

108TH CONGRESS
1ST SESSION

H. R. 288

To amend title 23, United States Code, to establish programs to enhance roadway safety and improve transportation efficiency in the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 8, 2003

Mr. INSLEE introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 23, United States Code, to establish programs to enhance roadway safety and improve transportation efficiency in the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Roadway Safety and
5 Congestion Mitigation Improvements Act”.

6 **SEC. 2. ESTABLISHMENT OF ROADWAY SAFETY PROGRAM.**

7 (a) IN GENERAL.—Chapter 1 of title 23, United
8 States Code, is amended by adding at the end the fol-
9 lowing:

1 **“§ 165. Roadway safety program**

2 “(a) ESTABLISHMENT.—The Secretary shall estab-
3 lish and implement a roadway safety program in accord-
4 ance with this section.

5 “(b) ELIGIBLE PROJECTS.—A State may obligate
6 funds apportioned under this section to carry out the fol-
7 lowing roadway safety enhancement activities:

8 “(1) OLDER DRIVER ROADWAY SAFETY EN-
9 HANCEMENTS.—

10 “(A) ROADWAY ENHANCEMENTS.—All
11 roadway enhancements recommended in the
12 Federal Highway Administration Publication:
13 Guidelines and Recommendations to Accommo-
14 date Older Drivers and Pedestrians (FHWA-
15 RD-01-103).

16 “(B) CONSTRUCTION SAFETY ENHANCE-
17 MENTS.—All construction safety enhancements
18 to which section 120(c) applies. Acquisition and
19 installation of guardrail, guardrail end treat-
20 ments, median barriers, bridge railings, barrier
21 terminals, concrete barrier end treatments,
22 breakaway utility poles, crash cushions, impact
23 attenuators, and permanent and temporary
24 traffic control devices that meet the guidelines
25 contained in the National Cooperative Highway
26 Research Program Report 350 of the Transpor-

1 tation Research Board of the National Academy
2 of Sciences. Acquisition and installation of
3 guide sign lighting retrieval systems. Installa-
4 tion of rumble strips. Such other safety projects
5 as the Secretary may designate.

6 “(2) SAFETY MANAGEMENT SYSTEMS.—

7 “(A) SIGN AND PAVEMENT MARKING MAN-
8 AGEMENT SYSTEM PROGRAMS.—Development of
9 sign and pavement marking management sys-
10 tem programs for States, cities, and other local
11 governments.

12 “(B) RETRO REFLECTIVITY SYSTEM UP-
13 GRADES.—System upgrades to bring roadways
14 in compliance with congressionally mandated
15 minimum levels of retro reflectivity for pave-
16 ment markings and signs.

17 “(3) RUN-OFF-ROAD MITIGATION.—

18 “(A) WET-NIGHT PAVEMENT MARKINGS.—
19 Improvement of wet-night pavement markings.

20 “(B) RUMBLE STRIPS AND ROAD SIGN-
21 ING.—Installation of auditory and visual road-
22 way warning system rumble strips and road
23 signs.

1 “(4) SPEED MANAGEMENT.—Conduct of pilot
2 programs to determine the benefits of variable speed
3 limits.

4 “(5) PEDESTRIAN AND BICYCLE SAFETY.—Im-
5 plementation of pedestrian and bicycle safety coun-
6 termeasures, such as auditory crosswalks, round-
7 abouts, bicycle lane designations, upgraded signals,
8 signage, and pavement markings.

9 “(6) INTERSECTION SAFETY.—Installation of
10 intersection safety countermeasures that enhance
11 signing, markings, and retiming signalization and
12 conduct of an analysis of the effectiveness of auto-
13 mated enforcement technologies in reducing injuries
14 and fatalities.

15 “(7) EMERGENCY MANAGEMENT.—Acquisition
16 and storage of emergency management signs (includ-
17 ing changeable message signs), development of an
18 emergency management system to facilitate the
19 movement of traffic, pedestrians, and emergency
20 personnel in the event of a national emergency, and
21 development of a crisis management response func-
22 tion to provide the necessary traffic control, crisis
23 communication, and inventory to respond in the
24 event of a local, regional, or national crisis.

1 “(8) ALCOHOL AND SEATBELT AWARENESS.—
2 Acquisition and installation of roadway advisory
3 signage, including signs that promote seatbelt usage
4 and signs that discourage motorists from operating
5 a motor vehicle under the influence of alcohol.

