

**Calendar No. 668**

103D CONGRESS  
2D SESSION

**S. 2101**

**A BILL**

To provide for the establishment of mandatory State-operated comprehensive one-call systems to protect all underground facilities from being damaged by any excavations, and for other purposes.

SEPTEMBER 28 (legislative day, SEPTEMBER 12), 1994  
Reported with an amendment and an amendment to the title

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IN THE SENATE OF THE UNITED STATES

MAY 10 (legislative day, MAY 2), 1994

Mr. BRADLEY (for himself and Mr. SPECTER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

SEPTEMBER 28 (legislative day, SEPTEMBER 12), 1994

Reported by Mr. HOLLINGS, with an amendment and an amendment to the title

[Strike out all after the enacting clause and insert the part printed in italic]

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**A BILL**

To provide for the establishment of mandatory State-operated comprehensive one-call systems to protect all 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Comprehensive One-  
3 Call Notification Act of 1994”.

4 **SEC. 2. FINDINGS.**

5 The Congress finds that—

6 (1) since the 1950s, steadily increasing develop-  
7 ment of infrastructure has resulted in the construc-  
8 tion of underground facilities throughout the United  
9 States, including water pipelines, natural gas pipe-  
10 lines, liquids pipelines, steam pipelines, telephone  
11 lines, electric lines, fiber optic lines, cable television  
12 lines, sewer pipelines, and dedicated traffic control,  
13 emergency communication, and alarm lines;

14 (2) these underground facilities offer a safe and  
15 economical means of providing essential services to  
16 the public;

17 (3) of all accidents involving these facilities, the  
18 largest number are caused by nearby excavation,  
19 demolition, or tunneling activities, known as third-  
20 party damage;

21 (4) accidents resulting from third-party damage  
22 present an unnecessary risk to public safety and the  
23 environment;

24 (5) costs arising from third-party damage are  
25 ultimately paid by consumers;

1           (6) in the case of interstate facilities, consumers  
2           in one State may pay for damages incurred in an-  
3           other State;

4           (7) to prevent third-party damage, the owners  
5           of some underground facilities have initiated one-call  
6           (or “call before you dig”) programs, and some  
7           States have mandated one-call programs, although  
8           the scope and effectiveness of these programs is in-  
9           consistent;

10          (8) to maximize the effectiveness of one-call  
11          programs, national standards are needed;

12          (9) these standards should apply, without ex-  
13          ception, to all excavation near any underground fa-  
14          cilities; and

15          (10) these standards should produce one-call  
16          systems which are simple to use, with a single tele-  
17          phone number established which excavators must  
18          call to obtain information on the location of any type  
19          of underground facility anywhere in the United  
20          States.

21 **SEC. 3. DEFINITIONS.**

22          For purposes of this Act, the term—

23           (1) “damage” means any impact on or contact  
24           with an underground facility, its appurtenances, or  
25           its protective coating, or weakening of the support

1 for the facility or protective housing, which requires  
2 repair;

3 (2) “excavation” means any operation in which  
4 earth, rock, or other material in the ground is  
5 moved, removed, or otherwise displaced by means of  
6 any tools, equipment, or explosive, and includes,  
7 without limitation, grading, boring, milling, trench-  
8 ing, tunneling, scraping, tree and root removal, cable  
9 or pipe plowing, pile driving, wrecking, razing, rend-  
10 ing, or removing any structure or mass material, but  
11 shall not include the tilling of soil for agricultural  
12 purposes to a depth of 18 inches or less;

13 (3) “facility operator” means any person who  
14 owns or operates an underground facility, except for  
15 any person who is the owner of real property where-  
16 in are located underground facilities for the purpose  
17 of furnishing services or materials only to himself or  
18 occupants of such property;

19 (4) “Secretary” means the Secretary of Trans-  
20 portation; and

21 (5) “underground facility” means any under-  
22 ground line, system, or structure used for producing,  
23 gathering, storing, conveying, transmitting, or dis-  
24 tributing communication, electricity, gas, petroleum,  
25 petroleum products, hazardous liquids, water, steam,

1 sewerage, or any other commodities the Secretary of  
2 Commerce determines to be similar and appropriate.

3 **SEC. 4. NATIONWIDE DEDICATED NUMBER.**

4 Within 1 year after the date of enactment of this Act,  
5 the Federal Communications Commission shall establish  
6 a nationwide dedicated telephone number to be used by  
7 local or regional underground facility location services and  
8 by one-call systems established pursuant to this Act.

9 **SEC. 5. ESTABLISHMENT OF STATE ONE-CALL SYSTEMS.**

10 (a) REQUIREMENT.—Each State shall, within 3 years  
11 after the date of enactment of this Act, establish a com-  
12 prehensive statewide one-call notification system, in ac-  
13 cordance with this Act, to protect all underground facili-  
14 ties from damage due to any excavation.

15 (b) STATE SANCTIONS FOR NONPARTICIPATION.—

16 The Secretary may impose a prohibition, applicable to a  
17 State that does not comply with subsection (a), on the ap-  
18 proval by the Secretary of any projects or the awarding  
19 by the Secretary of any grants under title 23, United  
20 States Code, other than projects or grants for safety where  
21 the Secretary determines, based on accident or other ap-  
22 propriate data submitted by the State, that the principal  
23 purpose of the project is an improvement in safety to re-  
24 solve a demonstrated safety problem and likely will result  
25 in a significant reduction in, or avoidance of, accidents.

