—Nothing in this subsection requires a State to carry out a program described in paragraph (1) through the State transportation or highway safety office.

See 2021 Amendment notes below.

Editorial Notes

REFERENCES IN TEXT

The date of enactment of the Motor Vehicle and Highway Safety Improvement Act of 2012, referred to in subsec. (b)(1)(E), is the date of enactment of title I of div. C of Pub. L. 112-141, which was approved July 6, 2012.

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

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

AMENDMENTS

2021—Pub. L. 117-58, §24102(a)(1), (2), substituted “crashes” for “accidents” and “crash” for “accident” wherever appearing. Amendment was executed in subsec. (a)(2)(A)(viii) by substituting “post-crash” for “post-accident” to reflect the probable intent of Congress.

Subsec. (a)(1). Pub. L. 117-58, §24102(a)(3)(A), substituted “shall have in effect a highway safety program that—” and cls. (i) to (iv) for “shall have a highway safety program, approved by the Secretary, that is designed to reduce traffic accidents and the resulting deaths, injuries, and property damage.”

Subsec. (a)(2)(A)(ii). Pub. L. 117-58, §24102(a)(3)(B)(i), substituted “safety belts” for “occupant protection devices (including the use of safety belts and child restraint systems)”.

Subsec. (a)(2)(A)(iii) to (xiv). Pub. L. 117-58, §24102(a)(3)(B)(ii)–(v), added cls. (iii) and (x) to (xiv) and redesignated former cls. (iii) to (viii) as (iv) to (ix), respectively.

Subsec. (a)(3). Pub. L. 117–58, §24102(a)(3)(C), added par. (3).

Subsec. (b)(1). Pub. L. 117–58, §24102(a)(4)(A), substituted “shall” for “may” in introductory provisions.

Subsec. (b)(1)(B). Pub. L. 117–58, §24102(a)(4)(B), added subpar. (B) and struck out former subpar. (B) which read as follows: “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;”.

Subsec. (b)(1)(C). Pub. L. 117–58, §24102(a)(4)(C), struck out “authorized in accordance with subparagraph (B)” after “local highway safety programs”.

Subsec. (b)(1)(D). Pub. L. 117–58, §24102(a)(4)(D), substituted “, including those with disabilities and those in wheelchairs” for “with disabilities, including those in wheelchairs”.

Subsec. (b)(1)(E). Pub. L. 117–58, §24102(a)(4)(E), added subpar. (E) and struck out former subpar. (E) which read as follows: “beginning on the first day of the first fiscal year after the date of enactment of the Motor Vehicle and Highway Safety Improvement Act of 2012 for which a State submits its highway safety plan under subsection (k), provide for a data-driven traffic safety enforcement program to prevent traffic violations, crashes, and crash fatalities and injuries in areas most at risk for such incidents, to the satisfaction of the Secretary;”.

Subsec. (b)(1)(F)(i). Pub. L. 117–58, §24102(a)(4)(F)(i), substituted “national, high-visibility” for “national law enforcement mobilizations and high-visibility”.

Subsec. (b)(1)(F)(vi). Pub. L. 117–58, §24102(a)(4)(F)(vi)–(iv), added cl. (vi).

Subsec. (c)(1). Pub. L. 117–58, §24102(a)(5)(A), substituted “USE FOR STATE ACTIVITIES” for “IN GENERAL” in par. heading; designated existing provisions as subpar. (A), inserted subpar. heading, and substituted “The funds authorized” for “Funds authorized”; and added subpar. (B).

Subsec. (c)(2), (3). Pub. L. 117–58, §24102(a)(5)(B), added pars. (2) and (3) and struck out former pars. (2) and (3) which related to apportionment and reapportionment of funds for highway safety programs, respectively.

Subsec. (c)(4). Pub. L. 117–58, §24102(a)(5)(C), redesignated subpars. (A) and (B) as (B) and (A), respectively, added subpars. (C) and (D), and struck out former subpar. (C) which required a State with an automated traffic enforcement system to conduct a biennial survey that the Secretary would make publicly available through the Internet Web site of the Department of Transportation.

Subsec. (k). Pub. L. 117–58, §24102(a)(6)(A), substituted “Triennial Highway Safety Plan” for “Highway Safety Plan and Reporting Requirements” in heading.

Subsec. (k)(1). Pub. L. 117–58, §24102(a)(6)(A), (B), reenacted heading without change and substituted “For fiscal year 2024, and not less frequently than once every 3 fiscal years thereafter” for “With respect to fiscal year 2014, and each fiscal year thereafter” and “for the 3 fiscal years covered by the plan, to develop and submit to the Secretary for approval a triennial highway safety plan” for “for that fiscal year, to develop and submit to the Secretary for approval a highway safety plan”.

Subsec. (k)(2). Pub. L. 117–58, §24102(a)(6)(C), added par. (2) and struck out former par. (2). Prior to amendment, text read as follows: “Each State shall submit to the Secretary the highway safety plan not later than July 1st of the fiscal year preceding the fiscal year to which the plan applies.”

Subsec. (k)(3). Pub. L. 117–58, §24102(a)(6)(D), inserted “triennial” before “highway”.

Subsec. (k)(4)(A). Pub. L. 117–58, §24102(a)(6)(E)(i), in introductory provisions, substituted “Each State triennial highway safety plan” for “State highway safety plans” and inserted “, with respect to the 3 fiscal years covered by the plan, based on the information available

on the date of submission under paragraph (2)” after “include”.

Subsec. (k)(4)(A)(ii). Pub. L. 117–58, §24102(a)(6)(E)(ii), substituted “performance targets that demonstrate constant or improved performance” for “annual performance targets”.

Subsec. (k)(4)(B). Pub. L. 117–58, §24102(a)(6)(E)(iii), added subpar. (B) and struck out former subpar. (B) which read as follows: “a strategy for programming funds apportioned to the State under this section on projects and activities that will allow the State to meet the performance targets described in subparagraph (A);”.

Subsec. (k)(4)(D). Pub. L. 117–58, §24102(a)(6)(E)(iv), struck out “, State, local, or private” after “any Federal” and inserted “and” after semicolon at end.

Subsec. (k)(4)(E). Pub. L. 117–58, §24102(a)(6)(E)(v), struck out “for the fiscal year preceding the fiscal year to which the plan applies,” before “a report” and substituted “performance targets set forth in the most recently submitted highway safety plan.” for “performance targets set forth in the previous year’s highway safety plan; and”.

Subsec. (k)(4)(F). Pub. L. 117–58, §24102(a)(6)(E)(vi), struck out subpar. (F) which read as follows: “an application for any additional grants available to the State under this chapter.”

Subsec. (k)(5). Pub. L. 117–58, §24102(a)(6)(F), added par. (5) and struck out former par. (5). Prior to amendment, text read as follows: “For the first highway safety plan submitted under this subsection, the performance measures required by the Secretary under paragraph (3)(A) shall be limited to those developed by the National Highway Traffic Safety Administration and the Governor’s Highway Safety Association and described in the report, ‘Traffic Safety Performance Measures for States and Federal Agencies’ (DOT HS 811 025). For subsequent highway safety plans, the Secretary shall coordinate with the Governor’s Highway Safety Association in making revisions to the set of required performance measures.”

Subsec. (k)(6). Pub. L. 117–58, §24102(a)(6)(G)(i), inserted “triennial” before “highway” in heading.

Subsec. (k)(6)(A). Pub. L. 117–58, §24102(a)(6)(G)(iv), added subpar. (A) and struck out former subpar. (A). Prior to amendment, text read as follows: “Not later than 45 days after the date on which a State’s highway safety plan is received by the Secretary, the Secretary shall review and approve or disapprove the plan.”

Subsec. (k)(6)(B). Pub. L. 117–58, §24102(a)(6)(G)(iv), added subpar. (B). Former subpar. (B) redesignated (C).

Subsec. (k)(6)(C). Pub. L. 117–58, §24102(a)(6)(G)(ii), (iii), redesignated subpar. (B) as (C) and inserted “triennial” before “highway” in two places. Former subpar. (C) redesignated (D).

Subsec. (k)(6)(D) to (F). Pub. L. 117–58, §24102(a)(6)(G)(ii), (iii), redesignated subpars. (C) to (E) as (D) to (F), respectively, and inserted “triennial” before “highway”.

Subsec. (l). Pub. L. 117–58, §24102(a)(7), added subsec. (l).

Subsec. (m)(1). Pub. L. 117–58, §24102(a)(8), substituted “the applicable triennial highway safety plan of the State” for “a State’s highway safety plan”.

