

111TH CONGRESS
1ST SESSION

H. R. 3355

To direct the Secretary of Transportation to carry out a program to improve roadway safety infrastructure in all States to enhance the safety of older drivers and pedestrians, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2009

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

A BILL

To direct the Secretary of Transportation to carry out a program to improve roadway safety infrastructure in all States to enhance the safety of older drivers and pedestrians, 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 “Older Driver and Pe-
5 destrian Safety and Roadway Enhancement Act of 2009.”

1 **TITLE I—ROADWAY SAFETY EN-**
2 **HANCEMENT PROGRAM FOR**
3 **OLDER DRIVERS AND PEDES-**
4 **TRIAN**

5 **SEC. 101. ROADWAY SAFETY ENHANCEMENT PROGRAM FOR**
6 **OLDER DRIVERS AND PEDESTRIANS.**

7 (a) ESTABLISHMENT OF PROGRAM.—The Secretary
8 of Transportation shall establish and implement a pro-
9 gram, the roadway safety enhancement program for older
10 drivers and pedestrians, to improve roadway safety infra-
11 structure in all States in a manner consistent with the
12 recommendations included in the publication of the Fed-
13 eral Highway Administration entitled “Highway Design
14 Handbook for Older Drivers and Pedestrians” (FHWA–
15 RD–01–103), referred to in this Act as the “Handbook”,
16 dated May 2001 or as subsequently revised and updated
17 pursuant to section 103.

18 (b) PURPOSE.—The purpose of the roadway safety
19 enhancement program for older drivers and pedestrians is
20 to achieve a significant reduction in roadway fatalities and
21 serious injuries among drivers and pedestrians 65 years
22 of age or older on all public roads.

23 (c) APPORTIONMENT OF FUNDS.—

24 (1) IN GENERAL.—On October 1 of each fiscal
25 year, the Secretary shall apportion such funds au-

1 thorized to be appropriated to carry out this section
2 for such fiscal year among the States in accordance
3 with the following formula:

4 (A) $33\frac{1}{3}$ percent of the apportionment in
5 the ratio that—

6 (i) the total vehicle miles traveled on
7 lanes on public roads in each State; bears
8 to

9 (ii) the total vehicle miles traveled on
10 lanes on public roads in all States.

11 (B) $33\frac{1}{3}$ percent of the apportionment in
12 the ratio that—

13 (i) the total per capita population of
14 individuals 65 years of age or older resid-
15 ing in each State in the latest fiscal year
16 for which data is available, bears to

17 (ii) the total per capital population of
18 individuals 65 years of age or older resid-
19 ing in all States in the latest fiscal year for
20 which data is available.

21 (C) $33\frac{1}{3}$ percent of the apportionments in
22 the ratio that—

23 (i) the total number of fatalities and
24 serious injuries among drivers and pedes-
25 trians 65 years of age or older on public

1 roads in each State in the latest fiscal year
2 for which data are available, bears to

3 (ii) the total number of fatalities and
4 serious injuries among drivers and pedes-
5 trians 65 years of age or older on the pub-
6 lic roads in all States in the latest fiscal
7 year for which data are available.

8 (2) MINIMUM APPORTIONMENT.—Notwith-
9 standing paragraph (1), each State shall receive a
10 minimum apportionment of not less than one per-
11 cent of the funds apportioned under this subsection.

12 (d) PROJECT ELIGIBILITY AND SELECTION.—

13 (1) IN GENERAL.—A State may obligate funds
14 apportioned to the State under subsection (c) for the
15 planning, design, and construction of infrastructure-
16 related projects that employ safety enhancement rec-
17 ommendations set forth in the Handbook—

18 (A) to improve safety at intersections,
19 interchanges, rail grade crossings, and roadway
20 segments;

21 (B) to make systemic roadway safety im-
22 provements on public roads; and

23 (C) to improve roadway safety on other
24 sections or elements of public roads that a

1 State transportation department identifies as
2 hazardous for older drivers and pedestrians.

3 (2) PROJECT IDENTIFICATION AND SELECTION
4 PRIORITIES.—To obligate funds apportioned under
5 subsection (c) to carry out this section, a State shall
6 have in effect, either in conjunction with a State
7 strategic highway safety plan pursuant to section
8 148 of title 23, United States Code, or separately,
9 appropriate policies and procedures developed by the
10 State transportation department to—

11 (A) analyze and make effective use of
12 State, regional and local crash and fatality
13 data, hospital reports and other data to docu-
14 ment traffic-related fatalities and injuries to in-
15 dividuals 65 years of age or older;

16 (B) consult with appropriate State and
17 local transportation planning agencies, State
18 and local safety agencies and organizations,
19 representatives of the roadway infrastructure
20 safety industry, and State and local organiza-
21 tions representing older drivers and pedestrians,
22 to identify hazardous locations, sections, and
23 elements of public roads that constitute a dan-
24 ger for drivers, vehicle occupants, or pedes-
25 trians 65 years of age or older;