6 “(9) HIGHWAY-RAIL CROSSINGS.—Effectuation
7 of grade separation, and installation of protective de-
8 vices, signs, and markings, at highway-rail grade
9 crossings.

10 “(10) COMPLIANCE WITH FEDERAL REQUIRE-
11 MENTS.—Measures taken by the State department
12 of transportation to comply with regulations issued
13 by the Secretary under subsection (c).

14 “(c) STATE REQUIREMENTS.—

15 “(1) REGULATIONS.—Not later than September
16 30, 2005, the Secretary shall issue regulations re-
17 quiring each State to comply with the following re-
18 quirements:

19 “(A) TRAINING OF INSTALLERS.—All in-
20 stallers of guardrail and associated roadside
21 safety systems working in the State on highway
22 projects eligible for assistance under this chap-
23 ter after September 30, 2006, shall be trained
24 in the proper method of installation of such sys-
25 tems.

1 “(B) PAVEMENT MARKINGS.—All pave-
2 ment marking edge lines installed on such
3 projects after September 30, 2006, shall be not
4 less than 6 inches in width.

5 “(C) WORK ZONE SAFETY AND MOBILITY
6 ENHANCEMENT.—

7 “(i) EQUIPPING AND TRAINING OF
8 ROADWAY WORKERS.—All roadway workers
9 on such projects who, after September 30,
10 2005, are exposed to or working adjacent
11 to moving motor vehicles shall be equipped
12 with a high-visibility garment and shall be
13 trained in basic roadway work zone safety
14 to minimize their vulnerability and the risk
15 to motorists.

16 “(ii) TRAINING OF SUPERVISORS.—All
17 workers involved with the installation and
18 removal of temporary traffic control de-
19 vices on such projects shall be supervised,
20 after September 30, 2005, by individuals
21 who are able to demonstrate to the head of
22 the State transportation department, or
23 the designee of the head of such depart-
24 ment, that they have passed a rigorous

1 technician level work zone installation
2 training course.

3 “(iii) TRAINING OF TRAFFIC CONTROL
4 FLAGGERS.—All individuals providing,
5 after September 30, 2005, traffic control
6 flagging duties on such projects shall be
7 able to demonstrate to the head of such
8 department, or the designee of the head of
9 such department, that they have received
10 rigorous training in proper traffic control
11 techniques, device usage, and placement.

12 “(iv) MINIMUM WIDTH FOR PAVE-
13 MENT MARKINGS.—All pavement markings
14 used, after September 30, 2005, in work
15 zones on such projects shall be not less
16 than 6 inches in width.

17 “(D) HIGH-RISK WORK ZONE SPECIFICA-
18 TIONS.—After September 30, 2006, before com-
19 mencement of construction or maintenance
20 work on a segment of highway with an average
21 daily travel of 50,000 or greater or a bridge
22 with an average daily travel of 25,000 or great-
23 er, the State shall agree to and comply with the
24 following conditions:

1 “(i) A traffic control supervisor
2 trained under subparagraph (C)(ii) will be
3 present during the installation or reconfig-
4 uration of temporary traffic control devices
5 to be used for the project.

6 “(ii) All individuals providing traffic
7 control flagging duties for the work will
8 demonstrate to the head of the State de-
9 partment of transportation, or the designee
10 of the head of such department, that they
11 have received training in proper traffic
12 control techniques, device usage, and place-
13 ment.

14 “(iii) The lead contractor for the work
15 will designate a person trained and cer-
16 tified in temporary traffic control ‘best
17 practices’ that have the responsibility and
18 authority to ensure compliance with the
19 traffic control plan for the work.

20 “(2) CERTIFICATION.—The Secretary shall cer-
21 tify annually each State that is complying with the
22 regulations issued under this subsection.

23 “(d) WORK ZONE SAFETY DATA.—The Secretary
24 shall gather annual work zone safety and mobility data

1 and transmit to Congress a biennial report on the status
2 of roadway work zone safety and mobility.

3 “(e) POSITIVE SEPARATION STANDARD.—Not later
4 than October 1, 2004, the Secretary shall develop a na-
5 tional standard on the use of positive separation for road-
6 way work zones of highway projects eligible for assistance
7 under this chapter.

