

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 3011

To amend title 23, United States Code, to establish programs to encourage economic growth in the United States, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 26, 2002

Mr. BAUCUS introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend title 23, United States Code, to establish programs to encourage economic growth 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 “Maximum Economic  
5       Growth for America Through Safety Improvements Act”  
6       or the “MEGA Safe Act”.

1 **SEC. 2. SCHOOL CROSSING ZONE AND OTHER PEDESTRIAN**  
 2 **AND BICYCLE CROSSING ZONE IMPROVE-**  
 3 **MENT PROGRAM.**

4 Section 104 of title 23, United States Code, is  
 5 amended—

6 (1) by redesignating subsections (e) through (l)  
 7 as subsections (f) through (m), respectively; and

8 (2) by inserting after subsection (d) the fol-  
 9 lowing:

10 “(e) SCHOOL CROSSING ZONE AND OTHER PEDES-  
 11 TRIAN AND BICYCLE CROSSING ZONE IMPROVEMENTS.—

12 “(1) IN GENERAL.—Before making an appor-  
 13 tionment under subsection (b)(3) for a fiscal year,  
 14 the Secretary shall set aside \$25,000,000 for the fis-  
 15 cal year for carrying out a program to assist local  
 16 governments in placing fluorescent yellow-green  
 17 signs to mark school zone crossing and other pedes-  
 18 trian and bicycle highway crossing zones.

19 “(2) ELIGIBLE PROJECTS.—Amounts made  
 20 available under paragraph (1) for obligation at the  
 21 discretion of the Secretary may be obligated only for  
 22 projects to—

23 “(A) place fluorescent yellow-green signs to  
 24 mark school zone crossing or other pedestrian  
 25 or bicycle crossing zones where no crossing  
 26 signs exist;

1           “(B) replace existing yellow signs with flu-  
2           orescent yellow-green signs to mark school zone  
3           crossing or other pedestrian or bicycle crossing  
4           zones; or

5           “(C) replace damaged or worn fluorescent  
6           yellow-green signs to mark school zone crossing  
7           or other pedestrian or bicycle crossing zones.

8           “(3) OFF-SYSTEM CROSSINGS.—Amounts made  
9           available under paragraph (1) for obligation at the  
10          discretion of the Secretary may be obligated for eli-  
11          gible projects located on any public road.

12          “(4) MINIMUM DISTRIBUTION.—In obligating  
13          funds under this subsection, the Secretary shall en-  
14          sure that, for each fiscal year, not less than 0.5 per-  
15          cent of funds set aside under paragraph (1) are obli-  
16          gated for projects in each State.

17          “(5) APPLICABLE LAW.—The use of funds obli-  
18          gated under this subsection shall be in accordance  
19          with applicable State law and the Manual on Uni-  
20          form Traffic Control Devices.

21          “(6) FEDERAL SHARE.—The Federal share of  
22          the cost of any project carried out using funds obli-  
23          gated under this subsection shall be 100 percent.”.

24 **SEC. 3. RURAL LOCAL ROADS SAFETY PILOT PROGRAM.**

25          (a) DEFINITIONS.—In this section:

1 (1) IN GENERAL.—

2 (A) ELIGIBLE ACTIVITY.—

3 (i) IN GENERAL.—The term “eligible  
4 activity” means a project or activity that—

5 (I) is carried out only on public  
6 roads that are functionally classified  
7 as rural minor collector or rural local  
8 roads (and is not carried out on a  
9 Federal aid highway); and

10 (II) provides a safety benefit.

11 (ii) INCLUSIONS.—The term “eligible  
12 activity” includes—

13 (I) a project or program such as  
14 those described in section 133(d)(1) of  
15 title 23, United States Code;

16 (II) road surfacing or resur-  
17 facing;

18 (III) improvement or mainte-  
19 nance of local bridges;

20 (IV) road reconstruction or im-  
21 provement;

22 (V) installation or improvement  
23 of signage, signals, or lighting;

24 (VI) a maintenance activity that  
25 provides a safety benefit (including re-

1 pair work, striping, surface marking,  
2 or a similar safety precaution); or

3 (VII) acquisition of materials for  
4 use in projects described in any of  
5 subclauses (I) through (VI).

