

118TH CONGRESS
2D SESSION

S. 3964

To amend title 23, United States Code, with respect to the highway safety improvement program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 14, 2024

Mr. CARDIN (for himself, Ms. BALDWIN, and Mr. VAN HOLLEN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend title 23, United States Code, with respect to the highway safety improvement program, 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 “Sarah Debbink
5 Langenkamp Active Transportation Safety Act”.

6 **SEC. 2. HIGHWAY SAFETY IMPROVEMENT PROGRAM.**

7 (a) HIGHWAY SAFETY IMPROVEMENT PROJECT.—

8 Section 148(a)(4)(B) of title 23, United States Code, is
9 amended—

1 (1) in clause (xxix), by striking “through
2 (xxviii)” and inserting “through (xxx)”;

3 (2) by redesignating clause (xxix) as clause
4 (xxxi); and

5 (3) by inserting after clause (xxviii) the fol-
6 lowing:

7 “(xxix) The connection of 2 or more
8 segments of existing bicyclist or pedestrian
9 infrastructure.

10 “(xxx) The reduction of safety risks to
11 vulnerable road users through a project or
12 strategy described in a program of projects
13 or strategies developed pursuant to sub-
14 section (l)(2)(B).”.

15 (b) TREATMENT OF CERTAIN PROJECTS AND STRAT-
16 EGIES RELATED TO VULNERABLE ROAD USERS.—

17 (1) VULNERABLE ROAD USER SAFETY ASSESS-
18 MENT.—Section 148(l) of title 23, United States
19 Code, is amended by adding at the end the fol-
20 lowing:

21 “(8) CONSISTENCY WITH STATE STRATEGIC
22 HIGHWAY SAFETY PLAN.—

23 “(A) IN GENERAL.—A project or strategy
24 for reducing safety risks to vulnerable road

1 users shall be treated as consistent with a State
2 strategic highway safety plan if—

3 “(i) the relevant State strategic high-
4 way safety plan includes an emphasis area
5 related to vulnerable road users; and

6 “(ii) the project or strategy—

7 “(I) was described in a program
8 of projects or strategies developed
9 pursuant to paragraph (2)(B);

10 “(II) was identified by a local
11 government, metropolitan planning or-
12 ganization, or regional transportation
13 planning organization, including in a
14 safety plan described in subparagraph
15 (B), as addressing 1 or more areas of
16 high risk to vulnerable road users
17 during the consultation process re-
18 quired under paragraph (4)(B) and
19 through a planning process and data-
20 based analysis; or

21 “(III) is a Proven Safety Coun-
22 termeasure, as determined by the
23 Federal Highway Administration.

1 “(B) SAFETY PLANS DESCRIBED.—A safety
2 plan referred to in subparagraph (A)(ii)(II)
3 is—

4 “(i) a pedestrian or bicyclist safety
5 plan;

6 “(ii) a Complete Streets plan;

7 “(iii) a local roadway safety plan;

8 “(iv) a Vision Zero Action Plan;

9 “(v) a transition plan described in
10 section 35.150(d) of title 28, Code of Fed-
11 eral Regulations (or successor regulations)
12 (commonly known as an ‘ADA Transition
13 Plan’);

14 “(vi) a Tribal transportation safety
15 plan;

16 “(vii) a comprehensive safety action
17 plan (as defined in section 24112(a) of the
18 Infrastructure Investment and Jobs Act
19 (23 U.S.C. 402 note; Public Law 117–
20 58)); or

21 “(viii) any other safety plan, as deter-
22 mined by the Secretary.”.

23 (2) ELIGIBLE PROJECTS.—Section 148(e)(1) of
24 title 23, United States Code, is amended—

1 (A) in subparagraph (B), by striking “or”
2 at the end;

3 (B) in subparagraph (C), by striking the
4 period at the end and inserting “; or”; and

5 (C) by adding at the end the following:

6 “(D) a project or strategy that is treated
7 as consistent with a State strategic highway
8 safety plan under subsection (l)(8).”.

9 (c) FEDERAL SHARE OF CERTAIN HIGHWAY SAFETY
10 IMPROVEMENT PROJECTS.—

11 (1) IN GENERAL.—Section 148(j) of title 23,
12 United States Code, is amended—

13 (A) by striking “Except as provided in sec-
14 tions 120 and 130” and inserting the following:

15 “(1) IN GENERAL.—Except as provided in sec-
16 tions 120 and 130 and paragraph (2)”; and

17 (B) by adding at the end the following:

18 “(2) EXCEPTION.—Notwithstanding any other
19 provision of law, the Federal share of the cost of a
20 highway safety improvement project carried out with
21 funds apportioned to a State under section
22 104(b)(3) may be up to 100 percent if the project
23 is a project described in clause (xxix) or (xxx) of
24 subsection (a)(4)(B).”.

1 (2) FLEXIBLE FINANCING.—Section 133(h)(7)
2 of title 23, United States Code, is amended—

3 (A) by redesignating subparagraph (C) as
4 subparagraph (D); and

5 (B) by striking subparagraph (B) and in-
6 serting the following:

7 “(B) FLEXIBLE FINANCING.—Notwith-
8 standing section 120—

9 “(i) the non-Federal share for a
10 project under this subsection may be cal-
11 culated on a project, multiple-project, or
12 program basis; and

13 “(ii) the Federal share of the cost of
14 an individual project under this subsection
15 may be up to 100 percent.

16 “(C) TREATMENT AS NON-FEDERAL
17 SHARE.—Notwithstanding any other provision
18 of law, funds made available to carry out sec-
19 tion 148 may be credited toward the non-Fed-
20 eral share of the costs of a project under this
21 subsection if the project—

22 “(i) includes a Proven Safety Coun-
23 termeasure for bicyclists or pedestrians, as
24 determined by the Federal Highway Ad-
25 ministration; or

1 “(ii) is consistent with the State stra-
2 tegic highway safety plan as described in
3 section 148(l)(8).”.

4 (3) INCREASED FEDERAL SHARE FOR PROVEN
5 SAFETY COUNTERMEASURES.—Section 120(c)(1) of
6 title 23, United States Code, is amended, in the first
7 sentence, by inserting “Proven Safety Counter-
8 measures for bicyclists or pedestrians (as determined
9 by the Federal Highway Administration),” before
10 “breakaway utility poles”.

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