

103^D CONGRESS
2^D SESSION

H. R. 5248

AN ACT

To require States to consider adopting mandatory, comprehensive, Statewide one-call notification systems to protect natural gas and hazardous liquid pipelines and all other underground facilities from being damaged by any excavations, 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 **TITLE I—ONE-CALL**

4 **SEC. 101. SHORT TITLE.**

5 This title may be cited as the “Comprehensive One-
6 Call Notification Act of 1994”.

1 **SEC. 102. DEFINITIONS.**

2 For purposes of this title, the following definitions
3 apply:

4 (1) DAMAGE.—The term “damage” means any
5 impact or contact with an underground facility, its
6 appurtenances, or its protective coating, or weaken-
7 ing of the support for the facility or protective hous-
8 ing, which requires repair.

9 (2) EXCAVATION.—The term “excavation”
10 means any operation in which earth, rock, or other
11 material in the ground is moved, removed, or other-
12 wise displaced by means of any mechanized tools or
13 equipment, or any explosive, but shall not include—

14 (A) any generally accepted normal agricul-
15 tural practices and activities taken in support
16 thereof, as determined by each State, including
17 tilling of the soil for agricultural purposes to a
18 depth of 18 inches or less;

19 (B) generally accepted normal lawn and
20 garden activities, as determined by each State;

21 (C) the excavation of a gravesite in a cem-
22 etery; and

23 (D) routine railroad maintenance as long
24 as such maintenance would disturb the ground
25 to a depth of no more than 18 inches as meas-
26 ured from the surface of the ground and the

1 railroad has rules requiring underground facili-
2 ties other than its own to be buried 3 feet or
3 lower on its property or along its right-of-way.

4 When a facility operator believes that its under-
5 ground facility is not buried 3 feet or lower on rail-
6 road property or right-of-way, the facility operator
7 may request permission to enter the railroad prop-
8 erty or right-of-way for the purpose of assessing the
9 depth of such underground facility and report its
10 finding to the railroad.

11 (3) EXCAVATOR.—The term “excavator” means
12 a person who conducts excavation.

13 (4) FACILITY OPERATOR.—The term “facility
14 operator” means any person who operates an under-
15 ground facility.

16 (5) HAZARDOUS LIQUID.—The term “hazard-
17 ous liquid” has the meaning given such term in sec-
18 tion 60101(a)(4) of title 49, United States Code.

19 (6) NATURAL GAS.—The term “natural gas”
20 has the meaning given the term “gas” in section
21 60101(a)(2) of title 49, United States Code.

22 (7) PERSON.—The term “person” includes any
23 agency of Federal, State, or local government.

24 (8) ROUTINE RAILROAD MAINTENANCE.—The
25 term “routine railroad maintenance” includes such

1 activities as ballast cleaning, general ballast work,
2 track lining and surfacing, signal maintenance, and
3 the replacement of crossties.

4 (9) SECRETARY.—The term “Secretary” means
5 the Secretary of Transportation.

6 (10) STATE.—The term “State” has the mean-
7 ing given such term in section 60101(a)(20) of title
8 49, United States Code.

9 (11) STATE PROGRAM.—The term “State pro-
10 gram” means the program of a State to establish or
11 maintain a one-call notification system.

12 (12) UNDERGROUND FACILITY.—The term
13 “underground facility” means any underground line,
14 system, or structure used for gathering, storing,
15 transmitting, or distributing oil, petroleum products,
16 other hazardous liquids, natural gas, communication,
17 electricity, water, steam, sewerage, or any other
18 commodities the Secretary determines should be in-
19 cluded under the requirements of this title, but such
20 term does not include a portion of a line, system, or
21 structure if the person who owns or leases, or holds
22 an oil or gas mineral leasehold interest in, the real
23 property in which such portion is located also oper-
24 ates, or has authorized the operation of, the line,
25 system, or structure only for the purpose of furnish-

1 ing services or materials to such person, except to
2 the extent that such portion contains predominantly
3 natural gas or hazardous liquids and—

4 (A) is located within an easement for a
5 public road (as defined under section 101(a) of
6 title 23, United States Code), or a toll highway,
7 bridge, or tunnel (as described in section
8 129(a)(2) of such title); or

9 (B) is located on a mineral lease and is
10 within the boundaries of a city, town, or village.

11 **SEC. 103. NATIONWIDE TOLL-FREE NUMBER SYSTEM.**

12 Within 1 year after the date of enactment of this Act,
13 the Secretary shall, in consultation with the Federal Com-
14 munications Commission, facility operators, excavators,
15 and one-call notification system operators, provide for the
16 establishment of a nationwide toll-free telephone number
17 system to be used by State one-call notification systems.

18 **SEC. 104. STATE PROGRAMS.**

19 (a) CONSIDERATION.—Each State shall consider
20 whether to adopt a comprehensive statewide one-call noti-
21 fication program with each element described in section
22 105, to protect all underground facilities from damage due
23 to any excavation. Such State program may be provided
24 for through the establishment of a new program, or
25 through modification or improvement of an existing pro-

1 gram, and may be implemented by a nongovernmental or-
2 ganization.

3 (b) PROCEDURES.—State consideration under sub-
4 section (a) shall be undertaken after public notice and
5 hearing, and shall be completed within 3 years after the
6 date of enactment of this Act. Such consideration may be
7 undertaken as part of any proceeding of a State with re-
8 spect to the safety of pipelines or other underground facili-
9 ties.

10 (c) COMPLIANCE.—If a State fails to comply with the
11 requirements of subsection (a), the Secretary or any per-
12 son aggrieved by such failure may in a civil action obtain
13 appropriate relief against any appropriate officer or entity
14 of the State, including the State itself, to compel such
15 compliance.

16 (d) APPROPRIATENESS.—Nothing in this title pro-
17 hibits a State from making a determination that it is not
18 appropriate to adopt a State program described in section
19 105, pursuant to its authority under otherwise applicable
20 State law.

