

law, and brush or tree species, whether native or nonnative, that may be considered by State or local transportation authorities to be a threat with respect to the safety or maintenance of transportation systems;

(2) establishment of plants, whether native or nonnative with a preference for native to the maximum extent possible, for the purposes defined in subsection (a)(1);

(3) control or elimination of plants as defined in subsection (a)(2);

(4) elimination of plants to create fuel breaks for the prevention and control of wildfires; and

(5) training.

(c) CONTRIBUTIONS.—

(1) IN GENERAL.—Subject to paragraph (2), an activity described in subsection (a) may be carried out concurrently with, in advance of, or following the construction of a project funded under this title.

(2) CONDITION FOR ACTIVITIES CONDUCTED IN ADVANCE OF PROJECT CONSTRUCTION.—An activity described in subsection (a) may be carried out in advance of construction of a project only if the activity is carried out in accordance with all applicable requirements of Federal law (including regulations) and State transportation planning processes.

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

REFERENCES IN TEXT

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

CHAPTER 4—HIGHWAY SAFETY

| | |
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| Sec. | |
| 401. | Authority of the Secretary. |
| 402. | Highway safety programs. |
| 403. | Highway safety research and development. |
| 404. | National Highway Safety Advisory Committee. |
| 405. | National priority safety programs. |
| [406 to 408. | Repealed.] |
| 409. | Discovery and admission as evidence of certain reports and surveys. |
| [410, 411. | Repealed.] |
| 412. | Agency accountability. |

AMENDMENTS

2012—Pub. L. 112-141, div. C, title I, §§31105(b), 31109(b)-(f), July 6, 2012, 126 Stat. 755-757, substituted “National priority safety programs” for “Occupant protection incentive grants” in item 405 and struck out items 406 “Safety belt performance grants”, 407 “Innovative project grants”, 408 “State traffic safety information system improvements”, 410 “Alcohol-impaired driving countermeasures”, and 411 “State highway safety data improvements”.

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

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

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

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

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

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

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

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

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

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

§ 401. Authority of the Secretary

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

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

AMENDMENTS

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

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

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

EFFECTIVE DATE OF 1984 AMENDMENT

Pub. L. 98-363, §3(c), July 17, 1984, 98 Stat. 436, provided that: “The amendments made by subsections (a) and (b) [amending this section and section 402 of this title] shall apply to fiscal years beginning after the date of enactment of this Act [July 17, 1984].”

SHORT TITLE OF 1991 AMENDMENT

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

SHORT TITLE OF 1988 AMENDMENT

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

SHORT TITLE OF 1987 AMENDMENT

Pub. L. 100-17, title II, §201, Apr. 2, 1987, 101 Stat. 218, provided that: "This title [amending sections 402 and 408 of this title and section 2314 of former Title 49, Transportation, enacting provisions set out as notes under this section, section 402 of this title, and section 2204 of former Title 49, and amending provisions set out as a note under this section] be cited as the 'Highway Safety Act of 1987'."

SHORT TITLE OF 1983 AMENDMENT

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

SHORT TITLE OF 1978 AMENDMENT

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

SHORT TITLE OF 1976 AMENDMENT

Pub. L. 94-280, title II, §201, May 5, 1976, 90 Stat. 451, provided that: "That title [amending sections 104, 151, 402, 404, and 406 of this title and provisions set out as a note under section 130 of this title and enacting provisions set out as notes under sections 127 and 402 of this title] may be cited as the 'Highway Safety Act of 1976'."

SHORT TITLE OF 1973 AMENDMENT

Pub. L. 93-87, title II, §201, Aug. 13, 1973, 87 Stat. 282, provided that: "This title [enacting sections 151 to 153 and 405 of this title, amending this section and sections 104 and 402 to 404 of this title, and enacting provisions set out as notes under this section and sections 130, 144, 151, 217, and 403 of this title] may be cited as the 'Highway Safety Act of 1973'."

SHORT TITLE OF 1970 AMENDMENT

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

SHORT TITLE

Pub. L. 89-564, title II, §208, Sept. 9, 1966, 80 Stat. 737, provided that: "This Act [enacting this chapter, amending sections 105 and 307 of this title, repealing sections 135 and 313 of this title, and enacting provisions set out as notes under this section and sections 303, 307, 402, and 403 of this title] may be cited as the 'Highway Safety Act of 1966'."

WILDLIFE VEHICLE COLLISION REDUCTION STUDY

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

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

"(2) CONTENTS.—

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

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

"(i) conduct a thorough literature review; and

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

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

"(4) REPORT.—

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

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

"(i) Causes of wildlife vehicle collisions.

"(ii) Impacts of wildlife vehicle collisions.

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

"(5) MANUAL.—

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

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

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

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

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

"(iii) Recommendations for addressing wildlife vehicle collisions.