1 **SEC. 6. ELEMENTS OF SYSTEM.**

2 Each State one-call system established under section  
3 5(a) shall—

4 (1) have a designated system operator;

5 (2) operate in all areas of the State containing  
6 underground facilities;

7 (3) apply to all excavations and to all under-  
8 ground facility operators, except as provided by this  
9 Act;

10 (4) employ mechanisms, such as the issuance of  
11 excavation or building permits, to ensure that the  
12 general public, and in particular all excavators, are  
13 aware of the one-call telephone number and the re-  
14 quirements and penalties of the State system relat-  
15 ing to excavations;

16 (5) require that any person conducting an exca-  
17 vation must contact the one-call system at least 3  
18 business days, and not more than 10 business days,  
19 before excavation begins;

20 (6) receive and record appropriate information  
21 from excavators about intended excavations, includ-  
22 ing—

23 (A) the name of the person contacting the  
24 one-call system;

25 (B) the name, address, and telephone num-  
26 ber of the excavator; and

1           (C) the specific location of the intended ex-  
2           cavation, along with the starting date thereof  
3           and a description of the intended excavation ac-  
4           tivity;

5           (7) inform excavators of the identity of facility  
6           operators who will be notified of the intended exca-  
7           vation;

8           (8) inform excavators of any procedures that  
9           the State has determined must be followed when ex-  
10          cavating;

11          (9) inform facility operators of any intended ex-  
12          cavations that may be in the vicinity of their under-  
13          ground facilities;

14          (10) require facility operators to locate and  
15          mark, in accordance with standards established by  
16          the State, their underground facilities in the vicinity  
17          of an intended excavation within no more than 3  
18          business days after notification of such intended ex-  
19          cavation, and to supervise such excavation as nec-  
20          essary;

21          (11) provide for penalties and enforcement as  
22          described in section 7;

23          (12) maintain records on each notice of intent  
24          to excavate for at least 7 years;

1           (13) establish procedures to promote the timely  
2 acquisition of information on previously unknown  
3 underground facility locations;

4           (14) provide for an appropriate waiver of timely  
5 compliance with system requirements in emergency  
6 circumstances in which public safety is endangered,  
7 as long as the one-call system is notified at the earli-  
8 est practicable time;

9           (15) establish an appropriate schedule of fees to  
10 be imposed on facility operators to cover the costs of  
11 establishing, maintaining, and operating the one-call  
12 system; and

13           (16) provide an opportunity for citizen suits to  
14 enforce the requirements of this section.

15 **SEC. 7. PENALTIES AND ENFORCEMENT.**

16       (a) **GENERAL PENALTIES.**—Each State one-call sys-  
17 tem established under section 5(a) shall provide that any  
18 excavator or facility operator who violates the require-  
19 ments of the system shall be liable for a civil penalty of  
20 not more than \$25,000 for each violation for each day that  
21 violation persists, except that the maximum civil penalty  
22 shall not exceed \$500,000 for any related series of viola-  
23 tions and the minimum civil penalty for a violation shall  
24 be not less than \$250.

1       (b) INCREASED PENALTIES.—If a violation results in  
 2 damage to an underground facility resulting in death, seri-  
 3 ous bodily harm, or actual damage to property exceeding  
 4 \$50,000, or damage to an underground hazardous liquid  
 5 pipeline facility resulting in the release of more than 50  
 6 barrels of product, the penalties may be increased, and  
 7 an additional penalty of imprisonment may be assessed.

8       (c) DECREASED PENALTIES.—A State one-call sys-  
 9 tem may provide for reduced penalties for a violation, that  
 10 results in or could result in damage, that is promptly re-  
 11 ported by the violator.

12       (d) INJUNCTIVE RELIEF.—Each State one-call sys-  
 13 tem shall provide for appropriate injunctive relief.

14       (e) REVOCATION OF LICENSE.—Each State one-call  
 15 system shall include procedures for the revocation of a li-  
 16 cense or permit to do business of any excavator deter-  
 17 mined to be a habitual violator of the requirements of the  
 18 system.

19       (f) IMMEDIATE CITATION OF VIOLATIONS.—A State  
 20 one-call system may include procedures for issuing a cita-  
 21 tion of violation at the site and time of the violation.

22 **SEC. 8. ASSISTANCE OF DEPARTMENT OF TRANSPOR-**  
 23 **TATION IN DEVELOPMENT OF SYSTEMS.**

24       (a) COORDINATION WITH OTHER RESPONSIBIL-  
 25 ITIES.—The Secretary shall coordinate the implementa-

1 tion of this Act with the implementation of the Natural  
2 Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671  
3 et seq.) and the Hazardous Liquid Pipeline Safety Act of  
4 1979 (49 U.S.C. App. 2001 et seq.).

5 (b) MODEL PROGRAM.—Within 1 year after the date  
6 of enactment of this Act, the Office of Pipeline Safety of  
7 the Department of Transportation shall draft and make  
8 available to States a model one-call system program, along  
9 with such additional guidance as the Secretary considers  
10 appropriate, to assist the States in complying with this  
11 Act. Such model program may be amended in response  
12 to reports submitted by the States pursuant to section 10.

13 (c) PUBLIC EDUCATION.—The Secretary shall de-  
14 velop public service announcements to be broadcast or  
15 published to educate the public about one-call notification  
16 systems, including the national phone number.

17 **SEC. 9. ALTERNATE FORM OF SYSTEM.**

18 A State that wishes to establish or maintain a one-  
19 call system that differs from the requirements of this Act  
20 may petition the Secretary for approval of such system.  
21 The Secretary shall approve such a petition if the pro-  
22 posed system is at least as protective of the public health  
23 and safety as a system described in this Act.

1 **SEC. 10. STATE REPORTS.**

2 Within 54 months after the date of enactment of this  
3 Act, each State shall report to Congress and the Secretary  
4 on the status of their one-call notification system and its  
5 requirements. The report shall contain data on the oper-  
6 ation and effectiveness of the one-call system including—

7 (1) the status of its law establishing the one-  
8 call system;

9 (2) the number of notification requests received  
10 annually;

11 (3) the effectiveness of the method of under-  
12 ground facility marking required;

13 (4) the degree of excavator compliance;

14 (5) the number of incidents where underground  
15 facilities were damaged and the type of damage to  
16 such facilities;

17 (6) the number of deaths and injuries and the  
18 estimate amount of property loss resulting from  
19 damage to underground facilities;

20 (7) the extent to which all underground facili-  
21 ties participate; and

22 (8) any other information that the Secretary  
23 determines relevant.

24 **SECTION 1. SHORT TITLES.**

25 (a) *TITLE I.*—Title I of this Act may be cited as the  
26 “Comprehensive One-call Notification Act of 1994”.



1           (7) “person” includes any agency of Federal,  
2           State, or local government;

3           (8) “Secretary” means the Secretary of Trans-  
4           portation;

5           (9) “State” has the meaning given such term in  
6           section 60101(a)(20) of title 49, United States Code;

7           (10) “State program” means the program of a  
8           State to establish or maintain a one-call notification  
9           system; and

10          (11) “underground facility” means any under-  
11          ground line, system, or structure used for gathering,  
12          storing, transmitting, or distributing oil, petroleum  
13          products, other hazardous liquids, natural gas, com-  
14          munication, electricity, water, steam, sewerage, or  
15          any other commodities the Secretary determines  
16          should be included under the requirements of this  
17          title, but such term does not include a portion of a  
18          line, system, or structure if the person who owns or  
19          leases, or holds an oil or gas mineral leasehold inter-  
20          est in, the real property in which such portion is lo-  
21          cated also operates, or has authorized another person  
22          to operate, the line, system, or structure only for the  
23          purpose of furnishing services or materials to such  
24          person, except to the extent that such portion contains

1 *predominantly natural gas or hazardous liquids*  
2 *and—*

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

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

10 ***SEC. 102. NATIONWIDE TOLL-FREE NUMBER SYSTEM.***

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

17 ***SEC. 103. STATE PROGRAMS.***

18 *(a) CONSIDERATION.—Each State shall consider*  
19 *whether to adopt a comprehensive statewide one-call notifi-*  
20 *cation program with each element described in section 104,*  
21 *to protect all underground facilities from damage due to*  
22 *any excavation. Such State program may be provided for*  
23 *through the establishment of a new program, or through*  
24 *modification or improvement of an existing program, and*  
25 *may be implemented by a nongovernmental organization.*

1       (b) *PROCEDURES.*—State consideration under sub-  
2 section (a) shall be undertaken after public notice and hear-  
3 ing, and shall be completed within 3 years after the date  
4 of enactment of this Act. Such consideration may be under-  
5 taken as part of any proceeding of a State with respect to  
6 the safety of pipelines or other underground facilities.

7       (c) *COMPLIANCE.*—If a State fails to comply with the  
8 requirements of subsection (a), the Secretary or any person  
9 aggrieved by such failure may in a civil action obtain ap-  
10 propriate relief against any appropriate officer or entity  
11 of the State, including the State itself, to compel such  
12 compliance.

13       (d) *APPROPRIATENESS.*—Nothing in this title pro-  
14 hibits a State from making a determination that it is not  
15 appropriate to adopt a State program described in section  
16 104, pursuant to its authority under otherwise applicable  
17 State law.

18 **SEC. 104. ELEMENTS OF STATE PROGRAM.**

19       (a) *IN GENERAL.*—Each State's consideration under  
20 section 103(a) shall include consideration of program ele-  
21 ments that—

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

24                       (A) apply to all excavators and to all facil-  
25 ity operators;

1           (B) operate in all areas of the State and not  
2 duplicate the geographical coverage of other one-  
3 call notification systems;

4           (C) receive and record appropriate informa-  
5 tion from excavators about intended excavations;

6           (D) inform facility operators of any in-  
7 tended excavations that may be in the vicinity of  
8 their underground facilities; and

9           (E) inform excavators of the identity of fa-  
10 cility operators who will be notified of the in-  
11 tended excavation;

12           (2) provide for 24-hour coverage for emergency  
13 excavation, with the manner and scope of coverage de-  
14 termined by the State;

15           (3) employ mechanisms to ensure that the gen-  
16 eral public, and in particular all excavators, are  
17 aware of the one-call telephone number and the re-  
18 quirements, penalties, and benefits of the State pro-  
19 gram relating to excavations;

20           (4) inform excavators of any procedures that the  
21 State has determined must be followed when excavat-  
22 ing;

23           (5) require that any excavator must contact the  
24 one-call notification system in accordance with State  
25 specifications, which may vary depending on whether

1       *the excavation is short term, long term, routine, con-*  
2       *tinuous, or emergency;*

3             (6) *require facility operators to provide for locat-*  
4       *ing and marking or otherwise identifying their facili-*  
5       *ties at an excavation site, 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             (7) *provide effective mechanisms for penalties*  
10       *and enforcement as described in section 105;*

11            (8) *provide for a fair and appropriate schedule*  
12       *of fees to cover the costs of providing for, maintain-*  
13       *ing, and operating the State program; and*

14            (9) *provide an opportunity for citizen suits to*  
15       *enforce the State program.*

16       (b) *EXCEPTION.—Where excavation is undertaken by*  
17       *or for a person, on real property owned or leased, or in*  
18       *which an oil or gas mineral leasehold interest is held, by*  
19       *that person, and the same person operates all underground*  
20       *facilities located at the site of the excavation, a State pro-*  
21       *gram may elect not to require that such person contact the*  
22       *one-call notification system before excavating.*

23       **SEC. 105. PENALTIES AND ENFORCEMENT.**

24            (a) *GENERAL PENALTIES.—Each State's consideration*  
25       *under section 103(a) shall include consideration of a re-*

1 *quirement that any excavator or facility operator who vio-*  
2 *lates the requirements of the State program shall be liable*  
3 *for an appropriate administrative or civil penalty.*

4 *(b) INCREASED PENALTIES.—If a violation results in*  
5 *damage to an underground facility resulting in death, seri-*  
6 *ous bodily harm, or actual damage to property exceeding*  
7 *\$50,000, or damage to a hazardous liquid underground fa-*  
8 *cility resulting in the release of more than 50 barrels of*  
9 *product, the penalties shall be increased, and an additional*  
10 *penalty of imprisonment may be assessed for a knowing*  
11 *and willful violation.*

12 *(c) DECREASED PENALTIES.—Each State’s consider-*  
13 *ation under section 103(a) shall include consideration of*  
14 *reduced penalties for a violation, that results in or could*  
15 *result in damage, that is promptly reported by the violator.*

16 *(d) EQUITABLE RELIEF AND MANDAMUS ACTIONS.—*  
17 *Each State’s consideration under section 103(a) shall in-*  
18 *clude consideration of provisions for appropriate equitable*  
19 *relief and mandamus actions.*

20 *(e) IMMEDIATE CITATION OF VIOLATIONS.—Each*  
21 *State’s consideration under section 103(a) shall include*  
22 *consideration of procedures for issuing a citation of viola-*  
23 *tion at the site and time of the violation.*

1 **SEC. 106. GRANTS TO STATES.**

2 (a) *AUTHORITY.*—Using \$4,000,000 of the amounts  
3 previously collected under section 7005 of the Consolidated  
4 Omnibus Budget Reconciliation Act of 1985 (previously  
5 codified as 49 U.S.C. App. 1682a) or section 60301 of title  
6 49, United States Code, for each of the fiscal years 1996,  
7 1997, and 1998, to the extent provided in advance in appro-  
8 priations Acts, the Secretary shall make grants to States,  
9 or to operators of one-call notification systems in such  
10 States, which have elected to adopt a State program de-  
11 scribed in section 104, or to establish and maintain a State  
12 program pursuant to subsection (b) of this section. Such  
13 grants may be used in establishing one-call notification sys-  
14 tems, modifying existing systems to conform to standards  
15 established under this title, and improving systems to exceed  
16 such standards. Such grants may be used to—

17 (1) *improve communications systems linking*  
18 *one-call notification systems;*

19 (2) *improve location capabilities, including*  
20 *training personnel, developing geographical informa-*  
21 *tion systems, and developing and using location tech-*  
22 *nology;*

23 (3) *improve record retention and recording capa-*  
24 *bilities;*

25 (4) *enhance public information and education*  
26 *campaigns;*

1           (5) *increase and improve enforcement mecha-*  
2           *nisms, including administrative processing of viola-*  
3           *tions; and*

4           (6) *otherwise further the purposes of this title.*

5           (b) *ALTERNATE FORM OF STATE PROGRAM.—The Sec-*  
6           *retary may make a grant under subsection (a) to a State*  
7           *that establishes or maintains a State program that differs*  
8           *from a State program described in section 104 if such State*  
9           *program is at least as protective of the public health and*  
10          *safety and the environment as a State program described*  
11          *in section 104.*

12          **SEC. 107. DEPARTMENT OF TRANSPORTATION.**

13          (a) *COORDINATION WITH OTHER RESPONSIBIL-*  
14          *ITIES.—*

15               (1) *COORDINATION.—The Secretary shall coordi-*  
16               *nate the implementation of this title with the imple-*  
17               *mentation of chapter 601 of title 49, United States*  
18               *Code.*

19               (2) *REVIEW OF PROGRAMS.—Within 18 months*  
20               *after the date of enactment of this Act, the Secretary*  
21               *shall review, and report to Congress on, the extent to*  
22               *which any policies, programs, and procedures of the*  
23               *Department of Transportation could be used to*  
24               *achieve the purposes of this title.*

25          (b) *MODEL PROGRAM.—*

1           (1) *DEVELOPMENT.*—Within 1 year after the  
2           date of enactment of this Act, the Secretary, in con-  
3           sultation with facility operators, excavators, one-call  
4           notification system operators, and State and local  
5           governments, shall develop and make available to  
6           States a model State program, including a model en-  
7           forcement program. Such model program may be  
8           amended by the Secretary on the Secretary’s initia-  
9           tive or in response to reports submitted by the States  
10          pursuant to section 108, or as a result of workshops  
11          conducted under paragraph (3) of this subsection.

12          (2) *SUGGESTED ELEMENTS.*—The model pro-  
13          gram developed under paragraph (1) shall include all  
14          elements of a State program described in section 104.  
15          The Secretary shall consider incorporating the follow-  
16          ing elements into the model program:

17                  (A) *The one-call notification system or sys-*  
18                  *tems shall—*

19                          (i) *receive and record appropriate in-*  
20                          *formation from excavators about intended*  
21                          *excavations, including—*

22                                  (I) *the name of the person con-*  
23                                  *tacting the one-call notification system;*

24                                  (II) *the name, address, and tele-*  
25                                  *phone number of the excavator;*

1                   (III) the specific location of the  
2                   intended excavation, along with the  
3                   starting date thereof and a description  
4                   of the intended excavation activity;  
5                   and

6                   (IV) the name, address, and tele-  
7                   phone number of the person for whom  
8                   the work is being performed; and

9                   (ii) maintain records on each notice of  
10                  intent to excavate for the period of time nec-  
11                  essary to ensure that such records remain  
12                  available for use in the adjudication of any  
13                  claims relating to the excavation.

14                 (B) The provision of information on exca-  
15                 vation requirements at the time of issuance of ex-  
16                 cavation or building permits, or other specific  
17                 mechanisms for ensuring excavator awareness.

18                 (C) A requirement that any excavator must  
19                 contact the one-call notification system at least  
20                 2 business days, and not more than 10 business  
21                 days, before excavation begins.

22                 (D) Alternative notification procedures for  
23                 excavation activities conducted as a normal part  
24                 of ongoing operations within specific geographic  
25                 locations over an extended period of time.

1           (E) A requirement that facility operators—  
2           (i) provide for locating and marking,  
3           in accordance with the American Public  
4           Works Association Uniform Color Code for  
5           Utilities, or otherwise identifying, in ac-  
6           cordance with standards established by the  
7           State or the American National Standards  
8           Institute, their underground facilities at the  
9           site of an intended excavation within no  
10          more than 2 business days after notification  
11          of such intended excavation; and

12           (ii) monitor such excavation as appro-  
13          priate.

14          (F) Provision for notification of excavators  
15          if no underground facilities are located at the ex-  
16          cavation site.

17          (G) Provision for the approval of a State  
18          program under this title with time limitations  
19          longer than those required under subparagraphs  
20          (C) and (E) of this paragraph where special cir-  
21          cumstances, such as severe weather conditions or  
22          remoteness of location, pertain.

23          (H) Procedures for excavators and facility  
24          operators to follow when the location of under-  
25          ground facilities is unknown.

1           (I) Procedures to improve underground fa-  
2           cility location capabilities, including compiling  
3           and notifying excavators, facility operators, and  
4           one-call centers of any information about pre-  
5           viously unknown underground facility locations  
6           when such information is discovered.

7           (J) Alternative rules for timely compliance  
8           with State program requirements in emergency  
9           circumstances.

10          (K) If a State has procedures for licensing  
11          or permitting entities to do business, procedures  
12          for the revocation of the license or permit to do  
13          business of any excavator determined to be a ha-  
14          bitual violator of the requirements of the State  
15          program.

16          (3) WORKSHOPS.—Within 6 months after the  
17          date of enactment of this Act, and annually there-  
18          after, the Secretary shall conduct workshops with fa-  
19          cility operators, excavators, one-call notification sys-  
20          tem operators, and State and local governments in  
21          order to develop, amend, and promote the model pro-  
22          gram, and to provide an opportunity to share infor-  
23          mation among such parties and to recognize State  
24          programs that exemplify the goals of this title.

1           (c) *PUBLIC EDUCATION.*—*The Secretary shall develop,*  
2 *in conjunction with facility operators, excavators, one-call*  
3 *notification system operators, and State and local govern-*  
4 *ments, public service announcements and other educational*  
5 *materials and programs to be broadcast or published to edu-*  
6 *cate the public about one-call notification systems, includ-*  
7 *ing the national phone number.*

8   **SEC. 108. STATE REPORTS.**

9           (a) *REQUIREMENT.*—

10           (1) *INITIAL REPORT.*—*Within 3 years after the*  
11 *date of enactment of this Act, each State shall submit*  
12 *to the Secretary a report on progress made in imple-*  
13 *menting this title.*

14           (2) *STATUS REPORTS.*—*Within 4½ years after*  
15 *the date of enactment of this Act, and annually there-*  
16 *after, each State shall report to the Secretary on the*  
17 *status of its State program, if any, and its require-*  
18 *ments, and any other information the Secretary*  
19 *requires.*