1 (C) determine the relative severity of haz-
2 ardous road and highway locations, sections and
3 elements for drivers and pedestrians age 65
4 years or older through crash and injury data
5 analysis;

6 (D) establish priorities for obligating funds
7 among potential projects for correction of haz-
8 ardous road and highway conditions, which
9 shall include projects that—

10 (i) involve hazardous intersection,
11 road or highway conditions identified in a
12 strategic highway safety plan pursuant to
13 section 148(c)(1)(D) as exhibiting the
14 most severe safety needs;

15 (ii) make use of multiple Handbook
16 recommendations or the use of a systemic
17 program to correct the most serious high-
18 way safety hazards for drivers or pedes-
19 trians 65 years of age or older; or

20 (iii) are used in conjunction with
21 other Federal programs such as the safe
22 routes to schools program pursuant to sec-
23 tion 1404 of SAFETEA-LU or such other
24 road safety design improvements or fund-

1 ing that enhance traffic and pedestrian
2 safety for all roadway users;

3 (E) establish and implement a schedule of
4 roadway infrastructure safety improvement
5 projects for hazard correction and hazard pre-
6 vention; and

7 (F) establish an evaluation process to ana-
8 lyze and assess results achieved by highway
9 safety improvement projects carried out in ac-
10 cordance with procedures and criteria estab-
11 lished by the section and report annually the re-
12 sults of such evaluations to the Secretary.

13 (e) FEDERAL SHARE.—The Federal share of the cost
14 of a project carried out under this section shall be 90 per-
15 cent.

16 (f) DEFINITIONS.—As used in this section, the terms
17 “public road”, “State”, and “State transportation depart-
18 ment” have the meaning such terms have in section 101
19 of title 23, United States Code.

20 (g) AUTHORIZATION OF APPROPRIATIONS.—

21 (1) IN GENERAL.—There is authorized to be
22 appropriated out of the Highway Trust Fund (other
23 than the Mass Transit Account) \$500,000,000 to
24 carry out this section for each of fiscal years 2010
25 through 2015.

1 (2) APPLICABILITY OF TITLE 23.—Funds au-
2 thorized to be appropriated to carry out this section
3 shall be available for obligation in the same manner
4 as if such funds were appropriated under chapter 1
5 of title 23, United States Code, and such funds shall
6 remain available until expended and shall not be
7 transferable.

8 **SEC. 102. REGULATIONS.**

9 Not later than 9 months after the date of enactment
10 of this Act, the Secretary shall issue regulations to carry
11 out section 101.

12 **SEC. 103. REVISION OF THE HIGHWAY DESIGN HANDBOOK**
13 **FOR OLDER DRIVERS AND PEDESTRIANS.**

14 The Secretary of Transportation shall—

15 (1) finalize the revision of the Handbook for
16 publication on or before the date required for
17 issuance of regulations in section 102;

18 (2) initiate a review of applicable traffic safety
19 research for purposes of incorporating in the Hand-
20 book appropriate recommendations relating to—

21 (A) supplemental lighting at intersections,
22 interchanges, rail-grade rail crossings and haz-
23 ardous sections of roadways, as appropriate, to
24 address visual impairments among older driv-
25 ers;

1 (B) wet-night visibility of pavement mark-
2 ings and edgelines; and

3 (C) design of intersection curbs and curb
4 ramps to address physical limitations of older
5 or disabled pedestrians;

6 (3) issue, not later than one year after the date
7 of enactment of this section, a guidance memo re-
8 garding the appropriateness of applying to public
9 roads and highways pedestrian safety improvements
10 relating to the following intersection design ele-
11 ments:

12 (A) receiving lane (throat) width for turn-
13 ing operations;

14 (B) channelization;

15 (C) offset (single) left-turn lane geometry,
16 signing, and delineation;

17 (D) curb radius; and

18 (E) pedestrian crossing design, operations,
19 and control; and

20 (4) conduct ongoing research to permit revision
21 and publication of an updated Handbook not later
22 than December 31, 2014.

1 **TITLE II—OLDER DRIVER AND**
2 **PEDESTRIAN TRAFFIC SAFE-**
3 **TY AMENDMENTS AND AD-**
4 **MINISTRATIVE COORDINA-**
5 **TION**

6 **SEC. 201. MISCELLANEOUS CONFORMING AMENDMENTS.**

7 (a) COLLECTION OF TRAFFIC INJURY AND FATALITY
8 DATA ON OLDER DRIVERS AND PEDESTRIANS.—Section
9 148(c)(1)(D) of title 23, United States Code, is amend-
10 ed—

11 (1) by striking “and” at the end of clause (iii);

12 (2) by inserting “and” at the end of clause (iv);

13 and

14 (3) by inserting after clause (iv), the following:

15 “(v) includes a means of identifying
16 the relative severity of hazardous locations
17 described in clause (iii) in terms of acci-
18 dents, injuries, and death involving drivers,
19 passengers, and pedestrians 65 years of
20 age or older;”.