6 (B) PROGRAM.—The term “program”  
7 means the rural local roads safety pilot pro-  
8 gram established under subsection (b).

9 (C) STATE.—The term “State” does not  
10 include the District of Columbia or Puerto  
11 Rico.

12 (2) OTHER TERMS.—Except as otherwise pro-  
13 vided, terms used in this section have the meanings  
14 given those terms in title 23, United States Code.

15 (b) ESTABLISHMENT.—The Secretary shall establish  
16 a rural local roads safety pilot program to carry out eligi-  
17 ble activities.

18 (c) ALLOCATION OF FUNDS WITH RESPECT TO  
19 STATES.—For each fiscal year, funds made available to  
20 carry out this section shall be allocated by the Secretary  
21 to the State transportation department in each of the  
22 States in the ratio that—

23 (1) the relative share of the State under section  
24 105 of title 23, United States Code, for a fiscal year;  
25 bears to

1           (2) the total shares of all 50 States under that  
2 section for the fiscal year.

3           (d) ALLOCATION OF FUNDS WITHIN STATES.—Each  
4 State that receives funds under subsection (c) shall allo-  
5 cate those funds within the State as follows:

6           (1) COUNTIES.—Except as provided in para-  
7 graph (2) and subject to paragraph (3), a State  
8 shall allocate to each county in the State an amount  
9 in the ratio that—

10                   (A) the public road miles within the county  
11 that are functionally classified as rural local  
12 roads or rural minor collector roads; bears to

13                   (B) the total of all public road miles within  
14 all counties in the State that are functionally  
15 classified as rural local roads or rural minor  
16 collector roads.

17           (2) ALTERNATIVE FORMULA FOR ALLOCA-  
18 TION.—Paragraph (1) shall not apply to a State if  
19 the State transportation department certifies to the  
20 Secretary that the State has in effect an alternative  
21 formula or system for allocation of funds received  
22 under subsection (c) (including an alternative for-  
23 mula or system that permits allocations to political  
24 subdivisions or groups of political subdivisions, in  
25 addition to individual counties, in the State) that—

1 (A) was developed under the authority of  
2 State law; and

3 (B) provides that funds allocated to the  
4 State transportation department under this sec-  
5 tion will be allocated within the State in accord-  
6 ance with a program that includes selection by  
7 local governments of eligible activities funded  
8 under this section.

9 (3) ADMINISTRATIVE EXPENSES.—Before allo-  
10 cating amounts under paragraph (1) or (2), as ap-  
11 plicable, a State transportation department may re-  
12 tain not more than 10 percent of an amount allo-  
13 cated to the State transportation department under  
14 subsection (c) for administrative costs incurred in  
15 carrying out this section.

16 (e) PROJECT SELECTION.—

17 (1) BY COUNTY.—If an allocation of funds  
18 within a State is made under subsection (d)(1),  
19 counties within the State to which the funds are al-  
20 located shall select eligible activities to be carried  
21 out using the funds.

22 (2) BY STATE ALTERNATIVE.—If an allocation  
23 of funds within a State is made under subsection  
24 (d)(2), eligible activities to be carried out using the

1 funds shall be selected in accordance with the State  
2 alternative.

3 (f) OBLIGATION.—Funds made available to carry out  
4 this section shall be available for obligation in the same  
5 manner as if the funds were apportioned under chapter  
6 1 of title 23, United States Code.

7 (g) FEDERAL SHARE.—The Federal share of the cost  
8 of an eligible activity carried out under this section shall  
9 be 100 percent.

10 (h) REPORT.—Not later than January 1, 2009, after  
11 providing States, local governments, and other interested  
12 parties an opportunity for comment, the Secretary shall  
13 submit to the Committee on Environment and Public  
14 Works of the Senate and the Committee on Transpor-  
15 tation and Infrastructure of the House of Representatives  
16 a report that—

17 (1) describes progress made in carrying out the  
18 program; and

19 (2) includes recommendations as to whether the  
20 program should be continued or modified.

21 (i) AUTHORIZATION OF APPROPRIATIONS.—There  
22 are authorized to be appropriated out of the Highway  
23 Trust Fund (other than the Mass Transit Account) to  
24 carry out this section \$200,000,000 for each of fiscal  
25 years 2004 through 2009.

1 **SEC. 4. AGGRESSIVE DRIVING PREVENTION.**

2 (a) IN GENERAL.—Chapter 1 of title 23, United  
3 States Code, is amended by inserting after section 149 the  
4 following:

5 **“§ 150. Aggressive driving prevention**

6 “(a) DESIGNATION.—The left lane of each highway  
7 on the Interstate System is designated as a national pass-  
8 ing lane.

9 “(b) EDUCATION.—The Secretary shall provide not  
10 less than \$1,000,000 to each of the 50 States and the  
11 District of Columbia to provide information to the public  
12 on using national passing lanes designated under sub-  
13 section (a) for passing only, and specifically to inform  
14 motor vehicle operators that an operator of a vehicle in  
15 the left lane should always move to the right lane to per-  
16 mit other vehicles to pass on the left.

17 “(c) FUNDING.—There is authorized to be appro-  
18 priated from the Highway Trust Fund (other than the  
19 Mass Transit Account) to carry out this section  
20 \$51,000,000 for fiscal year 2003 and each fiscal year  
21 thereafter.”.

22 (b) CONFORMING AMENDMENT.—The analysis for  
23 chapter 1 of title 23, United States Code, is amended by  
24 inserting after the item relating to section 149 the fol-  
25 lowing:

“150. Aggressive driving prevention.”.

1 (c) EFFECTIVE DATE.—The amendments made by  
2 this section take effect on October 1, 2003.

3 **SEC. 5. SAFE DRIVING INVOLVING PASSENGER VEHICLES**  
4 **AND TRUCKS.**

5 (a) GRANT.—As soon as practicable after the date  
6 of enactment of this Act, the Secretary of Transportation  
7 shall provide jointly to the American Trucking Associa-  
8 tions and the American Automobile Association a grant  
9 in the amount of \$1,000,000 to be used to conduct a study  
10 to identify the most effective means by which—

11 (1) drivers of passenger vehicles may be edu-  
12 cated concerning the hazards, and the safest man-  
13 ner, of driving in the presence of tractor-trailers and  
14 other commercial trucks; and

15 (2) drivers of tractor-trailers and other com-  
16 mercial trucks may be educated concerning the haz-  
17 ards, and the safest manner, of driving in the pres-  
18 ence of passenger vehicles.

19 (b) REPORTS.—As a condition of receiving the grant  
20 under subsection (a), the American Trucking Associations  
21 and American Automobile Association shall agree to joint-  
22 ly submit to the appropriate committees of Congress—

23 (1) not later than October 1, 2003, an interim  
24 report that describes the progress of those associa-

1 tions in carrying out the study described in sub-  
2 section (a); and

3 (2) not later than October 1, 2004, a final re-  
4 port that describes the results of the study, includ-  
5 ing any recommendations of those associations.

6 **SEC. 6. WORKZONE SAFETY.**

7 The Secretary of Transportation shall require that,  
8 effective 180 days after the date of enactment of this Act,  
9 for each highway project (within the meaning of title 23,  
10 United States Code) that uses Federal funds, a trained  
11 and certified person shall be responsible for ensuring that  
12 any traffic control plan is effectively administered.

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