21 **SEC. 105. ELEMENTS OF STATE PROGRAM.**

22 (a) IN GENERAL.—Each State’s consideration under
23 section 104(a) shall include consideration of program ele-
24 ments that—

1 (1) provide for a one-call notification system or
2 systems which shall—

3 (A) apply to all excavators and to all facil-
4 ity operators;

5 (B) operate in all areas of the State and
6 not duplicate the geographical coverage of other
7 one-call notification systems;

8 (C) receive and record appropriate infor-
9 mation from excavators about intended exca-
10 vations;

11 (D) inform facility operators of any in-
12 tended excavations that may be in the vicinity
13 of their underground facilities; and

14 (E) inform excavators of the identity of fa-
15 cility operators who will be notified of the in-
16 tended excavation;

17 (2) provide for 24-hour coverage for emergency
18 excavation, with the manner and scope of coverage
19 determined by the State;

20 (3) employ mechanisms to ensure that the gen-
21 eral public, and in particular all excavators, are
22 aware of the one-call telephone number and the re-
23 quirements, penalties, and benefits of the State pro-
24 gram relating to excavations;

1 (4) inform excavators of any procedures that
2 the State has determined must be followed when ex-
3 cavating;

4 (5) require that any excavator must contact the
5 one-call notification system in accordance with State
6 specifications, which may vary depending on whether
7 the excavation is short term, long term, routine, con-
8 tinuous, or emergency;

9 (6) require facility operators to provide for lo-
10 cating and marking or otherwise identifying their fa-
11 cilities at an excavation site, in accordance with
12 State specifications, which may vary depending on
13 whether the excavation is short term, long term, rou-
14 tine, continuous, or emergency;

15 (7) provide effective mechanisms for penalties
16 and enforcement as described in section 106;

17 (8) provide for a fair and appropriate schedule
18 of fees to cover the costs of providing for, maintain-
19 ing, and operating the State program;

20 (9) provide an opportunity for citizen suits to
21 enforce the State program; and

22 (10) require railroads to report any accidents
23 that occur during or as a result of routine railroad
24 maintenance to the Secretary and the appropriate
25 local officials.

1 (b) EXCEPTION.—Where excavation is undertaken by
2 or for a person, on real property owned or leased, or in
3 which an oil or gas mineral leasehold interest is held, by
4 that person, and the same person operates all under-
5 ground facilities located at the site of the excavation, a
6 State program may elect not to require that such person
7 contact the one-call notification system before excavating.

8 **SEC. 106. PENALTIES AND ENFORCEMENT.**

9 (a) GENERAL PENALTIES.—Each State’s consider-
10 ation under section 104(a) shall include consideration of
11 a requirement that any excavator or facility operator who
12 violates the requirements of the State program shall be
13 liable for an appropriate administrative or civil penalty.

14 (b) INCREASED PENALTIES.—If a violation results in
15 damage to an underground facility resulting in death, seri-
16 ous bodily harm, or actual damage to property exceeding
17 \$50,000, or damage to a hazardous liquid underground
18 facility resulting in the release of more than 50 barrels
19 of product, the penalties shall be increased, and an addi-
20 tional penalty of imprisonment may be assessed for a
21 knowing and willful violation.

22 (c) DECREASED PENALTIES.—Each State’s consider-
23 ation under section 104(a) shall include consideration of
24 reduced penalties for a violation, that results in or could

1 result in damage, that is promptly reported by the viola-
2 tor.

3 (d) **EQUITABLE RELIEF AND MANDAMUS AC-**
4 **TIONS.**—Each State’s consideration under section 104(a)
5 shall include consideration of provisions for appropriate
6 equitable relief and mandamus actions.

7 (e) **IMMEDIATE CITATION OF VIOLATIONS.**—Each
8 State’s consideration under section 104(a) shall include
9 consideration of procedures for issuing a citation of viola-
10 tion at the site and time of the violation.

11 **SEC. 107. GRANTS TO STATES.**

12 (a) **AUTHORITY.**—Using \$4,000,000 of the amounts
13 previously collected under section 7005 of the Consoli-
14 dated Omnibus Budget Reconciliation Act of 1985 (pre-
15 viously codified as 49 U.S.C. App. 1682a) or section
16 60301 of title 49, United States Code, for each of the fis-
17 cal years 1996, 1997, and 1998, to the extent provided
18 in advance in appropriations Acts, the Secretary shall
19 make grants to States, or to operators of one-call notifica-
20 tion systems in such States, which have elected to adopt
21 a State program described in section 105, or to establish
22 and maintain a State program pursuant to subsection (b)
23 of this section. Such grants may be used in establishing
24 one-call notification systems, modifying existing systems
25 to conform to standards established under this title, and

1 improving systems to exceed such standards. Such grants
2 may be used to—

3 (1) improve communications systems linking
4 one-call notification systems;

5 (2) improve location capabilities, including
6 training personnel and developing and using location
7 technology;

8 (3) improve record retention and recording ca-
9 pabilities;

10 (4) enhance public information and education
11 campaigns;

12 (5) increase and improve enforcement mecha-
13 nisms, including administrative processing of viola-
14 tions; and

15 (6) otherwise further the purposes of this title.

16 (b) ALTERNATE FORM OF STATE PROGRAM.—The
17 Secretary may make a grant under subsection (a) to a
18 State that establishes or maintains a State program that
19 differs from a State program described in section 105 if
20 such State program is at least as protective of the public
21 health and safety and the environment as a State program
22 described in section 105.

23 **SEC. 108. DEPARTMENT OF TRANSPORTATION.**

24 (a) COORDINATION WITH OTHER RESPONSIBIL-
25 ITIES.—

1 (1) COORDINATION.—The Secretary shall co-
2 ordinate the implementation of this title with the im-
3 plementation of chapter 601 of title 49, United
4 States Code.

5 (2) REVIEW OF PROGRAMS.—Within 18 months
6 after the date of enactment of this Act, the Sec-
7 retary shall review, and report to Congress on, the
8 extent to which any policies, programs, and proce-
9 dures of the Department of Transportation could be
10 used to achieve the purposes of this title.

