

“(D) FEDERAL SHARE.—The Federal share of the cost of a project funded with a grant under this paragraph may be up to 80 percent.

“(4) NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION SYSTEM UPGRADE.—The Secretary shall manage and support State electronic data transfers relating to vehicle crashes by—

“(A) increasing the capacity of the National Highway Traffic Safety Administration system; and

“(B) making State crash data accessible to the public.

“(e) CRASH INVESTIGATION SAMPLING SYSTEM.—The Secretary may use funds made available to carry out this section to enhance the collection of crash data by upgrading the Crash Investigation Sampling System to include—

“(1) additional program sites;

“(2) an expanded scope that includes all crash types; and

“(3) on-scene investigation protocols.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$150,000,000 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.”

NATIONAL PRIORITY SAFETY PROGRAM GRANT
ELIGIBILITY

Pub. L. 114-94, div. A, title IV, §4010, Dec. 4, 2015, 129 Stat. 1511, as amended by Pub. L. 117-58, div. B, title IV, §24105(b), Nov. 15, 2021, 135 Stat. 806, provided that: “Not later than 60 days after the date on which the Secretary [of Transportation] awards grants under section 405 of title 23, United States Code, the Secretary shall make available on a publicly available Internet Web site of the Department of Transportation—

- “(1) an identification of—
- “(A) the States that were awarded grants under such section;
- “(B) the States that applied and were not awarded grants under such section; and
- “(C) the States that did not apply for a grant under such section; and
- “(2) a list of all deficiencies that made a State ineligible for a grant under such section for each State under paragraph (1)(B).”

CHILD SAFETY AND CHILD BOOSTER SEAT INCENTIVE
GRANTS

Pub. L. 109-59, title II, §2011, Aug. 10, 2005, 119 Stat. 1538, as amended by Pub. L. 111-147, title IV, §421(j)(1), Mar. 18, 2010, 124 Stat. 85; Pub. L. 112-30, title I, §121(j)(1), Sept. 16, 2011, 125 Stat. 348, related to child safety and child booster seat incentive grants, prior to repeal by Pub. L. 112-141, div. C, title I, §31109(h), July 6, 2012, 126 Stat. 757.

CHILD PASSENGER PROTECTION EDUCATION GRANTS

Pub. L. 105-178, title II, §2003(b), June 9, 1998, 112 Stat. 327, authorized the Secretary to make grants to States to implement child passenger protection programs, required reports from States and the Secretary regarding those programs, and authorized appropriations for fiscal years 2000 and 2001.

§ 406. General requirements for Federal assistance

(a) DEFINITION OF FUNDED PROJECT.—In this section, the term “funded project” means a project funded, in whole or in part, by a grant provided under section 402 or 405.

(b) REGULATORY AUTHORITY.—Each funded project shall be carried out in accordance with applicable regulations promulgated by the Secretary.

(c) STATE MATCHING REQUIREMENTS.—If a grant provided under this chapter requires any

State to share in the cost of a funded project, the aggregate of the expenditures made by the State (including any political subdivision of the State) for highway safety activities during a fiscal year, exclusive of Federal funds, for carrying out the funded project (other than expenditures for planning or administration) shall be credited toward the non-Federal share of the cost of any other funded project (other than planning and administration) during that fiscal year, regardless of whether those expenditures were made in connection with the project.

(d) GRANT APPLICATION AND DEADLINE.—

(1) APPLICATIONS.—To be eligible to receive a grant under this chapter, a State shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(2) DEADLINE.—The Secretary shall establish a single deadline for the submission of applications under paragraph (1) to enable the provision of grants under this chapter early in each applicable fiscal year beginning after the date of submission.

(e) DISTRIBUTION OF FUNDS TO STATES.—Not later than 60 days after the later of the start of a fiscal year or the date of enactment of any appropriations Act making funds available to carry out this chapter for that fiscal year, the Secretary shall distribute to each State the portion of those funds to which the State is entitled for the applicable fiscal year.

(Added Pub. L. 117-58, div. B, title IV, §24101(d)(1)(B), Nov. 15, 2021, 135 Stat. 784.)

Editorial Notes

PRIOR PROVISIONS

A prior section 406, added Pub. L. 93-643, §126(a), Jan. 4, 1975, 88 Stat. 2291; amended Pub. L. 94-280, title II, §205, May 5, 1976, 90 Stat. 453; Pub. L. 95-599, title I, §129(g), Nov. 6, 1978, 92 Stat. 2708; Pub. L. 109-59, title II, §2005(a), Aug. 10, 2005, 119 Stat. 1524, related to safety belt performance grants, prior to repeal by Pub. L. 112-141, §3(a), div. C, title I, §31109(b), July 6, 2012, 126 Stat. 413, 756, effective Oct. 1, 2012.

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

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

(Added Pub. L. 100-17, title I, §132(a), Apr. 2, 1987, 101 Stat. 170, §409; amended Pub. L. 102-240, title I, §1035(a), Dec. 18, 1991, 105 Stat. 1978; Pub. L. 104-59, title III, §323, Nov. 28, 1995, 109 Stat. 591; Pub. L. 109-59, title I, §1401(a)(3)(C), Aug. 10,

2005, 119 Stat. 1225; renumbered §407, Pub. L. 117-58, div. B, title IV, §24101(d)(1)(A), Nov. 15, 2021, 135 Stat. 784.)