20           (b) *SIMPLIFIED REPORTING FORM.*—*Within 3 years*  
21 *after the date of enactment of this Act, the Secretary shall*  
22 *develop and distribute to the States a simplified form for*  
23 *complying with the reporting requirements of subsection*  
24 *(a)(2).*

1 **SEC. 109. MORE PROTECTIVE SYSTEMS.**

2 *Nothing in this title prohibits a State from implement-*  
3 *ing a one-call notification system that provides greater pro-*  
4 *tection for underground facilities from damage due to exca-*  
5 *vation than a system established pursuant to this title.*

6 **SEC. 110. USE OF TECHNOLOGIES FOR REMOTE AND ABOVE-**  
7 **GROUND PIPELINE LOCATION.**

8 *The Secretary of Transportation shall consult with*  
9 *other agencies as to the availability and affordability of*  
10 *technologies which will help locate pipelines from above-*  
11 *ground and remote locations.*

12 **SEC. 111. RAILROAD COMPLIANCE WITH ONE-CALL.**

13 *If a railroad has rules requiring underground facilities*  
14 *other than its own to be buried 3 feet or lower on its prop-*  
15 *erty or along its right-of-way, the railroad shall not be re-*  
16 *quired to inform the State one-call system when the railroad*  
17 *undertakes routine maintenance on its property or along*  
18 *its right-of-way when such maintenance would disturb the*  
19 *ground to a depth of no more than 18 inches as measured*  
20 *from the surface of the ground. Any accidents that occur*  
21 *during, or as a result of such routine maintenance, must*  
22 *be reported by the railroad to the Department of Transpor-*  
23 *tation and the appropriate local officials.*

1     **TITLE II—HIGH RISK DRIVERS**  
2                     **PROGRAM**  
3     **Subtitle A—High-Risk and Alcohol-**  
4                     **Impaired Drivers**

5     **SEC. 211. FINDINGS.**

6             *The Congress makes the following findings:*

7                     (1) *The Nation's traffic fatality rate has declined*  
8             *from 5.5 deaths per 100 million vehicle miles traveled*  
9             *in 1966 to an historic low of an estimated 1.8 deaths*  
10             *per 100 million vehicle miles traveled during 1992. In*  
11             *order to further this desired trend, the safety pro-*  
12             *grams and policies implemented by the Department of*  
13             *Transportation must be continued, and at the same*  
14             *time, the focus of these efforts as they pertain to high*  
15             *risk drivers of all ages must be strengthened.*

16                     (2) *Motor vehicle crashes are the leading cause of*  
17             *death among teenagers, and teenage drivers tend to be*  
18             *at fault for their fatal crashes more often than older*  
19             *drivers. Drivers who are 16 to 20 years old comprised*  
20             *7.4 percent of the United States population in 1991*  
21             *but were involved in 15.4 percent of fatal motor vehi-*  
22             *cle crashes. Also, on the basis of crashes per 100,000*  
23             *licensed drivers, young drivers are the highest risk*  
24             *group of drivers.*

1           (3) During 1991, 6,630 teenagers from age 15  
2 through 20 died in motor vehicle crashes. This tragic  
3 loss demands that the Federal Government intensify  
4 its efforts to promote highway safety among members  
5 of this high risk group.

6           (4) The consumption of alcohol, speeding over al-  
7 lowable limits or too fast for road conditions, inad-  
8 equate use of occupant restraints, and other high risk  
9 behaviors are several of the key causes for this tragic  
10 loss of young drivers and passengers. The Department  
11 of Transportation, working cooperatively with the  
12 States, student groups, and other organizations, must  
13 reinvigorate its current programs and policies to ad-  
14 dress more effectively these pressing problems of teen-  
15 age drivers.

16           (5) In 1991 individuals aged 70 years and older,  
17 who are particularly susceptible to injury, were in-  
18 volved in 12 percent of all motor vehicle traffic crash  
19 fatalities. These deaths accounted for 4,828 fatalities  
20 out of 41,462 total traffic fatalities.

21           (6) The number of older Americans who drive is  
22 expected to increase dramatically during the next 30  
23 years. Unfortunately, during the last 15 years, the  
24 Department of Transportation has supported an ex-  
25 tremely limited program concerning older drivers. Re-

1        *search on older driver behavior and licensing has suf-*  
2        *fered from intermittent funding at amounts that were*  
3        *insufficient to address the scope and nature of the*  
4        *challenges ahead.*

5                *(7) A major objective of United States transpor-*  
6        *tation policy must be to promote the mobility of older*  
7        *Americans while at the same time ensuring public*  
8        *safety on our Nation's highways. In order to accom-*  
9        *plish these two objectives simultaneously, the Depart-*  
10        *ment of Transportation must support a vigorous and*  
11        *sustained program of research, technical assistance,*  
12        *evaluation, and other appropriate activities that are*  
13        *designed to reduce the fatality and crash rate of older*  
14        *drivers who have identifiable risk characteristics.*

15        **SEC. 212. DEFINITIONS.**

16        *For purposes of this subtitle:*

17                *(1) The term "high risk driver" means a motor*  
18        *vehicle driver who belongs to a class of drivers that,*  
19        *based on vehicle crash rates, fatality rates, traffic*  
20        *safety violation rates, and other factors specified by*  
21        *the Secretary, presents a risk of injury to the driver*  
22        *and other individuals that is higher than the risk pre-*  
23        *sented by the average driver.*

24                *(2) The term "Secretary" means the Secretary of*  
25        *Transportation.*

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

2 (a) *GENERAL RESPONSIBILITY OF SECRETARY.*—The  
3 Secretary shall develop and implement effective and com-  
4 prehensive policies and programs to promote safe driving  
5 behavior by young drivers, older drivers, and repeat viola-  
6 tors of traffic safety regulations and laws.