Subsec. (n). Pub. L. 117–58, §24102(a)(9), added subsec. (n) and struck out former subsec. (n). Prior to amendment, text read as follows: “The Secretary shall publicly release on its website information that contains each State’s performance with respect to the State’s highway safety plan under subsection (k) and performance targets set by the States in such plans. Such information shall be posted on the website within 45 calendar days of approval of a State’s highway safety plan.”

Subsec. (o). Pub. L. 117–58, §24222(b), added subsec. (o). 2019—Subsec. (n). Pub. L. 115–420 added subsec. (n) and struck out former subsec. (n). Prior to amendment, text read as follows: “Not later than October 1, 2015, and biennially thereafter, the Secretary shall submit a report to the Committee on Transportation and Infra-

structure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that contains—

“(1) an evaluation of each State’s performance with respect to the State’s highway safety plan under subsection (k) and performance targets set by the States in such plans; and

“(2) such recommendations as the Secretary may have for improvements to activities carried out under subsection (k).”

2015—Subsec. (a)(2)(A)(viii). Pub. L. 114-94, § 4002(1), added cl. (viii).

Subsec. (b)(1)(C). Pub. L. 114-94, § 4014(1)(A)(i), substituted “paragraph (2)” for “paragraph (3)”.

Subsec. (b)(1)(E). Pub. L. 114-94, § 4014(1)(A)(ii), substituted “for which” for “in which” and “under subsection (k)” for “under subsection (f)”.

Subsec. (c)(4)(C). Pub. L. 114-94, § 4002(2), added subpar. (C).

Subsec. (g). Pub. L. 114-94, § 4002(3), added subsec. (g) and struck out former subsec. (g). Prior to amendment, text read as follows:

“(1) IN GENERAL.—Except as provided under paragraph (2), nothing in this section may be construed to authorize the appropriation or expenditure of funds for—

“(A) highway construction, maintenance, or design (other than design of safety features of highways to be incorporated into guidelines); or

“(B) any purpose for which funds are authorized under section 403.

“(2) DEMONSTRATION PROJECTS.—A State may use funds made available to carry out this section to assist in demonstration projects carried out by the Secretary under section 403.”

Subsec. (k)(3). Pub. L. 114-94, § 4002(4)(B), added par. (3). Former par. (3) redesignated (4).

Subsec. (k)(4). Pub. L. 114-94, § 4014(1)(B), which directed substitution of “under paragraph (3)(A)” for “under paragraph (2)(A)” in par. (5) as redesignated by Pub. L. 114-94, § 4002(4)(A), was executed by making substitution to par. (4) to reflect the probable intent of Congress. See Effective Date of 2015 Amendment note below.

Pub. L. 114-94, § 4002(4)(A) redesignated par. (3) as (4). Former par. (4) redesignated (5).

Subsec. (k)(5). Pub. L. 114-94, § 4002(4)(A), redesignated par. (4) as (5). Former par. (5) redesignated (6).

Subsec. (k)(6). Pub. L. 114-94, § 4002(4)(A), redesignated par. (5) as (6).

Subsec. (k)(6)(A). Pub. L. 114-94, § 4002(4)(C), substituted “45 days” for “60 days”.

Subsec. (m)(2)(B)(ix), (x). Pub. L. 114-94, § 4002(5), added cls. (ix) and (x).

2012—Subsec. (a). Pub. L. 112-141, § 31102(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) related to State highway programs designed to reduce traffic accidents and deaths in accordance with uniform guidelines promulgated by the Secretary.

Subsec. (b)(1)(E), (F). Pub. L. 112-141, § 31102(b)(1)(A)–(C), added subpar. (E) and redesignated former subpar. (E) as (F).

Subsec. (b)(1)(F)(i). Pub. L. 112-141, § 31102(b)(1)(D)(i), inserted “and high-visibility law enforcement mobilizations coordinated by the Secretary” after “mobilizations”.

Subsec. (b)(1)(F)(v). Pub. L. 112-141, § 31102(b)(1)(D)(ii)–(iv), added cl. (v).

Subsec. (b)(3). Pub. L. 112-141, § 31102(b)(2), struck out par. (3). Text read as follows: “The Secretary may encourage States to use technologically advanced traffic enforcement devices (including the use of automatic speed detection devices such as photo-radar) by law enforcement officers.”

Subsec. (c). Pub. L. 112-141, § 31102(c), inserted subsec. and par. headings and substantially revised text of subsec. (c). Prior to amendment, subsec. (c) related to use of funds appropriated to carry out this section.

Subsec. (g). Pub. L. 112-141, § 31102(d), amended subsec. (g) generally. Prior to amendment, subsec. (g) read as follows: “Nothing in this section authorizes the ap-

propriation 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.”

