

## SUBCHAPTER A—PROCEDURES FOR STATE HIGHWAY SAFETY PROGRAMS

### PART 1200—UNIFORM PROCEDURES FOR STATE HIGHWAY SAFETY PROGRAMS

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AUTHORITY: 23 U.S.C. 402; delegations of authority at 49 CFR 1.48 and 1.50.

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#### Subpart A—General

##### § 1200.1 Purpose.

This part establishes uniform application, approval, implementation, and closeout procedures for State highway safety programs authorized under 23 U.S.C. 402.

##### § 1200.2 Applicability.

The provisions of this part apply to highway safety programs conducted by States under 23 U.S.C. 402.

##### § 1200.3 Definitions.

As used in this subchapter—

*Approving Official* means a Regional Administrator of the National Highway Traffic Safety Administration, with the concurrence of a Division Administrator of the Federal Highway Administration as necessary.

*Carry-forward funds* means those funds that a State has obligated but not expended in the fiscal year in which they were apportioned, that are being reprogrammed to fund activities in a subsequent fiscal year.

*Contract authority* means the statutory language that authorizes the agencies to incur an obligation without the need for a prior appropriation or further action from Congress and which, when exercised, creates a binding obligation on the United States for which Congress must make subsequent liquidating appropriations.

*Equipment* means any tangible personal property acquired for use under the State's approved highway safety program.

*FHWA* means the Federal Highway Administration.

*Fiscal year* means the Federal fiscal year, consisting of twelve months beginning each October 1 and ending the following September 30.

*Governor* means the Governor of any of the fifty States, Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands, the Mayor of the District of Columbia, or, for the application of this part to Indians as provided in 23 U.S.C. 402(i), the Secretary of the Interior.

*Governor's Representative for Highway Safety* means the official appointed by the Governor to implement the State's highway safety program or, for the application of this part to Indians as provided in 23 U.S.C. 402(i), an official of the Bureau of Indian Affairs who is

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duly designated by the Secretary of the Interior to implement the Indian highway safety program.

*NHTSA* means the National Highway Traffic Safety Administration.

*Program area* means a National Priority Program Area identified in §1205.3 of this chapter or a program area identified by the State in the highway safety plan as encompassing a major highway safety problem in the State and for which effective countermeasures have been identified.

*Program income* means gross income received by the State or any of its subgrantees or contractors that is directly or indirectly generated by a Federally-supported project during the project performance period.

*Section 402* means section 402 of title 23 of the United States Code.

*State* means any of the fifty States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or, for the application of this part to Indians as provided in 23 U.S.C. 402(i), the Secretary of the Interior.

### **Subpart B—Application, Approval, and Funding of the Highway Safety Program**

#### **§ 1200.10 Application.**

Each fiscal year, a State's application for funds for its highway safety program shall consist of the following components:

(a) A Performance Plan, containing the following elements:

(1) A list of objective and measurable highway safety goals, within the National Priority Program Areas and other program areas, based on highway safety problems identified by the State during the processes under paragraph (a)(2) of this section. Each goal must be accompanied by at least one performance measure that enables the State to track progress, from a specific baseline, toward meeting the goal (e.g., a goal to "increase safety belt use from XX percent in 19\_\_ to YY percent in 20\_\_," using a performance measure of "percent of restrained occupants in front outboard seating positions in passenger motor vehicles").

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(2) A brief description of the processes used by the State to identify its highway safety problems, define its highway safety goals and performance measures, and develop projects and activities to address its problems and achieve its goals. In describing these processes, the State shall identify the participants in the processes (e.g., highway safety committees, community and constituent groups), discuss the strategies for project or activity selection (e.g., constituent outreach, public meetings, solicitation of proposals), and list the information and data sources consulted.

(b) A Highway Safety Plan, approved by the Governor's Representative for Highway Safety, describing the projects and activities the State plans to implement to reach the goals identified in the Performance Plan. The Highway Safety Plan must, at a minimum, describe one year of Section 402 program activities (and may include activities funded from other sources, so long as the source of funding is clearly distinguished).

(c) A Certification Statement, signed by the Governor's Representative for Highway Safety, providing assurances that the State will comply with applicable laws and regulations, financial and programmatic requirements, and in accordance with §1200.11 of this part, the special funding conditions of the Section 402 program.

(d) A Program Cost Summary (HS Form 217 or its electronic equivalent), completed to reflect the State's proposed allocations of funds (including carry-forward funds) by program area, based on the goals identified in the Performance Plan and the projects and activities identified in the Highway Safety Plan. The funding level used shall be an estimate of available funding for the upcoming fiscal year.

[62 FR 34402, June 26, 1997, as amended at 64 FR 40764, July 28, 1999]

#### **§ 1200.11 Special funding conditions.**

The State's highway safety program under Section 402 shall be subject to the following conditions, and approval under §1200.13 of this part shall in no event be deemed to waive these conditions: