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2<sup>D</sup> SESSION

# H. R. 5248

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IN THE SENATE OF THE UNITED STATES

OCTOBER 8 (legislative day, SEPTEMBER 12), 1994

Received; read twice and referred to the Committee on Commerce, Science,  
and Transportation

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## 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  
9 facilities.

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  
6 locations.

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 COMPACT.—  
16 The State is a member of and substantially complies  
17 with the interstate agreement known as the Driver  
18 License Compact, promptly and reliably transmits  
19 and receives through electronic means interstate  
20 driver record information (including information on  
21 commercial drivers) in cooperation with the Sec-  
22 retary and other States, and develops and achieves  
23 demonstrable annual progress in implementing a  
24 plan to ensure that (i) each court of the State report  
25 expeditiously to the State driver licensing agency all

1 traffic safety convictions, license suspensions, license  
2 revocations, or other license restrictions, and driver  
3 improvement efforts sanctioned or ordered by the  
4 court, and that (ii) such records be available elec-  
5 tronically to appropriate government officials (in-  
6 cluding enforcement, officers, judges, and prosecu-  
7 tors) 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:

10 **§“411. Programs for young drivers.”.**

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

20 **SEC. 222. PROGRAM EVALUATION.**

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

1 authorized by section 411 of title 23, United States Code  
2 (as added by section 101 of this Act).

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

## 11 **Subtitle C—Older Driver Programs**

### 12 **SEC. 231. OLDER DRIVER SAFETY RESEARCH.**

13 (a) RESEARCH ON PREDICTABILITY OF HIGH RISK  
14 DRIVING.—

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

1           (2) To the extent technically feasible, the Sec-  
2           retary shall consider the feasibility and further the  
3           development of cost efficient, reliable tests capable of  
4           predicting increased risk of accident involvement or  
5           hazardous driving by older high risk drivers.

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

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

1 such action is advisable. The Secretary shall consult exten-  
2 sively with the American Association of Retired Persons,  
3 the American Association of Motor Vehicle Administra-  
4 tors, the American Occupational Therapy Association, the  
5 American Automobile Association, the Department of  
6 Health and Human Services, the American Public Health  
7 Association, and other interested parties in developing  
8 educational materials on the interrelationship of the aging  
9 process, driver safety, and the driver licensing process.

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

21 (e) STATE LICENSING PRACTICES.—The Secretary  
22 shall encourage State licensing agencies to use restricted  
23 licenses instead of canceling a license whenever such ac-  
24 tion is appropriate and if the interests of public safety  
25 would be served, and to closely monitor the driving per-

1 formance of older drivers with such licenses. The Sec-  
2 retary shall encourage States to provide educational mate-  
3 rials of benefit to older drivers and concerned family mem-  
4 bers and physicians. The Secretary shall promote licensing  
5 and relicensing programs in which the applicant appears  
6 in person and shall promote the development and use of  
7 cost effective screening processes and testing of physio-  
8 logical, cognitive, and perception factors as appropriate  
9 and necessary. Not less than one model State program  
10 shall be evaluated in light of this subsection during each  
11 of the fiscal years 1996 through 1998. Of the sums au-  
12 thorized under subsection (i), \$250,000 is authorized for  
13 each such fiscal year for such evaluation.

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

23 (g) INTELLIGENT VEHICLE-HIGHWAY SYSTEMS.—In  
24 implementing the Intelligent Vehicle-Highway Systems  
25 Act of 1991 (23 U.S.C. 307 note), the Secretary shall en-

1 sure that the National Intelligent Vehicle-Highway Sys-  
2 tems Program devotes sufficient attention to the use of  
3 intelligent vehicle-highway systems to aid older drivers in  
4 safely performing driver functions. Federally-sponsored  
5 research, development, and operational testing shall en-  
6 sure the advancement of night vision improvement sys-  
7 tems, technology to reduce the involvement of older drivers  
8 in accidents occurring at intersections, and other tech-  
9 nologies of particular benefit to older drivers.

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

20 (i) AUTHORIZATION OF APPROPRIATIONS.—Of the  
21 funds authorized under section 403 of title 23, United  
22 States Code, \$1,250,000 is authorized for each of the fis-  
23 cal years 1995 through 1997 to support older driver pro-  
24 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 USC 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. CORRECTION OF LOCATION.**

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: DONNALD K. ANDERSON,  
*Clerk.*

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HR 5248 RFS—3

HR 5248 RFS—4