Subsecs. (h) to (j). Pub. L. 112-141, § 31102(e)(2), (3), redesignated subsecs. (i), (j), and (l) as (h), (i), and (j), respectively.

Subsec. (k). Pub. L. 112-141, § 31102(e)(1), (f), added subsec. (k) and struck out former subsec. (k) which related to grants to States for the development and use of a comprehensive computerized safety recordkeeping system designed to correlate data regarding traffic accidents, drivers, motor vehicles, and roadways.

Subsec. (l). Pub. L. 112-141, § 31102(e)(3), redesignated subsec. (l) as (j).

Subsec. (m). Pub. L. 112-141, § 31102(e)(1), (g), added subsec. (m) and struck out former subsec. (m). Prior to amendment, text read as follows: “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.”

Subsec. (n). Pub. L. 112-141, § 31102(h), added subsec. (n).

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 nec-

essary 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 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 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.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Pub. L. 117-58, div. B, title IV, §24102(b), Nov. 15, 2021, 135 Stat. 792, provided that: "The amendments made by subsection (a) [amending this section] shall take effect with respect to any grant application or State highway safety plan submitted under chapter 4 of title 23, United States Code, for fiscal year 2024 or thereafter."

EFFECTIVE DATE OF 2015 AMENDMENT

Except as otherwise provided, amendment by Pub. L. 114-94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114-94, set out as a note under section 5313 of Title 5, Government Organization and Employees.

Amendment by section 4002 of Pub. L. 114-94 effective Oct. 1, 2016, see section 4015 of Pub. L. 114-94, set out as a note under section 164 of this title.

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of this title.

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

Pub. L. 102-240, title II, §2008, Dec. 18, 1991, 105 Stat. 2080, 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

Pub. L. 97-35, title XI, §1107(c), Aug. 13, 1981, 95 Stat. 626, provided that the amendment made by that section is effective Oct. 1, 1982.

EFFECTIVE DATE OF 1978 AMENDMENT

Pub. L. 95-599, title II, §207(b)(2), Nov. 6, 1978, 92 Stat. 2731, 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

Pub. L. 91-605, title II, §203(b), Dec. 31, 1970, 84 Stat. 1741, 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.

PUBLIC SAFETY MESSAGING CAMPAIGN

Pub. L. 117-58, div. B, title IV, §24110(b), Nov. 15, 2021, 135 Stat. 810, provided that:

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [Nov. 15, 2021], the Secretary [of Transportation] shall establish and implement a public safety messaging campaign that uses public safety media messages, posters, digital media messages, and other media messages distributed to States, State departments of motor vehicles, schools, and other public outlets—

“(A) to highlight the importance of addressing the illegal passing of school buses; and

“(B) to educate students and the public regarding the safe loading and unloading of schools [sic] buses.

“(2) CONSULTATION.—In carrying out paragraph (1), the Secretary shall consult with—

“(A) representatives of the school bus industry from the public and private sectors; and

“(B) States.

“(3) UPDATES.—The Secretary shall periodically update the materials used in the campaign under paragraph (1).”

SAFE STREETS AND ROADS FOR ALL GRANT PROGRAM

Pub. L. 117-58, div. B, title IV, §24112, Nov. 15, 2021, 135 Stat. 815, provided that:

“(a) DEFINITIONS.—In this section:

“(1) COMPREHENSIVE SAFETY ACTION PLAN.—The term ‘comprehensive safety action plan’ means a plan aimed at preventing transportation-related fatalities and serious injuries in a locality, commonly referred to as a ‘Vision Zero’ or ‘Toward Zero Deaths’ plan, that may include—

“(A) a goal and timeline for eliminating fatalities and serious injuries;

“(B) an analysis of the location and severity of vehicle-involved crashes in a locality;

“(C) an analysis of community input, gathered through public outreach and education;

“(D) a data-driven approach to identify projects or strategies to prevent fatalities and serious injuries in a locality, such as those involving—

“(i) education and community outreach;

“(ii) effective methods to enforce traffic laws and regulations;

“(iii) new vehicle or other transportation-related technologies; and

“(iv) roadway planning and design; and

“(E) mechanisms for evaluating the outcomes and effectiveness of the comprehensive safety action plan, including the means by which that effectiveness will be reported to residents in a locality.

