

112TH CONGRESS
1ST SESSION

H. R. 1776

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

MAY 5, 2011

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 2011”.

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, to be known as the roadway safety enhancement
10 program for older drivers and pedestrians, to improve
11 roadway safety infrastructure in all States in a manner
12 consistent with the recommendations included in the pub-
13 lication of the Federal Highway Administration entitled
14 “Highway Design Handbook for Older Drivers and Pedes-
15 trians” (FHWA–RD–01–103), dated May 2001 or as sub-
16 sequently revised and updated pursuant to section 103 (in
17 this Act referred to as the “Handbook”).

18 (b) PURPOSE.—The purpose of the roadway safety
19 enhancement program for older drivers and pedestrians
20 shall be to achieve a significant reduction in roadway fa-
21 talities and serious injuries among drivers and pedestrians
22 65 years 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 the funds made

1 available to carry out this section for such fiscal year
2 among the States in accordance with the following
3 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 for
10 a fiscal year a minimum apportionment of not less
11 than one percent of the funds apportioned under
12 this subsection for that fiscal year.

13 (d) PROJECT ELIGIBILITY AND SELECTION.—

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

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

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

24 (C) to improve roadway safety on other
25 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 arduous road and highway locations, sections,
3 and 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 arduous 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 (23 U.S.C.
24 402 note; 119 Stat. 1228) or such other
25 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 this section and report annually the
12 results 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 2011
25 through 2016.

1 (2) APPLICABILITY OF TITLE 23.—Funds au-
2 thorized to be appropriated to carry out this section
3 shall be available for obligation and administered in
4 the same manner as if such funds were appropriated
5 under chapter 1 of title 23, United States Code, ex-
6 cept that such funds shall remain available until ex-
7 pended and shall not be 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 take the fol-
15 lowing actions:

16 (1) On or before the date of issuance of regula-
17 tions under section 102, finalize the revision of the
18 Handbook for publication.

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

22 (A) supplemental lighting at intersections,
23 interchanges, rail-grade rail crossings and haz-
24 ardous sections of roadways, as appropriate, to

1 address visual impairments among older driv-
2 ers;

3 (B) wet-night visibility of pavement mark-
4 ings and edgelines; and

5 (C) design of intersection curbs and curb
6 ramps to address physical limitations of older
7 or disabled pedestrians.

8 (3) Not later than 1 year after the date of en-
9 actment of this Act, issue a guidance memo regard-
10 ing the appropriateness of applying to public roads
11 and highways pedestrian safety improvements relat-
12 ing to the following intersection design elements:

13 (A) Receiving lane (throat) width for turn-
14 ing operations.

15 (B) Channelization.

16 (C) Offset (single) left-turn lane geometry,
17 signing, and delineation.

18 (D) Curb radius.

19 (E) Pedestrian crossing design, operations,
20 and control.

21 (4) Not later than December 31, 2016, conduct
22 ongoing research to permit revision and publication
23 of an updated Handbook.

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)(2)(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 adding “and” at the end of clause (iv);

13 and

14 (3) by adding at the end 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
22 SAFETEA-LU (23 U.S.C. 401 note; 119 Stat. 1230),
23 and the item relating to such section in the table of con-
24 tents contained in section 1(b) of such Act, are repealed.

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

3 (a) IN GENERAL.—The Secretary of Transportation
4 shall appoint a Special Assistant for Older Driver and Pe-
5 destrian Safety within the Office of the Secretary to over-
6 see and coordinate programs operated or funded by the
7 Department of Transportation relating to transportation
8 safety, research, and services for individuals age 65 and
9 older.

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

19 (c) DUTIES OF THE SPECIAL ASSISTANT.—The Spe-
20 cial Assistant for Older Driver and Pedestrian Safety
21 shall—

22 (1) be responsible for planning and imple-
23 menting policies to achieve the national goals set
24 forth by the Secretary pursuant to subsection (b);
25 and

1 (2) in consultation with the Secretary and the
2 Department of Transportation's Under Secretary for
3 Policy, shall be responsible for—

4 (A) overseeing collection and analysis of
5 national traffic accident, injury, and fatality
6 data relating to individuals age 65 and older;

7 (B) coordinating and making recommenda-
8 tions regarding research undertaken by the De-
9 partment to identify and address the safety
10 needs of drivers, passengers, and pedestrians
11 age 65 and older;

12 (C) overseeing the revision of the Hand-
13 book, as required by section 103;

14 (D) overseeing the conduct of research and
15 make recommendations for inclusion in the
16 manual on uniform traffic control devices of ap-
17 propriate safety features and traffic control de-
18 vices in the Handbook that have been deter-
19 mined effective in reducing injuries or fatalities
20 among drivers, passengers, and pedestrians age
21 65 and older;

22 (E) overseeing research by the National
23 Highway Traffic Safety Administration to test
24 and implement vehicle crash dummies that
25 more accurately reproduce and measure the se-

1 verity of vehicle-related injuries for occupants
2 age 65 and older;

3 (F) encouraging and facilitating revision of
4 the abbreviated injury scale system of injury
5 quantification to more accurately measure inju-
6 ries and fatalities to vehicle occupants age 65
7 and older, including measuring the effect of
8 pre-existing and chronic conditions and long-
9 term injury outcomes;

10 (G) improving coordination of research
11 sponsored by the Department to develop effi-
12 cient, effective, and safe mobility options for in-
13 dividuals age 65 and older with research con-
14 ducted by the National Center on Senior Trans-
15 portation; and

16 (H) undertaking such other duties and re-
17 sponsibilities as the Secretary or the Under
18 Secretary for Policy determines appropriate.

19 (d) REPORT TO CONGRESS.—Not later than 12
20 months after the date of enactment of this section, and
21 not less than annually thereafter, the Secretary shall sub-
22 mit to Congress a report that documents the progress
23 made by the Department in achieving the goals set forth
24 by the Secretary pursuant to subsection (b). The report
25 shall include, as appropriate, descriptions of any impedi-

1 ments to achieving such goals, explanation of strategies
2 or plans to address such impediments, and recommenda-
3 tions for additional congressional action.

4 (e) AUTHORIZATION OF APPROPRIATIONS.—

5 (1) IN GENERAL.—There is authorized to be
6 appropriated out of the Highway Trust Fund (other
7 than the Mass Transit Account) \$250,000 to carry
8 out subsection (d) for each of fiscal years 2011
9 through 2016.

10 (2) APPLICABILITY OF TITLE 23.—Funds au-
11 thORIZED to be appropriated to carry out subsection
12 (d) shall be available for obligation and administered
13 in the same manner as if such funds were appro-
14 priated under chapter 1 of title 23, United States
15 Code, except that such funds shall remain available
16 until expended and shall not be transferable.

17 **SEC. 203. MINIMUM LEVELS OF RETROREFLECTIVITY FOR**
18 **PAVEMENT MARKINGS.**

19 Not later than October 1, 2011, the Secretary of
20 Transportation shall revise the manual on uniform traffic
21 control devices to include a standard for a minimum level
22 of retroreflectivity that must be maintained for pavement
23 markings. Such standard shall apply to all roads open to
24 public travel.

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