

Subsec. (d). Pub. L. 109–59, §2002(e), struck out heading and text of subsec. (d). Text read as follows: “Funds authorized to be appropriated to carry out this section in a fiscal year shall be subject to a deduction not to exceed 5 percent for the necessary costs of administering the provisions of this section.”

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 4005 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 2005 AMENDMENT

Amendment by Pub. L. 109–59 effective Oct. 1, 2005, see section 2022 of Pub. L. 109–59, set out as a note under section 402 of this title.

NATIONAL PRIORITY SAFETY PROGRAM GRANT ELIGIBILITY

Pub. L. 114–94, div. A, title IV, §4010, Dec. 4, 2015, 129 Stat. 1511, 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 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 to 408. Repealed. Pub. L. 112–141, div. C, title I, § 31109(b)–(d), July 6, 2012, 126 Stat. 756]

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.

Section 407, added Pub. L. 95–599, title II, §208(a), Nov. 6, 1978, 92 Stat. 2732, related to innovative project grants.

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.

EFFECTIVE DATE OF REPEAL

Repeal 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.

REPEAL OF PROGRAMS

Pub. L. 112–141, div. C, title I, §31109(a), July 6, 2012, 126 Stat. 756, provided that: “A repeal made by this section [repealing sections 406 to 408, 410, and 411 of this title and repealing provisions set out as notes under sections 402, 403, and 405 of this title] shall not affect amounts apportioned or allocated before the effective date of such repeal [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], provided that such apportioned or allocated funds continue to be subject to the requirements to which such funds were subject under the repealed section as in effect on the day before the date of the repeal.”

§ 409. 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; 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.)

AMENDMENTS

2005—Pub. L. 109–59 substituted “148” for “152”.

1995—Pub. L. 104–59 inserted “or collected” after “data compiled”.

1991—Pub. L. 102–240 substituted “Discovery and admission” for “Admission” in section catchline and “subject to discovery or admitted into evidence in a Federal or State court proceeding” for “admitted into evidence in Federal or State court” in text.

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102–240 effective Dec. 18, 1991, and applicable to funds authorized to be appropriated or made available after Sept. 30, 1991, and, with certain exceptions, not applicable to funds appropriated or made available on or before Sept. 30, 1991, see section 1100 of Pub. L. 102–240, set out as a note under section 104 of this title.

[§§ 410, 411. Repealed. Pub. L. 112–141, div. C, title I, § 31109(e), (f), July 6, 2012, 126 Stat. 757]

Section 410, added Pub. L. 100–690, title IX, § 9002(a), Nov. 18, 1988, 102 Stat. 4521; amended Pub. L. 101–516, title III, § 336, Nov. 5, 1990, 104 Stat. 2186; Pub. L. 102–240, title II, § 2004(a), Dec. 18, 1991, 105 Stat. 2073; Pub. L. 102–388, title VI, §§ 601–606, Oct. 6, 1992, 106 Stat. 1569, 1570; Pub. L. 104–59, title III, § 324, Nov. 28, 1995, 109 Stat. 591; Pub. L. 105–18, title II, § 8003, June 12, 1997, 111 Stat. 195; Pub. L. 105–130, § 6(b), Dec. 1, 1997, 111 Stat. 2558; Pub. L. 105–178, title II, § 2004(a), June 9, 1998, 112 Stat. 328; Pub. L. 108–88, § 6(e)(1), Sept. 30, 2003, 117 Stat. 1120; Pub. L. 108–310, § 6(e)(1), Sept. 30, 2004, 118 Stat. 1152; Pub. L. 109–59, title II, § 2007(a), (b), Aug. 10, 2005, 119 Stat. 1529; Pub. L. 110–244, title III, § 303(c)(2), (3), June 6, 2008, 122 Stat. 1619; Pub. L. 111–147, title IV, § 421(f)(1), Mar. 18, 2010, 124 Stat. 85; Pub. L. 112–30, title I, § 121(f)(1), Sept. 16, 2011, 125 Stat. 347, related to alcohol-impaired driving countermeasures.

Section 411, added Pub. L. 105–178, title II, § 2005(a), June 9, 1998, 112 Stat. 332; amended Pub. L. 110–244, title III, § 303(c)(4), June 6, 2008, 122 Stat. 1619, related to State highway safety data improvements.

EFFECTIVE DATE OF REPEAL

Repeal 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.

§ 412. 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 chap-

ter 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; 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.)

REFERENCES IN TEXT

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

AMENDMENTS

2015—Subsec. (f). Pub. L. 114–94 added subsec. (f).

2012—Subsec. (a). Pub. L. 112–141, § 31107(1), amended subsec. (a) generally. Prior to amendment, text read as follows: “At least once every 3 years the Secretary