“(2) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

“(A) a metropolitan planning organization;

“(B) a political subdivision of a State;

“(C) a federally recognized Tribal government; and

“(D) a multijurisdictional group of entities described in any of subparagraphs (A) through (C).

“(3) ELIGIBLE PROJECT.—The term ‘eligible project’ means a project—

“(A) to develop a comprehensive safety action plan;

“(B) to conduct planning, design, and development activities for projects and strategies identified in a comprehensive safety action plan; or

“(C) to carry out projects and strategies identified in a comprehensive safety action plan.

“(4) PROGRAM.—The term ‘program’ means the Safe Streets and Roads for All program established under subsection (b).

“(b) ESTABLISHMENT.—The Secretary [of Transportation] shall establish and carry out a program, to be known as the Safe Streets and Roads for All program, that supports local initiatives to prevent death and serious injury on roads and streets, commonly referred to as ‘Vision Zero’ or ‘Toward Zero Deaths’ initiatives.

“(c) GRANTS.—

“(1) IN GENERAL.—In carrying out the program, the Secretary may make grants to eligible entities, on a competitive basis, in accordance with this section.

“(2) LIMITATIONS.—

“(A) IN GENERAL.—Not more than 15 percent of the funds made available to carry out the program for a fiscal year may be awarded to eligible projects in a single State during that fiscal year.

“(B) PLANNING GRANTS.—Of the total amount made available to carry out the program for each fiscal year, not less than 40 percent shall be awarded to eligible projects described in subsection (a)(3)(A).

“(d) SELECTION OF ELIGIBLE PROJECTS.—

“(1) SOLICITATION.—Not later than 180 days after the date on which amounts are made available to provide grants under the program for a fiscal year, the Secretary shall solicit from eligible entities grant applications for eligible projects in accordance with this section.

“(2) APPLICATIONS.—

“(A) IN GENERAL.—To be eligible to receive a grant under the program, an eligible entity shall submit to the Secretary an application in such form and containing such information as the Secretary considers to be appropriate.

“(B) REQUIREMENT.—An application for a grant under this paragraph shall include mechanisms for evaluating the success of applicable eligible projects and strategies.

“(3) CONSIDERATIONS.—In awarding a grant under the program, the Secretary shall take into consideration the extent to which an eligible entity, and each eligible project proposed to be carried out by the eligible entity, as applicable—

“(A) is likely to significantly reduce or eliminate transportation-related fatalities and serious injuries involving various road users, including pedestrians, bicyclists, public transportation users, motorists, and commercial operators, within the timeframe proposed by the eligible entity;

“(B) demonstrates engagement with a variety of public and private stakeholders;

“(C) seeks to adopt innovative technologies or strategies to promote safety;

“(D) employs low-cost, high-impact strategies that can improve safety over a wider geographical area;

“(E) ensures, or will ensure, equitable investment in the safety needs of underserved communities in preventing transportation-related fatalities and injuries;

“(F) includes evidence-based projects or strategies; and

“(G) achieves such other conditions as the Secretary considers to be necessary.

“(4) TRANSPARENCY.—

“(A) IN GENERAL.—The Secretary shall evaluate, through a methodology that is discernible and transparent to the public, the means by, and extent to, which each application under the program ad-

dresses any applicable merit criteria established by the Secretary.

“(B) PUBLICATION.—The methodology under subparagraph (A) shall be published by the Secretary as part of the notice of funding opportunity under the program.

“(e) FEDERAL SHARE.—The Federal share of the cost of an eligible project carried out using a grant provided under the program shall not exceed 80 percent.

“(f) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$200,000,000 for each of fiscal years 2022 through 2026, to remain available for a period of 3 fiscal years following the fiscal year for which the amounts are appropriated.

“(2) ADMINISTRATIVE EXPENSES.—Of the amounts made available to carry out the program for a fiscal year, the Secretary may retain not more than 2 percent for the administrative expenses of the program.

“(3) AVAILABILITY TO ELIGIBLE ENTITIES.—Amounts made available under a grant under the program shall remain available for use by the applicable eligible entity until the date that is 5 years after the date on which the grant is provided.

“(g) DATA SUBMISSION.—

“(1) IN GENERAL.—As a condition of receiving a grant under this program, an eligible entity shall submit to the Secretary, on a regular basis as established by the Secretary, data, information, or analyses collected or conducted in accordance with subsection (d)(3).

“(2) FORM.—The data, information, and analyses under paragraph (1) shall be submitted in such form such manner as may be prescribed by the Secretary.