11 (b) MODEL PROGRAM.—

12 (1) DEVELOPMENT.—Within 1 year after the
13 date of enactment of this Act, the Secretary, in con-
14 sultation with facility operators, excavators, one-call
15 notification system operators, and State and local
16 governments, shall develop and make available to
17 States a model State program, including a model en-
18 forcement program. Such model program may be
19 amended by the Secretary on the Secretary's initia-
20 tive or in response to reports submitted by the
21 States pursuant to section 109, or as a result of
22 workshops conducted under paragraph (3) of this
23 subsection.

24 (2) SUGGESTED ELEMENTS.—The model pro-
25 gram developed under paragraph (1) shall include all

1 elements of a State program described in section
2 105. The Secretary shall consider incorporating the
3 following elements into the model program:

4 (A) The one-call notification system or sys-
5 tems shall—

6 (i) receive and record appropriate in-
7 formation from excavators about intended
8 excavations, including—

9 (I) the name of the person con-
10 tacting the one-call notification sys-
11 tem;

12 (II) the name, address, and tele-
13 phone number of the excavator;

14 (III) the specific location of the
15 intended excavation, along with the
16 starting date thereof and a description
17 of the intended excavation activity;
18 and

19 (IV) the name, address, and tele-
20 phone number of the person for whom
21 the work is being performed; and

22 (ii) maintain records on each notice of
23 intent to excavate for the period of time
24 necessary to ensure that such records re-

1 main available for use in the adjudication
2 of any claims relating to the excavation.

3 (B) The provision of information on exca-
4 vation requirements at the time of issuance of
5 excavation or building permits, or other specific
6 mechanisms for ensuring excavator awareness.

7 (C) A requirement that any excavator
8 must contact the one-call notification system at
9 least 2 business days, and not more than 10
10 business days, before excavation begins.

11 (D) Alternative notification procedures for
12 excavation activities conducted as a normal part
13 of ongoing operations within specific geographic
14 locations over an extended period of time.

15 (E) A requirement that facility opera-
16 tors—

17 (i) provide for locating and marking,
18 in accordance with the American Public
19 Works Association Uniform Color Code for
20 Utilities, or otherwise identifying, in ac-
21 cordance with standards established by the
22 State or the American National Standards
23 Institute, their underground facilities at
24 the site of an intended excavation within

1 no more than 2 business days after notifi-
2 cation of such intended excavation; and

3 (ii) monitor such excavation as appro-
4 priate.

5 (F) Provision for notification of excavators
6 if no underground facilities are located at the
7 excavation site.

8 (G) Provision for the approval of a State
9 program under this title with time limitations
10 longer than those required under subpara-
11 graphs (C) and (E) of this paragraph where
12 special circumstances, such as severe weather
13 conditions or remoteness of location, pertain.

14 (H) Procedures for excavators and facility
15 operators to follow when the location of under-
16 ground facilities is unknown.

17 (I) Procedures to improve underground fa-
18 cility location capabilities, including compiling
19 and notifying excavators, facility operators, and
20 one-call centers of any information about pre-
21 viously unknown underground facility locations
22 when such information is discovered.

23 (J) Alternative rules for timely compliance
24 with State program requirements in emergency
25 circumstances.

1 (K) If a State has procedures for licensing
2 or permitting entities to do business, procedures
3 for the revocation of the license or permit to do
4 business of any excavator determined to be a
5 habitual violator of the requirements of the
6 State program.

7 (3) WORKSHOPS.—Within 6 months after the
8 date of enactment of this Act, and annually there-
9 after, the Secretary shall conduct workshops with fa-
10 cility operators, excavators, one-call notification sys-
11 tem operators, and State and local governments in
12 order to develop, amend, and promote the model
13 program, and to provide an opportunity to share in-
14 formation among such parties and to recognize State
15 programs that exemplify the goals of this title.

16 (c) PUBLIC EDUCATION.—The Secretary shall de-
17 velop, in conjunction with facility operators, excavators,
18 one-call notification system operators, and State and local
19 governments, public service announcements and other edu-
20 cational materials and programs to be broadcast or pub-
21 lished to educate the public about one-call notification sys-
22 tems, including the national phone number.

23 **SEC. 109. STATE REPORTS.**

24 (a) REQUIREMENT.—

1 (1) INITIAL REPORT.—Within 3 years after the
2 date of enactment of this Act, each State shall sub-
3 mit to the Secretary a report on progress made in
4 implementing this title.

5 (2) STATUS REPORTS.—Within 4½ years after
6 the date of enactment of this Act, and annually
7 thereafter, each State shall report to the Secretary
8 on the status of its State program, if any, and its
9 requirements, and any other information the Sec-
10 retary requires.

11 (b) SIMPLIFIED REPORTING FORM.—Within 3 years
12 after the date of enactment of this Act, the Secretary shall
13 develop and distribute to the States a simplified form for
14 complying with the reporting requirements of subsection
15 (a)(2).

16 **SEC. 110. FEDERAL REPORT.**

17 The Secretary shall report annually to Congress on
18 the number and circumstances surrounding accidents
19 caused by routine railroad maintenance.

20 **SEC. 111. MORE PROTECTIVE SYSTEMS.**

21 Nothing in this title prohibits a State from imple-
22 menting a one-call notification system that provides great-
23 er protection for underground facilities from damage due
24 to excavation than a system established pursuant to this
25 title.

1 **SEC. 112. USE OF TECHNOLOGIES FOR REMOTE AND**
2 **ABOVE-GROUND PIPELINE LOCATION.**

3 The Secretary shall consult with other agencies as to
4 the availability and affordability of technologies which will
5 help relocate pipelines from above-ground and remote loca-
6 tions.

7 **SEC. 113. VISION WAIVER STUDY PROGRAM.**

8 In order to further substantiate research carried out
9 by the Secretary in fiscal year 1992 under the vision waiv-
10 er study program, the Secretary shall carry out a follow-
11 up study to such program to include drivers who otherwise
12 would have qualified to participate in the initial vision
13 waiver study but for the time limits on applications and
14 the failure to learn of the program in a timely manner.
15 Any study issued under this section shall comply with the
16 requirements of section 31136(e) of title 49, United States
17 Code, and applicable case law.