Editorial Notes

PRIOR PROVISIONS

A prior section 407, added Pub. L. 95-599, title II, §208(a), Nov. 6, 1978, 92 Stat. 2732, related to innovative project grants, prior to repeal by Pub. L. 112-141, §3(a), div. C, title I, §31109(c), July 6, 2012, 126 Stat. 413, 756, effective Oct. 1, 2012.

AMENDMENTS

2021—Pub. L. 117-58, which directed the amendment of this chapter by renumbering section 409 “and” section 407, was executed by renumbering section 409 as this section as if “and” had read “as”, to reflect the probable intent of Congress.

§ 408. Agency accountability

(a) TRIENNIAL STATE MANAGEMENT REVIEWS.—

(1) IN GENERAL.—Except as provided under paragraph (2), the Secretary shall conduct a review of each State highway safety program at least once every 3 years.

(2) EXCEPTIONS.—The Secretary may conduct reviews of the highway safety programs of the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands as often as the Secretary determines to be appropriate.

(3) COMPONENTS.—Reviews under this subsection shall include—

(A) a management evaluation of all grant programs funded under this chapter;

(B) an assessment of State data collection and evaluation relating to performance measures established by the Secretary;

(C) a comparison of State efforts under subparagraphs (A) and (B) to best practices and programs that have been evaluated for effectiveness; and

(D) the development of recommendations on how each State could—

(i) improve the management and oversight of its grant activities; and

(ii) provide a management and oversight plan for such grant programs.

(b) RECOMMENDATIONS BEFORE SUBMISSION.—In order to provide guidance to State highway safety agencies on matters that should be addressed in the goals and initiatives of the State highway safety program before the program is submitted for review, the Secretary shall provide data-based recommendations to each State at least 90 days before the date on which the program is to be submitted for approval.

(c) STATE PROGRAM REVIEW.—The Secretary shall—

(1) conduct a program improvement review of a highway safety program under this chapter of a State that does not make substantial progress over a 3-year period in meeting its priority program goals; and

(2) provide technical assistance and safety program requirements to be incorporated in the State highway safety program for any goal not achieved.

(d) REGIONAL HARMONIZATION.—The Secretary and the Inspector General of the Department of

Transportation shall undertake an administrative review of the practices and procedures of the management reviews and program reviews of State highway safety programs under this chapter conducted by the regional offices of the National Highway Traffic Safety Administration and prepare a written report of best practices and procedures for use by the regional offices in conducting such reviews. The report shall be completed within 180 days after the date of enactment of this section.

(e) BEST PRACTICES GUIDELINES.—

(1) UNIFORM GUIDELINES.—The Secretary shall issue uniform management review guidelines and program review guidelines based on the report under subsection (d). Each regional office shall use the guidelines in executing its State administrative review duties under this section.

(2) PUBLICATION.—The Secretary shall make publicly available on the Web site (or successor electronic facility) of the Administration the following documents upon their completion:

(A) The Secretary’s management review guidelines and program review guidelines.

(B) All State highway safety programs submitted under this chapter.

(C) State annual accomplishment reports.

(D) The Administration’s Summary Report of findings from Management Reviews and Improvement Plans.

(3) REPORTS TO STATE HIGHWAY SAFETY AGENCIES.—The Secretary may not make publicly available a program, report, or review under paragraph (2) that is directed to a State highway safety agency until after the date on which the program, report, or review is submitted to that agency under this chapter.

(f) TRACKING PROCESS.—The Secretary shall develop a process to identify and mitigate possible systemic issues across States and regional offices by reviewing oversight findings and recommended actions identified in triennial State management reviews.

(Added Pub. L. 109-59, title II, §2008(a), Aug. 10, 2005, 119 Stat. 1533, §412; amended Pub. L. 112-141, div. C, title I, §31107, July 6, 2012, 126 Stat. 755; Pub. L. 114-94, div. A, title IV, §4006, Dec. 4, 2015, 129 Stat. 1510; renumbered §408, Pub. L. 117-58, div. B, title IV, §24101(d)(1)(A), Nov. 15, 2021, 135 Stat. 784.)

Editorial Notes

PRIOR PROVISIONS

A prior section 408, added Pub. L. 97-364, title I, §101(a), Oct. 25, 1982, 96 Stat. 1738; amended Pub. L. 98-363, §§4, 7, July 17, 1984, 98 Stat. 436, 438; Pub. L. 100-17, title II, §203(a), (b), Apr. 2, 1987, 101 Stat. 219; Pub. L. 109-59, title II, §2006(a), Aug. 10, 2005, 119 Stat. 1527, related to State traffic safety information system improvements, prior to repeal by Pub. L. 112-141, §3(a), div. C, title I, §31109(d), July 6, 2012, 126 Stat. 413, 756, effective Oct. 1, 2012.

AMENDMENTS

2021—Pub. L. 117-58, which directed the amendment of this chapter by renumbering section 412 “and” section 408, was executed by renumbering section 412 as this section as if “and” had read “as”, to reflect the probable intent of Congress.