“(h) REPORTS.—Not later than 120 days after the end of the period of performance for a grant under the program, the eligible entity shall submit to the Secretary a report that describes—

“(1) the costs of each eligible project carried out using the grant;

“(2) the outcomes and benefits that each such eligible project has generated, as—

“(A) identified in the grant application of the eligible entity; and

“(B) measured by data, to the maximum extent practicable; and

“(3) the lessons learned and any recommendations relating to future projects or strategies to prevent death and serious injury on roads and streets.

“(i) BEST PRACTICES.—Based on the information submitted by eligible entities under subsection (g), the Secretary shall—

“(1) periodically post on a publicly available website best practices and lessons learned for preventing transportation-related fatalities and serious injuries pursuant to strategies or interventions implemented under the program; and

“(2) evaluate and incorporate, as appropriate, the effectiveness of strategies and interventions implemented under the program for the purpose of enriching revisions to the document entitled ‘Countermeasures That Work: A Highway Safety Countermeasure Guide for State Highway Safety Offices, Ninth Edition’ and numbered DOT HS 812 478 (or any successor document).”

PEDESTRIAN AND CYCLISTS INFORMATION AND ENHANCED PERFORMANCE MANAGEMENT

Pub. L. 117–58, div. B, title IV, § 24113(b), Nov. 15, 2021, 135 Stat. 818, provided that:

“(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act [Nov. 15, 2021], the Secretary [of Transportation] shall implement the recommendations of the Comptroller General of the United States contained in the report entitled ‘Pedestrians and Cyclists: Better Information to States and Enhanced Performance Management Could Help DOT Improve Safety’, numbered GAO–21–405, and dated May 20, 2021, by—

“(A) carrying out measures to collect information relating to the range of countermeasures implemented by States;

“(B) analyzing that information to help advance knowledge regarding the effectiveness of those countermeasures; and

“(C) sharing with States any results.

“(2) PERFORMANCE MANAGEMENT PRACTICES.—The Administrator of the National Highway Traffic Safety Administration shall use performance management practices to guide pedestrian and cyclist safety activities by—

“(A) developing performance measures for the Administration and program offices responsible for implementing pedestrian and cyclist safety activities to demonstrate the means by which those activities contribute to safety goals; and

“(B) using performance information to make any necessary changes to advance pedestrian and cyclist safety efforts.”

INCREASING PUBLIC AWARENESS OF THE DANGERS OF DRUG-IMPAIRED DRIVING

Pub. L. 114–94, div. A, title IV, § 4009, Dec. 4, 2015, 129 Stat. 1511, provided that:

“(a) ADDITIONAL ACTIONS.—The Administrator of the National Highway Traffic Safety Administration, in consultation with the White House Office of National Drug Control Policy, the Secretary of Health and Human Services, State highway safety offices, and other interested parties, as determined by the Administrator, shall identify and carry out additional actions that should be undertaken by the Administration to assist States in their efforts to increase public awareness of the dangers of drug-impaired driving, including the dangers of driving while under the influence of heroin or prescription opioids.

“(b) REPORT.—Not later than 60 days after the date of enactment of this Act [Dec. 4, 2015], the Administrator shall submit 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 describes the additional actions undertaken by the Administration pursuant to subsection (a).”

REGULATORY AUTHORITY; STATE MATCHING REQUIREMENTS; GRANT APPLICATION AND DEADLINE

Pub. L. 114–94, div. A, title IV, § 4001(d)–(f), Dec. 4, 2015, 129 Stat. 1498, provided that:

“(d) REGULATORY AUTHORITY.—Grants awarded under this title [title IV of div. A of Pub. L. 114–94, see Tables for classification] shall be carried out in accordance with regulations issued by the Secretary [of Transportation].

“(e) STATE MATCHING REQUIREMENTS.—If a grant awarded under chapter 4 of title 23, United States Code, requires a State to share in the cost, the aggregate of all expenditures for highway safety activities made during a fiscal year by the State and its political subdivisions (exclusive of Federal funds) for carrying out the grant (other than planning and administration) shall be available for the purpose of crediting the State during such fiscal year for the non-Federal share of the cost of any other project carried out under chapter 4 of title 23, United States Code (other than planning or administration), without regard to whether such expenditures were made in connection with such project.

“(f) GRANT APPLICATION AND DEADLINE.—To receive a grant under chapter 4 of title 23, United States Code, a State shall submit an application, and the Secretary shall establish a single deadline for such applications to enable the award of grants early in the next fiscal year.”