18 **SEC. 114. SENSE OF CONGRESS; REQUIREMENT REGARD-**
19 **ING NOTICE.**

20 (a) PURCHASE OF AMERICAN-MADE EQUIPMENT
21 AND PRODUCTS.—It is the sense of Congress that, to the
22 greatest extent practicable, all equipment and products
23 purchased with funds made available under this title
24 should be American-made.

25 (b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In
26 providing financial assistance under this title, the Admin-

1 istrator of the Research and Special Programs Adminis-
2 tration of the Department of Transportation, to the great-
3 est extent practicable, shall provide to each recipient of
4 the assistance a notice describing the statement made in
5 subsection (a).

6 **TITLE II—HIGH RISK DRIVERS**
7 **PROGRAM**

8 **Subtitle A—High-Risk and Alcohol-**
9 **Impaired Drivers**

10 **SEC. 211. FINDINGS.**

11 The Congress makes the following findings:

12 (1) The Nation's traffic fatality rate has de-
13 clined from 5.5 deaths per 100 million vehicle miles
14 traveled in 1966 to an historic low of an estimated
15 1.8 deaths per 100 million vehicle miles traveled
16 during 1992. In order to further this desired trend,
17 the safety programs and policies implemented by the
18 Department of Transportation must be continued,
19 and at the same time, the focus of these efforts as
20 they pertain to high risk drivers of all ages must be
21 strengthened.

22 (2) Motor vehicle crashes are the leading cause
23 of death among teenagers, and teenage drivers tend
24 to be at fault for their fatal crashes more often than
25 older drivers. Drivers who are 16 to 20 years old

1 comprised 7.4 percent of the United States popu-
2 lation in 1991 but were involved in 15.4 percent of
3 fatal motor vehicle crashes. Also, on the basis of
4 crashes per 100,000 licensed drivers, young drivers
5 are the highest risk group of drivers.

6 (3) During 1991, 6,630 teenagers from age 15
7 through 20 died in motor vehicle crashes. This trag-
8 ic loss demands that the Federal Government inten-
9 sify its efforts to promote highway safety among
10 members of this high risk group.

11 (4) The consumption of alcohol, speeding over
12 allowable limits or too fast for road conditions, inad-
13 equate use of occupant restraints, and other high
14 risk behaviors are several of the key causes for this
15 tragic loss of young drivers and passengers. The De-
16 partment of Transportation, working cooperatively
17 with the States, student groups, and other organiza-
18 tions, must reinvigorate its current programs and
19 policies to address more effectively these pressing
20 problems of teenage drivers.

21 (5) In 1991 individuals aged 70 years and
22 older, who are particularly susceptible to injury,
23 were involved in 12 percent of all motor vehicle traf-
24 fic crash fatalities. These deaths accounted for 4,828
25 fatalities out of 41,462 total traffic fatalities.

1 (6) The number of older Americans who drive
2 is expected to increase dramatically during the next
3 30 years. Unfortunately, during the last 15 years,
4 the Department of Transportation has supported an
5 extremely limited program concerning older drivers.
6 Research on older driver behavior and licensing has
7 suffered from intermittent funding at amounts that
8 were insufficient to address the scope and nature of
9 the challenges ahead.

10 (7) A major objective of United States trans-
11 portation policy must be to promote the mobility of
12 older Americans while at the same time ensuring
13 public safety on our Nation’s highways. In order to
14 accomplish these two objectives simultaneously, the
15 Department of Transportation must support a vigor-
16 ous and sustained program of research, technical as-
17 sistance, evaluation, and other appropriate activities
18 that are designed to reduce the fatality and crash
19 rate of older drivers who have identifiable risk char-
20 acteristics.

21 **SEC. 212. DEFINITIONS.**

22 For purposes of this subtitle—

23 (1) The term “high risk driver” means a motor
24 vehicle driver who belongs to a class of drivers that,
25 based on vehicle crash rates, fatality rates, traffic

1 safety violation rates, and other factors specified by
2 the Secretary, presents a risk of injury to the driver
3 and other individuals that is higher than the risk
4 presented by the average driver.

5 (2) The term “Secretary” means the Secretary
6 of Transportation.

7 **SEC. 213. POLICY AND PROGRAM DIRECTION.**

8 (a) GENERAL RESPONSIBILITY OF SECRETARY.—
9 The Secretary shall develop and implement effective and
10 comprehensive policies and programs to promote safe driv-
11 ing behavior by young drivers, older drivers, and repeat
12 violators of traffic safety regulations and laws.

13 (b) SAFETY PROMOTION ACTIVITIES.—The Secretary
14 shall promote or engage in activities that seek to ensure
15 that—

16 (1) cost effective and scientifically-based guide-
17 lines and technologies for the nondiscriminatory
18 evaluation and licensing of high risk drivers are ad-
19 vanced;

20 (2) model driver training, screening, licensing,
21 control, and evaluation programs are improved;

22 (3) uniform or compatible State driver point
23 systems and other licensing and driver record infor-
24 mation systems are advanced as a means of identify-
25 ing and initially evaluating high risk drivers; and

1 (4) driver training programs and the delivery of
2 such programs are advanced.

3 (c) DRIVER TRAINING RESEARCH.—The Secretary
4 shall explore the feasibility and advisability of using cost
5 efficient simulation and other technologies as a means of
6 enhancing driver training; shall advance knowledge re-
7 garding the perceptual, cognitive, and decision making
8 skills needed for safe driving and to improve driver train-
9 ing; and shall investigate the most effective means of inte-
10 grating licensing, training, and other techniques for pre-
11 paring novice drivers for the safe use of highway systems.

12 **Subtitle B—Young Driver** 13 **Programs**

14 **SEC. 221. STATE GRANTS FOR YOUNG DRIVER PROGRAMS.**

15 (a) ESTABLISHMENT OF GRANT PROGRAM.—Chapter
16 4 of title 23, United States Code, is amended by adding
17 at the end the following new section:

18 **“§ 411. Programs for young drivers**

19 “(a) GENERAL AUTHORITY.—Subject to the provi-
20 sions of this section, the Secretary shall make basic and
21 supplemental grants to those States which adopt and im-
22 plement programs for young drivers which include meas-
23 ures, described in this section, to reduce traffic safety
24 problems resulting from the driving performance of young

1 drivers. Such grants may only be used by recipient States
2 to implement and enforce such measures.

