

Appendix A Authority

Title 23, United States Code, Chapter 4, Section 402 and 403 gives the Secretary authorization to use funds appropriated to carry out this section to conduct research and development activities, including demonstration projects and the collection and analysis of highway and motor vehicle safety data and related information needed to carry out this section, with respect to all aspects of highway and traffic safety systems and conditions relating to - vehicle, highway, driver, passenger, motorcyclist, bicyclist, and pedestrian characteristics; accident causation and investigations; and human behavioral factors and their effect on highway and traffic safety, including distracted driving. [See 23 U.S.C. 402(a)(2)(a), 23 U.S.C. 402 (b)(1)(b), 23 U.S.C. 402 (b)(1)(f), 23 U.S.C. 403(b)(1)(a)(i), 23 U.S.C. 403(b)(1)(a)(ii), 23 U.S.C. 403(b)(1)(b)(iii), 23 U.S.C. 403(b)(1)(c); 23 U.S.C. 403(b)(1)(e)].

Sec. 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.

Sec. 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) Administration of State Programs
 - (1) Administrative requirements. - The Secretary may not approve a State highway safety program under this section which does not –
 - (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
 - (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.

Sec. 403. Highway safety research and development

- (b) General Authority. -
 - (1) Research and development activities. - The Secretary may conduct research and development activities, including demonstration projects 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) accident causation and investigations;
 - (iii) communications; and
 - (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;
 - (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