Similar provisions were contained in the following prior acts:

Pub. L. 112–141, div. C, title I, § 31101(d)–(f), July 6, 2012, 126 Stat. 733.

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, which required the Secretary of Transportation to establish and carry out a safe routes to school program for the benefit of children in primary and middle schools and apportioned funds to carry out such program to States, was repealed by Pub. L. 117-58, div. A, title I, §11119(b)(2), Nov. 15, 2021, 135 Stat. 497, effective Oct. 1, 2021. See section 208 of this title.

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, as amended by Pub. L. 114-94, div. A, title IV, §4011, Dec. 4, 2015, 129 Stat. 1512; Pub. L. 117-58, div. B, title V, §25024, Nov. 15, 2021, 135 Stat. 879, provided that:

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

“(1) 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; or

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

“(b) USE OF GRANT FUNDS.—A grant received by a State under subsection (a) shall be used by the State for the costs of—

“(1) collecting and maintaining data on traffic stops;

“(2) evaluating the results of the data; and

“(3) developing and implementing programs, public outreach, and training to reduce the impact of traffic stops described in subsection (a)(1).

“(c) MAXIMUM AMOUNT.—The total amount provided to a State under this section in any fiscal year may not exceed—

“(1) for a State described in subsection (a)(1), 10 percent of the amount made available to carry out this section in that fiscal year; and

“(2) for a State described in subsection (a)(2), 5 percent of the amount made available to carry out this section in that fiscal year.

“(d) FUNDING.—

“(1) IN GENERAL.—From funds made available under section 403 of title 23, United States Code, the Secretary shall set aside \$11,500,000 for each fiscal year to carry out this section.

“(2) CONTRACT AUTHORITY.—Funds made available under 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.

“(3) TECHNICAL ASSISTANCE.—The Secretary may allocate not more than 10 percent of the amount made available to carry out this section in a fiscal year to provide technical assistance to States to carry out activities under this section.

“(4) OTHER USES.—The Secretary may reallocate, before the last day of any fiscal year, amounts remaining available under paragraph (1) to increase the amounts made available to carry out any of other activities authorized under section 403 of title 23, United States Code, in order to ensure, to the maximum extent possible, that all such amounts are obligated during such fiscal year.”

HIGH VISIBILITY ENFORCEMENT PROGRAM

Pub. L. 109-59, title II, §2009, Aug. 10, 2005, 119 Stat. 1535, as amended by Pub. L. 111-147, title IV, §421(h)(1), Mar. 18, 2010, 124 Stat. 85; Pub. L. 112-30, title I, §121(h)(1), Sept. 16, 2011, 125 Stat. 347; Pub. L. 112-141, div. C, title I, §31106, July 6, 2012, 126 Stat. 755; Pub. L. 113-159, title I, §1101(a)(5)(B), Aug. 8, 2014, 128 Stat. 1843; Pub. L. 114-21, title I, §1101(a)(5)(B), May 29, 2015, 129 Stat. 221; Pub. L. 114-41, title I, §1101(a)(5)(B), July 31, 2015, 129 Stat. 447; Pub. L. 114-73, title I, §1101(a)(5)(B), Oct. 29, 2015, 129 Stat. 571; Pub. L. 114-87, title I, §1101(a)(5)(B), Nov. 20, 2015, 129 Stat. 680, provided that:

“(a) IN GENERAL.—The Administrator of the National Highway Traffic Safety Administration shall establish and administer a program under which at least 3 high-visibility traffic safety law enforcement campaigns will be carried out for the purposes specified in subsection (b) in each of fiscal years 2013 through 2015 and in the period beginning on October 1, 2015, and ending on December 4, 2015. The Administrator may also initiate and support additional campaigns in each of fiscal years 2013 through 2015 and in the period beginning on October 1, 2015, and ending on December 4, 2015, for the purposes specified in subsection (b).

“(b) PURPOSE.—The purpose of each law enforcement campaign under this section shall be to achieve outcomes related to at least 1 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 and Internet-based outreach 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, [former] 406, and [former] 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 subsection (c).

“(f) 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, as amended by Pub. L. 111-147, title IV, § 421(i)(1), Mar. 18, 2010, 124 Stat. 85; Pub. L. 112-30, title I, § 121(i)(1), Sept. 16, 2011, 125 Stat. 347, related to grants to States adopting programs for motorcyclist safety, prior to repeal by Pub. L. 112-141, div. C, title I, § 31109(g), July 6, 2012, 126 Stat. 757.