21 (b) REPEAL OF EXISTING LAW.—Section 1405 of the
22 Safe, Accountable, Flexible, Efficient Transportation Act:
23 A Legacy for Users (23 U.S.C. 401 note; 119 Stat. 1230),
24 and the item relating to such section in section 1(b) of
25 such Act, are repealed.

1 **SEC. 202. COORDINATION AND OVERSIGHT OF OLDER DRIV-**
2 **ER SAFETY.**

3 (a) IN GENERAL.—The Secretary shall appoint a
4 Special Assistant for Older Driver and Pedestrian Safety
5 within the Office of the Secretary to oversee and coordi-
6 nate programs operated or funded by the Department re-
7 lating to transportation safety, research, and services for
8 individuals age 65 and older.

9 (b) POLICY GOALS AND IMPLEMENTATION.—The
10 Secretary shall establish, after consultation with other
11 Federal and State transportation agencies, organizations
12 representing individuals age 65 and older, representatives
13 of law enforcement, and advocates for roadway safety in-
14 frastructure, national goals for increasing driver, pas-
15 senger, and pedestrian safety for persons age 65 and
16 older, together with procedures for implementing and
17 monitoring progress toward achieving such goals.

18 (c) DUTIES OF THE SPECIAL ASSISTANT.—The Spe-
19 cial Assistant for Older Driver and Pedestrian Safety shall
20 be responsible for planning and implementing policies to
21 achieve the national goals set forth by the Secretary pur-
22 suant to subsection (b), and, in consultation with the Sec-
23 retary and the Undersecretary for Policy, shall also have
24 responsibility to:

1 (1) oversee collection and analysis of national
2 traffic accident, injury, and fatality data relating to
3 individuals age 65 and older;

4 (2) coordinate and make recommendations re-
5 garding research undertaken by the Department to
6 identify and address the safety needs of drivers, pas-
7 sengers, and pedestrians age 65 and older;

8 (3) oversee the revision of the Handbook, as re-
9 quired by section 103 of this Act;

10 (4) oversee the conduct of research and make
11 recommendations for inclusion in the manual on uni-
12 form traffic control devices of appropriate safety fea-
13 tures and traffic control devices in the Handbook
14 that have been determined effective in reducing inju-
15 ries or fatalities among drivers, passengers, and pe-
16 destrians age 65 and older;

17 (5) oversee research by the National Highway
18 Traffic Safety Administration to test and implement
19 vehicle crash dummies that more accurately repro-
20 duce and measure the severity of vehicle-related in-
21 juries for occupants age 65 and older;

22 (6) encourage and facilitate revision of the ab-
23 breviated injury scale system of injury quantification
24 to more accurately measure injuries and fatalities to
25 vehicle occupants age 65 and older, including meas-

1 uring the effect of pre-existing and chronic condi-
2 tions and long-term injury outcomes;

3 (7) improve coordination of research sponsored
4 by the Department to develop efficient, effective and
5 safe mobility options for individuals age 65 and
6 older with research conducted by the National Cen-
7 ter on Senior Transportation; and

8 (8) undertake such other duties and responsibil-
9 ities that the Secretary or the Undersecretary for
10 Policy shall determine appropriate.

11 (d) REPORT TO CONGRESS.—The Secretary, not later
12 than 12 months after the date of enactment of this sec-
13 tion, and not less than annually thereafter, shall submit
14 to Congress a report that documents the progress made
15 by the Department to achieve the goals set forth by the
16 Secretary pursuant to subsection (b), that shall include,
17 as appropriate, descriptions of any impediments to achiev-
18 ing such goals, explanation of strategies or plans to ad-
19 dress such impediments, and recommendations for addi-
20 tional Congressional action.

21 (e) AUTHORIZATION OF APPROPRIATIONS.—

22 (1) IN GENERAL.—There is authorized to be
23 appropriated out of the Highway Trust Fund (other
24 than the Mass Transit Account) \$250,000 to carry

1 out subsection (d) for each of fiscal years 2010
2 through 2015.

3 (2) APPLICABILITY OF TITLE 23.—Funds au-
4 thorized to be appropriated to carry out subsection
5 (d) shall be available for obligation in the same man-
6 ner as if such funds were appropriated under chap-
7 ter 1 of title 23, United States Code, and such funds
8 shall remain available until expended and shall not
9 be transferable.

10 **SEC. 203. MINIMUM LEVELS OF RETROREFLECTIVITY FOR**
11 **PAVEMENT MARKINGS.**

12 Not later than October 1, 2010, the Secretary of
13 Transportation shall revise the manual on uniform traffic
14 control devices to include a standard for a minimum level
15 of retroreflectivity that must be maintained for pavement
16 markings, which shall apply to all roads open to public
17 travel.

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