8 “(f) RURAL LOCAL ROADS SAFETY PROGRAM.—

9 “(1) FUNDING LIMITATION.—Not to exceed 10
10 percent of the funds apportioned to a State under
11 section 104(b)(5) for the roadway safety program
12 for a fiscal year may be obligated by the State—

13 “(A) for eligible activities under subsection
14 (b) on public roads that are functionally classi-
15 fied as rural minor collectors or rural local
16 roads; and

17 “(B) for any measure necessary to facili-
18 tate the safe travel of schoolchildren by bicycle
19 or walking between their homes and school on
20 any public road within a 3 mile radius.

21 “(2) FEDERAL SHARE.—The Federal share
22 payable on account of an activity carried out under
23 this subsection shall be 100 percent of the cost
24 thereof.

1 “(3) REPORT.—Not later than January 1,
2 2009, after providing States, local governments, and
3 other interested parties an opportunity for comment,
4 the Secretary shall transmit to the Committee on
5 Transportation and Infrastructure of the House of
6 Representatives and the Committee on Environment
7 and Public Works of the Senate a report that—

8 “(A) describes progress made in carrying
9 out the program under this subsection; and

10 “(B) includes recommendations as to
11 whether the program should be continued or
12 modified.

13 “(g) HIGHWAY-RAIL CROSSINGS.—

14 “(1) FUNDING LIMITATION.—Not to exceed 5
15 percent of the funds apportioned to a State under
16 section 104(b)(5) for the roadway safety program
17 for a fiscal year may be obligated for carrying out
18 eligible activities described in subsection (b)(9).

19 “(2) FEDERAL SHARE.—The Federal share
20 payable on account of an activity carried out under
21 subsection (b)(9) shall be 80 percent of the cost
22 thereof.

23 “(h) NONTRANSFERABILITY OF FUNDS.—Notwith-
24 standing any other provision of law, funds apportioned to
25 the States under section 104(b)(5) for the roadway safety

1 program may not be transferred to any other apportion-
2 ment of the State under section 104 or 144 for such fiscal
3 year.

4 “(i) SET-ASIDE.—Before making an apportionment
5 under section 104(b)(5) for a fiscal year, the Secretary
6 shall set aside the following amounts:

7 “(1) EDUCATIONAL MATERIALS FOR OLDER
8 AND INEXPERIENCED DRIVERS.—An amount not
9 less than \$3,000,000 and not to exceed \$5,000,000
10 to be awarded by the Secretary in a public-private
11 partnership for development and distribution of edu-
12 cational materials and programs to assist older and
13 inexperienced drivers in how to safely navigate the
14 roadway.

15 “(2) RESEARCH AND DATA EVALUATION AND
16 ANNUAL REPORT.—\$25,000,000 for roadway safety
17 research and data evaluation and the development
18 and issuance of an annual report evaluating the im-
19 pact of all safety construction programs and activi-
20 ties.

21 “(3) NATIONAL WORK ZONE SAFETY INFORMA-
22 TION CLEARINGHOUSE.—Such amount as the Sec-
23 retary determines, but not to exceed \$500,000, to
24 support the program activities of the National Work
25 Zone Safety Information Clearinghouse.

1 “(4) NATIONAL WORK ZONE AWARENESS WEEK
2 ACTIVITIES.—\$500,000 to support Federal and
3 State sponsored national work zone awareness week
4 activities.

5 “(5) LOCAL TECHNICAL ASSISTANCE PRO-
6 GRAM.—\$500,000 only for fiscal year 2004 to pro-
7 vide for the training and certification as roadway
8 flagger trainers of such local technical assistance
9 program staff as the Secretary determines appro-
10 prium.

11 “(j) FEDERAL SHARE.—Except as provided in sub-
12 sections (f) and (g), the Federal share payable on account
13 of an activity carried out under this section shall be 90
14 percent of the cost thereof.

15 “(k) LOCATION OF PROJECTS.—Except as provided
16 in subsection (f), roadway safety program projects may
17 not be undertaken on roads functionally classified as local
18 or rural minor collectors, unless such roads are on a Fed-
19 eral-aid highway system on January 1, 1991, and except
20 as approved by the Secretary.

21 “(l) STATE DEFINED.—In this section, the term
22 “State” has the meaning such term has in section 401.”.

23 (b) CONFORMING AMENDMENT.—The analysis for
24 such chapter is amended by inserting after the item relat-
25 ing to section 164 the following:

“165. Roadway safety program.”.

