

## **Appendix A**

### **Statutory Authority for NHTSA**

The National Traffic and Motor Vehicle Safety Act of 1966, Title 15 United States Code 1395, Section 106 (b), gives the Secretary authorization to conduct research, testing, development, and training as authorized to be carried out by subsections of this title. The Vehicle Safety Act was subsequently recodified under Title 49 of the U.S. Code in Chapter 301, Motor Vehicle Safety. Section 30168 of Title 49, Chapter 301, gives the Secretary authorization to conduct research, testing, development, and training to carry out this chapter.

#### AUTHORITY

#### **Title 49 of the U.S. Code, Chapter 301, Section 30168**

#### **Sec. 30168. Research, testing, development, and training**

##### **a. GENERAL AUTHORITY**

1. The Secretary of Transportation shall conduct research, testing, development, and training necessary to carry out this chapter. The research, development, testing, and training shall include
    - A. collecting information to determine the relationship between motor vehicle or motor vehicle equipment performance characteristics and
      - i. accidents involving motor vehicles; and
      - ii. the occurrence of death or personal injury resulting from those accidents;
    - B. obtaining experimental and other motor vehicles and motor vehicle equipment for research or testing; and (C) selling or otherwise disposing of test motor vehicles and motor vehicle equipment and crediting the proceeds to current appropriations available to carry out this chapter.
  2. The Secretary may carry out this subsection through grants to States, interstate authorities, and nonprofit institutions.
- b. **USE OF PUBLIC AGENCIES** In carrying out this chapter, the Secretary shall use the services, research, and testing facilities of public agencies to the maximum extent practicable to avoid duplication.
- c. **FACTS** The Secretary may plan, design, and build a new facility or modify an existing facility to conduct research, development, and testing in traffic safety, highway safety, and motor vehicle safety. An expenditure of more than \$100,000 for planning, design, or construction may be made only if the planning, design, or construction is approved by substantially similar resolutions by the Committees on Energy and Commerce and Public Works and Transportation of the House of

Representatives and the Committees on Commerce, Science, and Transportation and Environment and Public Works of the Senate. To obtain that approval, the Secretary shall submit to Congress a prospectus on the proposed facility. The prospectus shall include

1. a brief description of the facility being planned, designed, or built;
  2. the location of the facility;
  3. an estimate of the maximum cost of the facility;
  4. a statement identifying private and public agencies that will use the facility and the contribution each agency will make to the cost of the facility; and
  5. a justification of the need for the facility.
- d. **INCREASING COSTS OF APPROVED FACILITIES** The estimated maximum cost of a facility approved under subsection (c) of this section may be increased by an amount equal to the percentage increase in construction costs from the date the prospectus is submitted to Congress. However, the increase in the cost of the facility may not be more than 10 percent of the estimated maximum cost included in the prospectus. The Secretary shall decide what increase in construction costs has occurred.
- e. **AVAILABILITY OF INFORMATION, PATENTS, AND DEVELOPMENTS** When the United States Government makes more than a minimal contribution to a research or development activity under this chapter, the Secretary shall include in the arrangement for the activity a provision to ensure that all information, patents, and developments related to the activity are available to the public. However, the owner of a background patent may not be deprived of a right under the patent.

## **Title 23 of the U.S. Code, Chapter 4, Section 403**

### **Sec. 403. Highway safety research and development**

(a) **Authority of the Secretary.** - The Secretary is authorized to use funds appropriated to carry out this section to -

- (1) conduct research on all phases of highway safety and traffic conditions, including accident causation, highway or driver characteristics, communications, and emergency care;
- (2) conduct ongoing research into driver behavior and its effect on traffic safety;
- (3) conduct research on, launch initiatives to counter, and conduct demonstration projects on fatigued driving by drivers of motor vehicles and distracted driving in such vehicles, including the effect that the use of electronic devices and other factors deemed relevant by the Secretary have on driving;
- (4) conduct training or education programs in cooperation with other Federal departments and agencies, States, private sector persons, highway safety personnel, and law enforcement personnel;

- (5) conduct research on, and evaluate the effectiveness of, traffic safety countermeasures, including seat belts and impaired driving initiatives;
- (6) conduct research on, evaluate, and develop 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;
- (7) conduct research, training, and education programs related to older drivers;
- (8) conduct demonstration projects; and
- (9) conduct research, training, and programs relating to motorcycle safety, including impaired driving.

**(f) Collaborative Research and Development. -**

(1) In general. - For the purpose of encouraging innovative solutions to highway safety problems, stimulating voluntary improvements in highway safety, and stimulating the marketing of new highway safety-related technology by private industry, the Secretary is authorized to undertake, on a cost-shared basis, collaborative research and development with non-Federal entities, including State and local governments, colleges, and universities and corporations, partnerships, sole proprietorships, and trade associations that are incorporated or established under the laws of any State or the United States. This collaborative research may include crash data collection and analysis; driver and pedestrian behavior; and demonstrations of technology.

(2) Cooperative agreements. - In carrying out this subsection, the Secretary may enter into cooperative research and development agreements, as defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a); except that in entering into such agreements, the Secretary may agree to provide not more than 50 percent of the cost of any research or development project selected by the Secretary under this subsection.

(3) Project selection. - In selecting projects to be conducted under this subsection, the Secretary shall establish a procedure to consider the views of experts and the public concerning the project areas.

(4) Applicability of Stevenson-Wydler Technology Innovation Act. - The research, development, or utilization of any technology pursuant to an agreement under the provisions of this subsection, including the terms under which technology may be licensed and the resulting royalties may be distributed, shall be subject to the provisions of the Stevenson-Wydler Technology Innovation Act of 1980.