7 (b) *SAFETY PROMOTION ACTIVITIES.*—The Secretary  
8 shall promote or engage in activities that seek to ensure  
9 that—

10 (1) *cost effective and scientifically-based guide-*  
11 *lines and technologies for the nondiscriminatory eval-*  
12 *uation and licensing of high risk drivers are ad-*  
13 *vanced;*

14 (2) *model driver training, screening, licensing,*  
15 *control, and evaluation programs are improved;*

16 (3) *uniform or compatible State driver point*  
17 *systems and other licensing and driver record infor-*  
18 *mation systems are advanced as a means of identify-*  
19 *ing and initially evaluating high risk drivers; and*

20 (4) *driver training programs and the delivery of*  
21 *such programs are advanced.*

22 (c) *DRIVER TRAINING RESEARCH.*—The Secretary  
23 shall explore the feasibility and advisability of using cost  
24 efficient simulation and other technologies as a means of  
25 enhancing driver training; shall advance knowledge regard-  
26 ing the perceptual, cognitive, and decision making skills

1 *needed for safe driving and to improve driver training; and*  
2 *shall investigate the most effective means of integrating li-*  
3 *censing, training, and other techniques for preparing novice*  
4 *drivers for the safe use of highway systems.*

## 5 ***Subtitle B—Young Driver Programs***

### 6 ***SEC. 221. STATE GRANTS FOR YOUNG DRIVER PROGRAMS.***

7 *(a) ESTABLISHMENT OF GRANT PROGRAM.—Chapter*  
8 *4 of title 23, United States Code, is amended by adding*  
9 *at the end the following new section:*

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

11 *“(a) GENERAL AUTHORITY.—Subject to the provisions*  
12 *of this section, the Secretary shall make basic and supple-*  
13 *mental grants to those States which adopt and implement*  
14 *programs for young drivers which include measures, de-*  
15 *scribed in this section, to reduce traffic safety problems re-*  
16 *sulting from the driving performance of young drivers.*  
17 *Such grants may only be used by recipient States to imple-*  
18 *ment and enforce such measures.*

19 *“(b) MAINTENANCE OF EFFORT.—No grant may be*  
20 *made to a State under this section in any fiscal year unless*  
21 *such State enters into such agreements with the Secretary*  
22 *as the Secretary may require to ensure that such State will*  
23 *maintain its aggregate estimated expenditures from all*  
24 *other sources for programs for young drivers at or above*  
25 *the average level of such expenditures in its 2 fiscal years*

1 preceding the fiscal year in which the High Risk Drivers  
2 Act of 1994 is enacted.

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

7 “(1) in the first fiscal year a State receives a  
8 grant under this section, 75 percent of the cost of im-  
9 plementing and enforcing in such fiscal year the  
10 young driver program adopted by the State pursuant  
11 to subsection (a);

12 “(2) in the second fiscal year the State receives  
13 a grant under this section, 50 percent of the cost of  
14 implementing and enforcing in such fiscal year such  
15 program; and

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

20 “(d) MAXIMUM AMOUNT OF BASIC GRANTS.—Subject  
21 to subsection (c), the amount of a basic grant made under  
22 this section for any fiscal year to any State which is eligible  
23 for such a grant under subsection (e) shall equal 30 percent  
24 of the amount apportioned to such State for fiscal year 1989  
25 under section 402 of this title. A grant to a State under

1 *this section shall be in addition to the State's apportion-*  
2 *ment under section 402, and basic grants during any fiscal*  
3 *year may be proportionately reduced to accommodate an*  
4 *applicable statutory obligation limitation for that fiscal*  
5 *year.*

6 *“(e) ELIGIBILITY FOR BASIC GRANTS.—*

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

9 *“(A) establishes and maintains a graduated*  
10 *licensing program for drivers under 18 years of*  
11 *age that meets the requirements of paragraph*  
12 *(2); and*

13 *“(B)(i) in the first year of receiving grants*  
14 *under this section, meets four of the nine criteria*  
15 *specified in paragraph (3);*

16 *“(ii) in the second year of receiving such*  
17 *grants, meets five of such criteria;*

18 *“(iii) in the third year of receiving such*  
19 *grants, meets six of such criteria;*

20 *“(iv) in the fourth year of receiving such*  
21 *grants, meets seven of such criteria; and*

22 *“(v) in fifth year of receiving such grants,*  
23 *meets seven of such criteria.*

24 *“(2) GRADUATED LICENSING PROGRAM.—*

1           “(A) A State receiving a grant under this  
2 section shall establish and maintain a graduated  
3 licensing program consisting of the following li-  
4 censing stages for any driver under 18 years of  
5 age:

6           “(i) An instructional license, valid for  
7 a minimum period determined by the Sec-  
8 retary, under which the licensee shall not  
9 operate a motor vehicle unless accompanied  
10 in the front passenger seat by the holder of  
11 a full driver’s license.