FIRST RESPONDER VEHICLE SAFETY PROGRAM

Pub. L. 109-59, title II, § 2014, Aug. 10, 2005, 119 Stat. 1540, provided for a Federal program to promote compliance with State and local laws regarding first responder vehicle safety, prior to repeal by Pub. L. 112-141, div. C, title I, § 31109(j), July 6, 2012, 126 Stat. 757.

LAW ENFORCEMENT TRAINING

Pub. L. 109-59, title II, § 2017(b), Aug. 10, 2005, 119 Stat. 1542, as amended by Pub. L. 111-147, title IV, § 421(n)(2), Mar. 18, 2010, 124 Stat. 86; Pub. L. 112-30, title I, § 121(n)(2), Sept. 16, 2011, 125 Stat. 348, related to law enforcement training and police chase techniques, prior to repeal by Pub. L. 112-141, div. C, title I, § 31109(l), July 6, 2012, 126 Stat. 757, effective Oct. 1, 2012.

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

Pub. L. 102-240, title I, § 1088, Dec. 18, 1991, 105 Stat. 2022, 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

Pub. L. 102-240, title II, § 2009(b), Dec. 18, 1991, 105 Stat. 2080, 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

Pub. L. 100-17, title I, §161, Apr. 2, 1987, 101 Stat. 212, 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

Pub. L. 100-17, title II, §204, Apr. 2, 1987, 101 Stat. 219, 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 measures 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

Pub. L. 95-599, title II, §210, Nov. 6, 1978, 92 Stat. 2733, 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

Pub. L. 95-599, title II, §214, Nov. 6, 1978, 92 Stat. 2734, 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

Pub. L. 94-280, title II, §208(b), May 5, 1976, 90 Stat. 454, provided that the Secretary of Transportation would, in cooperation with the States, conduct an evaluation of the adequacy and appropriateness of all uniform safety standards established under this section in effect on May 5, 1976, and report the findings, together with recommendations, to Congress on or before July 1, 1977.

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

Pub. L. 89-564, title II, §203, Sept. 9, 1966, 80 Stat. 736, 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

Pub. L. 89-564, title I, §104, Sept. 9, 1966, 80 Stat. 735, 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

Pub. L. 89-564, title II, §204, Sept. 9, 1966, 80 Stat. 736, 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.

Executive Documents

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

Ex. Ord. No. 13043, Apr. 16, 1997, 62 F.R. 19217, as amended by Ex. Ord. No. 13652, §5, Sept. 30, 2013, 78 F.R. 61818, 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. 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. 5. 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.

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 of 1949 Act note set out under section 101 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 out-

reach 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) DEFINED TERM.—In this section, the term "Federal laboratory" includes—

(1) a government-owned, government-operated laboratory; and

(2) a government-owned, contractor-operated laboratory.

(b) GENERAL AUTHORITY.—

(1) RESEARCH AND DEVELOPMENT ACTIVITIES.—The Secretary may conduct research and development activities, including demonstration projects, training, education, and the collection and analysis of highway and motor vehicle safety data and related information needed to carry out this section, with respect to—

(A) all aspects of highway and traffic safety systems and conditions relating to—

(i) vehicle, highway, driver, passenger, motorcyclist, bicyclist, and pedestrian characteristics;

(ii) crash causation and investigations;

(iii) communications; and

(iv) emergency medical services, including the transportation of the injured;

(B) human behavioral factors and their effect on highway and traffic safety, including—

(i) driver education;

(ii) impaired driving; and

(iii) distracted driving;

(C) an evaluation of the effectiveness of countermeasures to increase highway and traffic safety, including occupant protection and alcohol- and drug-impaired driving technologies and initiatives;

(D) the development of technologies to detect drug impaired drivers;

(E) research on, evaluations of, and identification of 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; and

(F) the effect of State laws on any aspects, activities, or programs described in subparagraphs (A) through (E).

(2) COOPERATION, GRANTS, AND CONTRACTS.—The Secretary may carry out this section—

(A) independently;

(B) in cooperation with other Federal departments, agencies, and instrumentalities and Federal laboratories;

(C) by entering into contracts, cooperative agreements, and other transactions with the National Academy of Sciences, any Federal laboratory, State or local agency, authority, association, institution, foreign government (in coordination with the Department of State) or person (as defined in chapter 1 of title 1); or