3 “(b) MAINTENANCE OF EFFORT.—No grant may be
4 made to a State under this section in any fiscal year unless
5 such State enters into such agreements with the Secretary
6 as the Secretary may require to ensure that such State
7 will maintain its aggregate estimated expenditures from
8 all other sources for programs for young drivers at or
9 above the average level of such expenditures in its 2 fiscal
10 years preceding the fiscal year in which the High Risk
11 Drivers Act of 1994 is enacted.

12 “(c) FEDERAL SHARE.—No State may receive grants
13 under this section in more than 5 fiscal years. The Federal
14 share payable for any grant under this section shall not
15 exceed—

16 “(1) in the first fiscal year a State receives a
17 grant under this section, 75 percent of the cost of
18 implementing and enforcing in such fiscal year the
19 young driver program adopted by the State pursuant
20 to subsection (a);

21 “(2) in the second fiscal year the State receives
22 a grant under this section, 50 percent of the cost of
23 implementing and enforcing in such fiscal year such
24 program; and

1 “(3) in the third, fourth, and fifth fiscal years
2 the State receives a grant under this section, 25 per-
3 cent of the cost of implementing and enforcing in
4 such fiscal year such program.

5 “(d) MAXIMUM AMOUNT OF BASIC GRANTS.—Sub-
6 ject to subsection (c), the amount of a basic grant made
7 under this section for any fiscal year to any State which
8 is eligible for such a grant under subsection (e) shall equal
9 30 percent of the amount apportioned to such State for
10 fiscal year 1989 under section 402 of this title. A grant
11 to a State under this section shall be in addition to the
12 State’s apportionment under section 402, and basic grants
13 during any fiscal year may be proportionately reduced to
14 accommodate an applicable statutory obligation limitation
15 for that fiscal year.

16 “(e) ELIGIBILITY FOR BASIC GRANTS.—

17 “(1) GENERAL.—For purposes of this section, a
18 State is eligible for a basic grant if such State—

19 “(A) establishes and maintains a grad-
20 uated licensing program for drivers under 18
21 years of age that meets the requirements of
22 paragraph (2); and

23 “(B)(i) in the first year of receiving grants
24 under this section, meets 3 of the 7 criteria
25 specified in paragraph (3);

1 “(ii) in the second year of receiving such
2 grants, meets 4 of such criteria;

3 “(iii) in the third year of receiving such
4 grants, meets 5 of such criteria;

5 “(iv) in the fourth year of receiving such
6 grants, meets 6 of such criteria; and

7 “(v) in the fifth year of receiving such
8 grants, meets 6 of such criteria.

9 For purposes of subparagraph (B), a State shall be
10 treated as having met one of the requirements of
11 paragraph (3) for any year if the State demonstrates
12 to the satisfaction of the Secretary that, for the 3
13 preceding years, the alcohol fatal crash involvement
14 rate for individuals under the age of 21 has declined
15 in that State and the alcohol fatal crash involvement
16 rate for such individuals has been lower in that
17 State than the average such rate for all States.

18 “(2) GRADUATED LICENSING PROGRAM.—

19 “(A) A State receiving a grant under this
20 section shall establish and maintain a grad-
21 uated licensing program consisting of the fol-
22 lowing licensing stages for any driver under 18
23 years of age:

24 “(i) An instructional license, valid for
25 a minimum period determined by the Sec-

1 retary, under which the licensee shall not
2 operate a motor vehicle unless accom-
3 panied in the front passenger seat by the
4 holder of a full driver's license.

5 “(ii) A provisional driver's license
6 which shall not be issued unless the driver
7 has passed a written examination on traffic
8 safety and has passed a roadtest adminis-
9 tered by the driver licensing agency of the
10 State.

11 “(iii) A full driver's license which shall
12 not be issued until the driver has held a
13 provisional license for at least 1 year with
14 a clean driving record.

15 “(B) For purposes of subparagraph
16 (A)(iii), subsection (f)(1), and subsection
17 (f)(6)(B), a provisional licensee has a clean
18 driving record if the licensee—

19 “(i) has not been found, by civil or
20 criminal process, to have committed a mov-
21 ing traffic violation during the applicable
22 period;

23 “(ii) has not been assessed points
24 against the license because of safety viola-
25 tions during such period; and

1 “(iii) has satisfied such other require-
2 ments as the Secretary may prescribe by
3 regulation.

4 “(C) The Secretary shall determine the
5 conditions under which a State shall suspend
6 provisional driver’s licenses in order to be eligi-
7 ble for a basic grant. At a minimum, the holder
8 of a provisional license shall be subject to driver
9 control actions that are stricter than those ap-
10 plicable to the holder of a full driver’s license,
11 including warning letters and suspension at a
12 lower point threshold.

13 “(D) For a State’s first 2 years of receiv-
14 ing a grant under this section, the Secretary
15 may waive the clean driving record requirement
16 of subparagraph (A)(iii) if the State submits
17 satisfactory evidence of its efforts to establish
18 such a requirement.

19 “(3) CRITERIA FOR BASIC GRANT.—The 7 cri-
20 teria referred to in paragraph (1)(B) are as follows:

21 “(A) The State requires that any driver
22 under 21 years of age with a blood alcohol con-
23 centration of 0.02 percent or greater when driv-
24 ing a motor vehicle shall be deemed to be driv-
25 ing while intoxicated for the purpose of (i) ad-

1 ministrative or judicial sanctions or (ii) a law or
2 regulation that prohibits any individual under
3 21 years of age with a blood alcohol concentra-
4 tion of 0.02 percent or greater from driving a
5 motor vehicle.

6 “(B) The State has a law or regulation
7 that provides a mandatory minimum penalty of
8 at least \$500 for anyone who in violation of
9 State law or regulation knowingly, or without
10 checking for proper identification, provides or
11 sells alcohol to any individual under 21 years of
12 age.

13 “(C) The State requires that the license of
14 a driver under 21 years of age be suspended for
15 a period specified by the State if such driver is
16 convicted of the unlawful purchase or public
17 possession of alcohol. The period of suspension
18 shall be at least 6 months for a first conviction
19 and at least 12 months for a subsequent convic-
20 tion; except that specific license restrictions
21 may be imposed as an alternative to such mini-
22 mum periods of suspension where necessary to
23 avoid undue hardship on any individual.