1 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) IN GENERAL.—Subject to subsections (b) and (c),
3 there is to be authorized to be appropriated, out of the
4 Highway Trust Fund (other than the Mass Transit Ac-
5 count), to carry out the roadway safety program under
6 section 165 of title 23, United States Code, for each of
7 fiscal years 2004 through 2008 \$3,000,000,000.

8 (b) LIMITATION.—For any fiscal year, funds to be
9 made available to carry out section 165 of title 23, United
10 States Code, by this section shall be available only if the
11 total amount made available from the Highway Trust
12 Fund (other than the Mass Transit Account) for such fis-
13 cal year, other than by this section, exceeds
14 \$27,700,000,000.

15 (c) SPECIAL RULE.—For any fiscal year, if the total
16 amount made available from the Highway Trust Fund
17 (other than the Mass Transit Account), other than by this
18 section, exceeds \$27,700,000,000 and is less than
19 \$30,700,000,000, the amount made available by this sec-
20 tion shall be equal to the difference between the total
21 amount so made available from such Trust Fund and
22 \$27,700,000,000.

23 **SEC. 4. APPORTIONMENT.**

24 Section 104 of title 23, United States Code, is
25 amended—

1 (1) in subsection (a)(1) by inserting “roadway
2 safety program under section 165,” after “section
3 133,”;

4 (2) in the matter preceding paragraph (1) of
5 subsection (b)—

6 (A) by striking “set-aside authorized by
7 subsection (f)” and inserting “set-asides au-
8 thorized by subsections (d) and (f) of this sec-
9 tion and subsection (i) of section 165”; and

10 (B) by striking “and the Surface Trans-
11 portation program” and inserting “the Surface
12 Transportation program, and the Roadway
13 Safety program”; and

14 (3) by adding at the end of subsection (b) the
15 following new paragraph:

16 “(5) ROADWAY SAFETY PROGRAM.—

17 “(A) IN GENERAL.—For the roadway safe-
18 ty program, in accordance with the following
19 formula:

20 “(i) 25 percent of the apportionments
21 in the ratio that—

22 “(I) the total lane miles of Fed-
23 eral-aid highways in each State; bears
24 to

1 “(II) the total lane miles of Fed-
2 eral-aid highways in all States.

3 “(ii) 40 percent of the apportionments
4 in the ratio that—

5 “(I) the total vehicle miles trav-
6 eled on lanes on Federal-aid highways
7 in each State; bears to

8 “(II) the total vehicle miles trav-
9 eled on lanes on Federal-aid highways
10 in all States.

11 “(iii) 35 percent of the apportion-
12 ments in the ratio that—

13 “(I) the estimated tax payments
14 attributable to highway users in each
15 State paid into the Highway Trust
16 Fund (other than the Mass Transit
17 Account) in the latest fiscal year for
18 which data are available; bears to

19 “(II) the estimated tax payments
20 attributable to highway users in all
21 States paid into the Highway Trust
22 Fund (other than the Mass Transit
23 Account) in the latest fiscal year for
24 which data are available.

1 “(B) MINIMUM APPORTIONMENT.—Not-
 2 withstanding subparagraph (A), each State
 3 shall receive a minimum of $\frac{1}{2}$ of 1 percent of
 4 the funds apportioned under this paragraph.”.

5 **SEC. 5. INCREASED FEDERAL SHARE FOR CERTAIN POLICE**
 6 **ASSISTANCE.**

7 Section 120(c) of title 23, United States Code, is
 8 amended by inserting after “crossing closure,” the fol-
 9 lowing: “police assistance during ‘high-risk’ work zone ac-
 10 tivities (such as installation, removal, or maintenance of
 11 traffic control devices and mobile work zone operations),
 12 enforcement of speed limits during ‘high-risk’ work zone
 13 environments as determined by the head of the State de-
 14 partment of transportation,”.

15 **SEC. 6. INCREASED FEDERAL SHARE FOR CERTAIN POSI-**
 16 **TIVE SEPARATION MEASURES.**

17 Section 120(c) of title 23, United States Code, is fur-
 18 ther amended by inserting before “or installation of traffic
 19 lights” the following: “provision of positive separation to
 20 protect motorists and personnel working in a work zone
 21 on a highway project eligible for assistance under this
 22 chapter and for which traffic must be maintained through-
 23 out construction of the project at operational speeds equal
 24 to or greater than 45 miles per hour,”.

○