

(2) Administer the funds in accordance with 49 CFR part 18 and OMB Circulars A-102 and A-87; and

(3) Maintain its aggregate expenditures from all other sources, except those authorized under Chapter 1 of Title 23 of the United States Code, for highway safety data and traffic records programs at or above the average level of such expenditures in Federal fiscal years 1996 and 1997 (either State or Federal fiscal year 1996 and 1997 can be used).

[63 FR 54048, Oct. 8, 1998, as amended at 65 FR 48911, Aug. 10, 2000]

PART 1340—UNIFORM CRITERIA FOR STATE OBSERVATIONAL SURVEYS OF SEAT BELT USE

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AUTHORITY: 23 U.S.C. 157; delegation of authority at 49 CFR 1.50.

SOURCE: 63 FR 46392, Sept. 1, 1998, unless otherwise noted.

§ 1340.1 Purpose.

This part establishes uniform criteria for surveys of seat belt use conducted by States under 23 U.S.C. 157.

§ 1340.2 Applicability.

These uniform criteria apply to State surveys of seat belt use, beginning in calendar year 1998 (except as otherwise provided in this part), and continuing annually thereafter through calendar year 2001.

§ 1340.3 Basic design requirements.

Surveys conducted in accordance with this part shall incorporate the following minimum design requirements:

(a) *Probability-based requirement.* The sample identified for the survey shall have a probability-based design such that estimates are representative of safety belt use for the population of interest in the state and sampling errors may be calculated for each estimate produced.

(b) *Observational requirement.* Minimum requirements include the following:

(1) The sample data shall be collected through direct observation of seat belt use on roadways within the State, conducted completely within the calendar year for which the seat belt use rate is being reported;

(2) Seat belt use shall be determined by observation of the use or non-use of a shoulder belt;

(3) Observers shall be required to follow a predetermined, clear policy in the event that observations cannot be made at an assigned site at the specified time (due to heavy rain, construction, safety problems, etc.);

(4) Instructions to observers shall specify which road and which direction of traffic on that road are to be observed (observers must not be free to choose between roads at an intersection); and

(5) Observers shall follow clear instructions on how to start and end an observation period and how to stop and start observations if traffic flow is too heavy to observe all vehicles or if vehicles begin moving too quickly for observation (to remove any possible bias, such as starting with the next belted driver).

(c) *Precision requirement.* The relative error (standard error divided by the estimate) for safety belt use must not exceed 5 percent.

§ 1340.4 Population, demographic, and time/day requirements.

Surveys conducted in accordance with this part shall comply with the following minimum population, demographic, and time/day requirements:

(a) *Population of interest.* (1) Drivers and front seat outboard passengers in passenger motor vehicles (passenger cars, pickup trucks, vans, and sport utility vehicles) must be observed in the survey. (Only overall restraint use for the population of interest is required. However, in order to assist in the evaluation of trends, it is recommended that data be collected in such a way that restraint use estimates can be reported separately for passenger cars and other covered vehicles, and separately for drivers and front-