1 “(D) The State conducts youth-oriented
2 traffic safety enforcement activities, and edu-
3 cation and training programs—

4 “(i) with the participation of judges
5 and prosecutors, that are designed to en-
6 sure enforcement of traffic safety laws and
7 regulations, including those that prohibit
8 drivers under 21 years of age from driving
9 while intoxicated, restrict the unauthorized
10 use of a motor vehicle, and establish other
11 moving violations; and

12 “(ii) with the participation of student
13 and youth groups, that are designed to en-
14 sure compliance with such traffic safety
15 laws and regulations.

16 “(E) The State prohibits the possession of
17 any open alcoholic beverage container, or the
18 consumption of any alcoholic beverage, in the
19 passenger area of any motor vehicle located on
20 a public highway or the right-of-way of a public
21 highway; except as allowed in the passenger
22 area, by persons (other than the driver), of a
23 motor vehicle designed to transport more than
24 10 passengers (including the driver) while being

1 used to provide charter transportation of pas-
2 sengers.

3 “(F) The State provides, to a parent or
4 legal guardian of any provisional licensee, gen-
5 eral information prepared with the assistance of
6 the insurance industry on the effect of traffic
7 safety convictions and at-fault accidents on in-
8 surance rates for young drivers.

9 “(G) The State requires that a provisional
10 driver’s license may be issued only to a driver
11 who has satisfactorily completed a State-accept-
12 ed driver education and training program that
13 meets Department of Transportation guidelines
14 and includes information on the interaction of
15 alcohol and controlled substances and the effect
16 of such interaction on driver performance, and
17 information on the importance of motorcycle
18 helmet use and safety belt use.

19 “(f) SUPPLEMENTAL GRANT PROGRAM.—

20 “(1) EXTENDED APPLICATION OF PROVISIONAL
21 LICENSE REQUIREMENT.—For purposes of this sec-
22 tion, a State is eligible for a supplemental grant for
23 a fiscal year in an amount, subject to subsection (c),
24 not to exceed 10 percent of the amount apportioned
25 to such State for fiscal year 1989 under section 402

1 of this title if such State is eligible for a basic grant
2 and in addition such State requires that a driver
3 under 21 years of age shall not be issued a full driv-
4 er's license until the driver has held a provisional li-
5 cense for at least 1 year with a clean driving record
6 as described in subsection (e)(2)(B).

7 “(2) REMEDIAL DRIVER EDUCATION.—For pur-
8 poses of this section, a State is eligible for a supple-
9 mental grant for a fiscal year in an amount, subject
10 to subsection (c), not to exceed 5 percent of the
11 amount apportioned to such State for fiscal year
12 1989 under section 402 of this title if such State is
13 eligible for a basic grant and in addition such State
14 requires, at a lower point threshold than for other
15 drivers, remedial driver improvement instruction for
16 drivers under 21 years of age and requires such re-
17 medial instruction for any driver under 21 years of
18 age who is convicted of reckless driving, excessive
19 speeding, driving under the influence of alcohol, or
20 driving while intoxicated.

21 “(3) RECORD OF SERIOUS CONVICTIONS; HA-
22 BITUAL OR REPEAT OFFENDER SANCTIONS.—For
23 purposes of this section, a State is eligible for a sup-
24 plemental grant for a fiscal year in an amount, sub-
25 ject to subsection (c), not to exceed 5 percent of the

1 amount apportioned to such State for fiscal year
2 1989 under section 402 of this title if such State is
3 eligible for a basic grant and in addition such
4 State—

5 “(A) requires that a notation of any seri-
6 ous traffic safety conviction of a driver be main-
7 tained on the driver’s permanent traffic record
8 for at least 10 years after the date of the con-
9 viction; and

10 “(B) provides additional sanctions for any
11 driver who, following conviction of a serious
12 traffic safety violation, is convicted during the
13 next 10 years of one or more subsequent seri-
14 ous traffic safety violations.

15 “(4) INTERSTATE DRIVER LICENSE COM-
16 PACT.—The State is a member of and substantially
17 complies with the interstate agreement known as the
18 Driver License Compact, promptly and reliably
19 transmits and receives through electronic means
20 interstate driver record information (including infor-
21 mation on commercial drivers) in cooperation with
22 the Secretary and other States, and develops and
23 achieves demonstrable annual progress in imple-
24 menting a plan to ensure that (i) each court of the
25 State report expeditiously to the State driver licens-

1 ing agency all traffic safety convictions, license sus-
2 pensions, license revocations, or other license restric-
3 tions, and driver improvement efforts sanctioned or
4 ordered by the court, and that (ii) such records be
5 available electronically to appropriate government of-
6 ficials (including enforcement, officers, judges, and
7 prosecutors) upon request at all times.

8 “(5) The State has a law or regulation
9 that provides a minimum penalty of at least
10 \$100 for anyone who in violation of State law
11 or regulation drives any vehicle through,
12 around, or under any crossing, gate, or barrier
13 at a railroad crossing while such gate or barrier
14 is closed or being opened or closed.

15 “(6) VEHICLE SEIZURE PROGRAM.—The State
16 has a law or regulation that—

17 “(A) mandates seizure by the State or any
18 political subdivision thereof of any vehicle driv-
19 en by an individual in violation of an alcohol-
20 related traffic safety law, if such violator has
21 been convicted on more than one occasion of an
22 alcohol-related traffic offense within any 5-year
23 period beginning after the date of enactment of
24 this section, or has been convicted of driving
25 while his or her driver’s license is suspended or

1 revoked by reason of a conviction for such an
2 offense;

3 “(B) mandates that the vehicle be forfeited
4 to the State or a political subdivision thereof if
5 the vehicle was solely owned by such violator at
6 the time of the violation;

7 “(C) requires that the vehicle be returned
8 to the owner if the vehicle was a stolen vehicle
9 at the time of the violation; and

10 “(D) authorizes the vehicle to be released
11 to a member of such violator’s family, the co-
12 owner, or the owner, if the vehicle was not a
13 stolen vehicle and was not solely owned by such
14 violator at the time of the violation, and if the
15 family member, co-owner, or owner, prior to
16 such release, executes a binding agreement that
17 the family member, co-owner, or owner will not
18 permit such violator to drive the vehicle and
19 that the vehicle shall be forfeited to the State
20 or a political subdivision thereof in the event
21 such violator drives the vehicle with the permis-
22 sion of the family member, co-owner, or owner.