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

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

WORKER INJURY PREVENTION AND FREE FLOW OF VEHICULAR TRAFFIC

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

ROADWAY SAFETY IMPROVEMENTS FOR OLDER DRIVERS AND PEDESTRIANS

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

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

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

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

WORK ZONE SAFETY GRANTS

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

"(a) IN GENERAL.—The Secretary [of Transportation] shall establish and implement a work zone safety grant

program under which the Secretary may make grants to nonprofit organizations and not-for-profit organizations to provide training to prevent or reduce highway work zone injuries and fatalities.

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

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

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

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

“(c) FUNDING.—

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

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

PROHIBITION ON OTHER USES

Pub. L. 112–141, div. C, title I, §31101(b), July 6, 2012, 126 Stat. 733, provided that: “Except as otherwise provided in chapter 4 of title 23, United States Code, in this subtitle [subtitle A (§§31101–31109) of title I of div. C of Pub. L. 112–141, see Tables for classification], and in the amendments made by this subtitle, the amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for a program under such chapter—

“(1) shall only be used to carry out such program; and

“(2) may not be used by States or local governments for construction purposes.”

Pub. L. 109–59, title II, §2001(b), Aug. 10, 2005, 119 Stat. 1520, provided that: “Except as otherwise provided in chapter 4 of title 23, United States Code, and this title [enacting section 412 of this title and section 39 of Title 18, Crimes and Criminal Procedure, amending sections 402 to 406, 408, and 410 of this title, and enacting provisions set out as notes under sections 402, 403, 405, and 410 of this title], (including the amendments made by this title), the amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for a program under such chapter shall only be used to carry out such program and may not be used by States or local governments for construction purposes.”

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

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

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

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

RADIO AND MICROWAVE TECHNOLOGY FOR MOTOR VEHICLE SAFETY WARNING SYSTEM

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

“(1) STUDY.—The Secretary, in consultation with the Federal Communications Commission and the National Telecommunications and Information Administration, shall conduct a study to develop and evaluate radio and microwave technology for a motor vehicle safety warn-

ing system in furtherance of safety in all types of motor vehicles.

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

“(A) temporary obstructions in a highway;

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

“(C) movement of emergency vehicles.

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

WORK ZONE SAFETY PROGRAM

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

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

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

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

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

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

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

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

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

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

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

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

OLDER DRIVERS AND OTHER SPECIAL DRIVER GROUPS

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

“(1) STUDY.—The Secretary shall conduct a study of technologies and practices to improve the driving per-

formance of older drivers and other special driver groups.

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

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

Pub. L. 100-17, title II, §208, Apr. 2, 1987, 101 Stat. 222, as amended by Pub. L. 100-202, §101(f) [title III, §348(h)], Dec. 22, 1987, 101 Stat. 1329-358, 1329-389, directed Secretary to enter into appropriate arrangements with National Academy of Sciences to conduct a comprehensive study and investigation of (1) problems which could inhibit the safety and mobility of older drivers using the Nation's roads, and (2) means of addressing these problems, to request the Academy to report to Secretary and Congress not later than 24 months after Apr. 2, 1987, on the results of such study and investigation, to furnish to the Academy any information which it deems necessary for conducting the investigation and study, and to develop, in conjunction with the study, a pilot program of highway safety improvements to enhance the safety and mobility of older drivers and, not later than 3 years after Apr. 2, 1987, to evaluate the pilot program and report to Congress on the effectiveness of the program in improving the safety and mobility of older drivers.

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

Pub. L. 97-424, title II, §207, Jan. 6, 1983, 96 Stat. 2139, provided that: “The Secretary of Transportation shall prepare, publish, and submit to Congress not later than December 31 of each calendar year beginning after December 31, 1982, a report on the highway safety performance of each State in the preceding calendar year. Such report shall provide data on highway fatalities and injuries and motor vehicle accidents involving fatalities and injuries and travel in urban areas of each State for each system of highways and in rural areas of such State for each system of highways. Such report shall be in such form and contain such other information on highway accidents as will permit an evaluation and comparison of highway safety performance of the States. For purposes of this section (1) the systems of highways in a State are the Federal-aid primary system, the Federal-aid secondary system, the Federal-aid urban system, and the Interstate System (as such terms are defined in section 101 of title 23, United States Code) and the other highways in such State which are not on the Federal-aid system, and (2) the terms ‘State’, ‘rural areas’, and ‘urban area’ have the meaning such terms have under section 101.”

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

NATIONAL DRIVER REGISTRATION

Pub. L. 97-364, title II, §§201-211, Oct. 25, 1982, 96 Stat. 1740-1748, as amended by Pub. L. 100-223, title III, §305, Dec. 30, 1987, 101 Stat. 1525; Pub. L. 100-342, §4(b), June 22, 1988, 102 Stat. 626; Pub. L. 101-380, title IV, §4105(a), Aug. 18, 1990, 104 Stat. 512; Pub. L. 102-240, title II, §2007, Dec. 18, 1991, 105 Stat. 2080, directed Secretary of Transportation to establish and maintain a National Driver Register to assist States in exchange of informa-

tion on motor vehicle driving records of individuals and provided for reports by State officials, accessibility of Register information, a pilot test program, criminal penalties, an advisory committee, and a report to Congress by the Secretary, prior to repeal by Pub. L. 103-272, §7(b), July 5, 1994, 108 Stat. 1379, and Pub. L. 103-429, §8(10), Oct. 31, 1994, 108 Stat. 4390, and was restated in part in chapter 303 of Title 49, Transportation.

PILOT PROJECTS FOR HIGHWAY SAFETY EDUCATION AND INFORMATION

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

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

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

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

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

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

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

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

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

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

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

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

Pub. L. 93-87, title II, §211, Aug. 13, 1973, 87 Stat. 288, directed Secretary of Transportation, in cooperation with government and nongovernment authorities and individuals, to conduct a full and complete investigation and study of use of mass media for informing and educating the public of ways and means for reducing number and severity of highway accidents, to report to Congress his findings and recommendations by June 30, 1974, and to develop, in consultation with State and local highway safety officials, a series of highway safety television programs of varying lengths for use in accordance with provisions of the Communication Act of 1934 (47 U.S.C. 151 et seq.).

HIGHWAY SAFETY CITIZEN PARTICIPATION STUDY

Pub. L. 93-87, title II, §212, Aug. 13, 1973, 87 Stat. 289, authorized the appropriation of \$1,000,000 for a study by the Secretary of Transportation, with cooperation of State and local highway safety authorities, of ways and means of encouraging greater citizen participation in highway safety programs, the results of such study and recommendations to be reported to Congress by June 30, 1974.

NATIONAL CENTER FOR STATISTICAL ANALYSIS OF HIGHWAY OPERATIONS

Pub. L. 93-87, title II, §213, Aug. 13, 1973, 87 Stat. 289, authorized the appropriation of \$5,000,000 to make a study of the feasibility of establishing a National Center for Statistical Analysis of Highway Operations designed to acquire, store and retrieve accident data, the results of such study and recommendations to be reported to Congress not later than Jan. 1, 1975.

PEDESTRIAN AND BICYCLE SAFETY STUDY

Pub. L. 93-87, title II, §214, Aug. 13, 1973, 87 Stat. 289, authorized the appropriation of \$5,000,000 for a study of pedestrian and bicycle safety, including a review of local ordinances, the relationship between alcohol and pedestrian and bicycle safety, etc., the results of such study and recommendations to be reported to Congress not later than Jan. 31, 1975.

HIGHWAY SAFETY NEEDS STUDY

Pub. L. 93-87, title II, §225, Aug. 13, 1973, 87 Stat. 292, mandated a study by the Secretary of Transportation

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

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

Pub. L. 89-564, title II, §201, Sept. 9, 1966, 80 Stat. 735, as amended by Pub. L. 89-670, §8(h), Oct. 15, 1966, 80 Stat. 943; Pub. L. 90-83, §10(b), Sept. 11, 1967, 81 Stat. 224; Pub. L. 91-605, title II, §202(a), Dec. 31, 1970, 84 Stat. 1739, which provided for the creation of National Highway Traffic Safety Administration in the Department of Transportation, was repealed by Pub. L. 97-449, §7(b), Jan. 12, 1983, 96 Stat. 2444, and reenacted by section 1(b) of Pub. L. 97-449 as section 105 of Title 49, Transportation.

ACTING ADMINISTRATOR OF NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

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

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

Pub. L. 89-564, title II, §202, Sept. 9, 1966, 80 Stat. 736, as amended by Pub. L. 93-87, title II, §224, Aug. 13, 1973, 87 Stat. 292, provided that:

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

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

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

DETAILED COST ESTIMATE OF HIGHWAY SAFETY ACT OF 1966

Pub. L. 89-564, title II, §207, Sept. 9, 1966, 80 Stat. 737, directed Secretary, in cooperation with the Governors of appropriate State highway safety agencies, make a detailed estimate of the cost of carrying out the Highway Safety Act of 1966 in order to provide a basis for evaluating continuing programs under the Act and to furnish Congress information necessary for authorization of appropriations for fiscal years beginning after June 30, 1969, such estimates to be submitted to Congress not later than Jan. 10, 1968.

INTERSTATE COMPACTS FOR HIGHWAY SAFETY

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

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

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

§ 402. Highway safety programs

(a) 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); and

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

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

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

(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 in which a State submits its highway safety plan under subsection (f), 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 re-