

23 USC 402: Highway safety programs

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From Title 23-HIGHWAYS

CHAPTER 4-HIGHWAY SAFETY

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§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;