23 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated to carry out this section,
25 \$9,000,000 for the fiscal year ending September 30, 1996,

1 \$12,000,000 for the fiscal year ending September 30,
2 1997, \$14,000,000 for the fiscal year ending September
3 30, 1998, \$16,000,000 for the fiscal year ending Septem-
4 ber 30, 1999, and \$18,000,000 for the fiscal year ending
5 September 30, 2000.”.

6 (b) CONFORMING AMENDMENT.—The analysis of
7 chapter 4 of title 23, United States Code, is amended by
8 inserting immediately after the item relating to section
9 410 the following new item:

“411. Programs for young drivers.”.

10 (c) DEADLINES FOR ISSUANCE OF REGULATIONS.—
11 The Secretary shall issue and publish in the Federal Reg-
12 ister proposed regulations to implement section 411 of
13 title 23, United States Code (as added by this section),
14 not later than 6 months after the date of enactment of
15 this Act. The final regulations for such implementation
16 shall be issued, published in the Federal Register, and
17 transmitted to Congress not later than 12 months after
18 such date of enactment.

19 **SEC. 222. PROGRAM EVALUATION.**

20 (a) EVALUATION BY SECRETARY.—The Secretary
21 shall, under section 403 of title 23, United States Code,
22 conduct an evaluation of the effectiveness of State provi-
23 sional driver’s licensing programs and the grant program
24 authorized by section 411 of title 23, United States Code
25 (as added by section 101 of this Act).

1 (b) REPORT TO CONGRESS.—By January 1, 1997,
2 the Secretary shall transmit a report on the results of the
3 evaluation conducted under subsection (a) and any related
4 research to the Committee on Commerce, Science, and
5 Transportation of the Senate and the Committee on Pub-
6 lic Works and Transportation of the House of Representa-
7 tives. The report shall include any related recommenda-
8 tions by the Secretary for legislative changes.

9 **Subtitle C—Older Driver Programs**

10 **SEC. 231. OLDER DRIVER SAFETY RESEARCH.**

11 (a) RESEARCH ON PREDICTABILITY OF HIGH RISK
12 DRIVING.—

13 (1) The Secretary shall conduct a program that
14 funds, within budgetary limitations, the research
15 challenges presented in the Transportation Research
16 Board’s report entitled “Research and Development
17 Needs for Maintaining the Safety and Mobility of
18 Older Drivers” and the research challenges pertain-
19 ing to older drivers presented in a report to Con-
20 gress by the National Highway Traffic Safety Ad-
21 ministration entitled “Addressing the Safety Issues
22 Related to Younger and Older Drivers”.

23 (2) To the extent technically feasible, the Sec-
24 retary shall consider the feasibility and further the
25 development of cost efficient, reliable tests capable of

1 predicting increased risk of accident involvement or
2 hazardous driving by older high risk drivers.

3 (b) SPECIALIZED TRAINING FOR LICENSE EXAMIN-
4 ERS.—The Secretary shall encourage and conduct re-
5 search and demonstration activities to support the special-
6 ized training of license examiners or other certified exam-
7 iners to increase their knowledge and sensitivity to the
8 transportation needs and physical limitations of older driv-
9 ers, including knowledge of functional disabilities related
10 to driving, and to be cognizant of possible counter-
11 measures to deal with the challenges to safe driving that
12 may be associated with increasing age.

13 (c) COUNSELING PROCEDURES AND CONSULTATION
14 METHODS.—The Secretary shall encourage and conduct
15 research and disseminate information to support and en-
16 courage the development of appropriate counseling proce-
17 dures and consultation methods with relatives, physicians,
18 the traffic safety enforcement and the motor vehicle licens-
19 ing communities, and other concerned parties. Such proce-
20 dures and methods shall include the promotion of vol-
21 untary action by older high risk drivers to restrict or limit
22 their driving when medical or other conditions indicate
23 such action is advisable. The Secretary shall consult exten-
24 sively with the American Association of Retired Persons,
25 the American Association of Motor Vehicle Administra-

1 tors, the American Occupational Therapy Association, the
2 American Automobile Association, the Department of
3 Health and Human Services, the American Public Health
4 Association, and other interested parties in developing
5 educational materials on the interrelationship of the aging
6 process, driver safety, and the driver licensing process.

7 (d) ALTERNATIVE TRANSPORTATION MEANS.—The
8 Secretary shall ensure that the agencies of the Depart-
9 ment of Transportation overseeing the various modes of
10 surface transportation coordinate their policies and pro-
11 grams to ensure that funds authorized under the Inter-
12 modal Surface Transportation Efficiency Act of 1991
13 (Public Law 102–240; 105 Stat. 1914) and implementing
14 Department of Transportation and Related Agencies Ap-
15 propriation Acts take into account the transportation
16 needs of older Americans by promoting alternative trans-
17 portation means whenever practical and feasible.

18 (e) STATE LICENSING PRACTICES.—The Secretary
19 shall encourage State licensing agencies to use restricted
20 licenses instead of canceling a license whenever such ac-
21 tion is appropriate and if the interests of public safety
22 would be served, and to closely monitor the driving per-
23 formance of older drivers with such licenses. The Sec-
24 retary shall encourage States to provide educational mate-
25 rials of benefit to older drivers and concerned family mem-

1 bers and physicians. The Secretary shall promote licensing
2 and relicensing programs in which the applicant appears
3 in person and shall promote the development and use of
4 cost effective screening processes and testing of physio-
5 logical, cognitive, and perception factors as appropriate
6 and necessary. Not less than one model State program
7 shall be evaluated in light of this subsection during each
8 of the fiscal years 1996 through 1998. Of the sums au-
9 thorized under subsection (i), \$250,000 is authorized for
10 each such fiscal year for such evaluation.

11 (f) IMPROVEMENT OF MEDICAL SCREENING.—The
12 Secretary shall conduct research and other activities de-
13 signed to support and encourage the States to establish
14 and maintain medical review or advisory groups to work
15 with State licensing agencies to improve and provide cur-
16 rent information on the screening and licensing of older
17 drivers. The Secretary shall encourage the participation
18 of the public in these groups to ensure fairness and con-
19 cern for the safety and mobility needs of older drivers.

20 (g) INTELLIGENT VEHICLE-HIGHWAY SYSTEMS.—In
21 implementing the Intelligent Vehicle-Highway Systems
22 Act of 1991 (23 U.S.C. 307 note), the Secretary shall en-
23 sure that the National Intelligent Vehicle-Highway Sys-
24 tems Program devotes sufficient attention to the use of
25 intelligent vehicle-highway systems to aid older drivers in

1 safely performing driver functions. Federally-sponsored
2 research, development, and operational testing shall en-
3 sure the advancement of night vision improvement sys-
4 tems, technology to reduce the involvement of older drivers
5 in accidents occurring at intersections, and other tech-
6 nologies of particular benefit to older drivers.

7 (h) TECHNICAL EVALUATIONS UNDER INTERMODAL
8 SURFACE TRANSPORTATION EFFICIENCY ACT.—In con-
9 ducting the technical evaluations required under section
10 6055 of the Intermodal Surface Transportation Efficiency
11 Act of 1991 (Public Law 102–240; 105 Stat. 2192), the
12 Secretary shall ensure that the safety impacts on older
13 drivers are considered, with special attention being de-
14 voted to ensuring adequate and effective exchange of infor-
15 mation between the Department of Transportation and
16 older drivers or their representatives.

17 (i) AUTHORIZATION OF APPROPRIATIONS.—Of the
18 funds authorized under section 403 of title 23, United
19 States Code, \$1,250,000 is authorized for each of the fis-
20 cal years 1995 through 1997 to support older driver pro-
21 grams described in subsections (a), (b), (c), (e), and (f).

1 **Subtitle D—High Risk Drivers**

2 **SEC. 241. STUDY ON WAYS TO IMPROVE TRAFFIC RECORDS**
3 **OF ALL HIGH RISK DRIVERS.**

4 (a) IN GENERAL.—Within 1 year after the date of
5 enactment of this Act, the Secretary shall complete a
6 study to determine whether additional or strengthened
7 Federal activities, authority, or regulatory actions are de-
8 sirable or necessary to improve or strengthen the driver
9 record and control systems of the States to identify high
10 risk drivers more rapidly and ensure prompt intervention
11 in the licensing of high risk drivers. The study, which shall
12 be based in part on analysis obtained from a request for
13 information published in the Federal Register, shall con-
14 sider steps necessary to ensure that State traffic record
15 systems are unambiguous, accurate, current, accessible,
16 complete, and (to the extent useful) uniform among the
17 States.

18 (b) SPECIFIC MATTERS FOR CONSIDERATION.—Such
19 study shall at a minimum consider—

20 (1) whether specific legislative action is nec-
21 essary to improve State traffic record systems;

22 (2) the feasibility and practicality of further en-
23 couraging and establishing a uniform traffic ticket
24 citation and control system;

1 (3) the need for a uniform driver violation point
2 system to be adopted by the States;

3 (4) the need for all the States to participate in
4 the Driver License Reciprocity Program conducted
5 by the American Association of Motor Vehicle Ad-
6 ministrators;

7 (5) ways to encourage the States to cross-ref-
8 erence driver license files and motor vehicle files to
9 facilitate the identification of individuals who may
10 not be in compliance with driver licensing laws; and

11 (6) the feasibility of establishing a national pro-
12 gram that would limit each driver to one driver's li-
13 cense from only one State at any time.

14 (c) EVALUATION OF NATIONAL INFORMATION SYS-
15 TEMS.—As part of the study required by this section, the
16 Secretary shall consider and evaluate the future of the na-
17 tional information systems that support driver licensing.
18 In particular, the Secretary shall examine whether the
19 Commercial Driver's License Information System, the Na-
20 tional Driver Register, and the Driver License Reciprocity
21 program should be more closely linked or continue to exist
22 as separate information systems and which entities are
23 best suited to operate such systems effectively at the least
24 cost. The Secretary shall cooperate with the American As-

1 sociation of Motor Vehicle Administrators in carrying out
2 this evaluation.

3 **SEC. 242. STATE PROGRAMS FOR HIGH RISK DRIVERS.**

4 The Secretary shall encourage and promote State
5 driver evaluation, assistance, or control programs for high
6 risk drivers. These programs may include in-person license
7 reexaminations, driver education or training courses, li-
8 cense restrictions or suspensions, and other actions de-
9 signed to improve the operating performance of high risk
10 drivers.

11 **Subtitle E—Funding**

12 **SEC. 251. FUNDING FOR 23 U.S.C. 410 PROGRAM.**

13 In addition to any amount otherwise appropriated or
14 available for such use, there are authorized to be appro-
15 priated \$15,000,000 for fiscal years 1995, 1996, and 1997
16 for the purpose of carrying out section 410 of title 23,
17 United States Code.

18 **TITLE III—CORRECTION OF**
19 **LOCATION**

20 **SEC. 301.**

21 The table contained in section 1107(b) of the Inter-
22 modal Surface Transportation Efficiency Act of 1991 is
23 amended in item number 24, by adding at the end “and
24 for similar purposes eligible for funding under title 23,
25 United States Code, or under the Intermodal Surface

1 Transportation Efficiency Act on any similar existing fa-
2 cility within a 150 mile radius of such project as selected
3 by the State of Pennsylvania.”.

Passed the House of Representatives October 7,
1994.

Attest:

Clerk.

103^D CONGRESS
2^D SESSION

H. R. 5248

AN ACT

To require States to consider adopting mandatory, comprehensive, Statewide one-call notification systems to protect natural gas and hazardous liquid pipelines and all other underground facilities from being damaged by any excavations, and for other purposes.