12           “(ii) A provisional driver’s license  
13 which shall not be issued unless the driver  
14 has passed a written examination on traffic  
15 safety and has passed a roadtest adminis-  
16 tered by the driver licensing agency of the  
17 State.

18           “(iii) A full driver’s license which shall  
19 not be issued until the driver has held a  
20 provisional license for at least 1 year with  
21 a clean driving record.

22           “(B) For purposes of subparagraph (A)(iii),  
23 subsection (f)(1), and subsection (f)(6)(B), a pro-  
24 visional licensee has a clean driving record if the  
25 licensee—

1           “(i) has not been found, by civil or  
2           criminal process, to have committed a mov-  
3           ing traffic violation during the applicable  
4           period;

5           “(ii) has not been assessed points  
6           against the license because of safety viola-  
7           tions during such period; and

8           “(iii) has satisfied such other require-  
9           ments as the Secretary may prescribe by  
10          regulation.

11          “(C) The Secretary shall determine the con-  
12          ditions under which a State shall suspend provi-  
13          sional driver’s licenses in order to be eligible for  
14          a basic grant. At a minimum, the holder of a  
15          provisional license shall be subject to driver con-  
16          trol actions that are stricter than those applica-  
17          ble to the holder of a full driver’s license, includ-  
18          ing warning letters and suspension at a lower  
19          point threshold.

20          “(D) For a State’s first 2 years of receiving  
21          a grant under this section, the Secretary may  
22          waive the clean driving record requirement of  
23          subparagraph (A)(iii) if the State submits satis-  
24          factory evidence of its efforts to establish such a  
25          requirement.

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

3                   “(A) *The State requires that any driver*  
4                   *under 21 years of age with a blood alcohol con-*  
5                   *centration of 0.02 percent or greater when driv-*  
6                   *ing a motor vehicle shall be deemed to be driving*  
7                   *while intoxicated for the purpose of (i) adminis-*  
8                   *trative or judicial sanctions or (ii) a law or reg-*  
9                   *ulation that prohibits any individual under 21*  
10                  *years of age with a blood alcohol concentration*  
11                  *of 0.02 percent or greater from driving a motor*  
12                  *vehicle.*

13                  “(B) *The State has a law or regulation that*  
14                  *provides a mandatory minimum penalty of at*  
15                  *least \$500 for anyone who in violation of State*  
16                  *law or regulation knowingly, or without checking*  
17                  *for proper identification, provides or sells alcohol*  
18                  *to any individual under 21 years of age.*

19                  “(C) *The State requires that all front seat*  
20                  *and rear seat occupants of any motor vehicle*  
21                  *shall use safety belts.*

22                  “(D) *The State requires that the license of*  
23                  *a driver under 21 years of age be suspended for*  
24                  *a period specified by the State if such driver is*  
25                  *convicted of the unlawful purchase or public pos-*

1           *session of alcohol. The period of suspension shall*  
2           *be at least 6 months for a first conviction and*  
3           *at least 12 months for a subsequent conviction;*  
4           *except that specific license restrictions may be*  
5           *imposed as an alternative to such minimum pe-*  
6           *riods of suspension where necessary to avoid*  
7           *undue hardship on any individual.*

8           “(E) *The State conducts youth-oriented*  
9           *traffic safety enforcement activities, and edu-*  
10           *cation and training programs—*

11                   “(i) *with the participation of judges*  
12                   *and prosecutors, that are designed to ensure*  
13                   *enforcement of traffic safety laws and regu-*  
14                   *lations, including those that prohibit driv-*  
15                   *ers under 21 years of age from driving*  
16                   *while intoxicated, restrict the unauthorized*  
17                   *use of a motor vehicle, and establish other*  
18                   *moving violations; and*

19                   “(ii) *with the participation of student*  
20                   *and youth groups, that are designed to en-*  
21                   *sure compliance with such traffic safety*  
22                   *laws and regulations.*

23           “(F) *The State is a member of and substan-*  
24           *tially complies with the interstate agreement*  
25           *known as the Driver License Compact, promptly*

1           *and reliably transmits and receives through elec-*  
2           *tronic means interstate driver record informa-*  
3           *tion (including information on commercial driv-*  
4           *ers) in cooperation with the Secretary and other*  
5           *States, and develops and achieves demonstrable*  
6           *annual progress in implementing a plan to en-*  
7           *sure that (i) each court of the State report expe-*  
8           *ditiously to the State driver licensing agency all*  
9           *traffic safety convictions, license suspensions, li-*  
10           *cence revocations, or other license restrictions,*  
11           *and driver improvement efforts sanctioned or or-*  
12           *dered by the court, and that (ii) such records be*  
13           *available electronically to appropriate govern-*  
14           *ment officials (including enforcement, officers,*  
15           *judges, and prosecutors) upon request at all*  
16           *times.*

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

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

3           “(H) *The State has a law or regulation that*  
4           *provides a minimum penalty of at least \$100 for*  
5           *anyone who in violation of State law or regula-*  
6           *tion drives any vehicle through, around, or*  
7           *under any crossing, gate, or barrier at a rail-*  
8           *road crossing while such gate or barrier is closed*  
9           *or being opened or closed.*

10          “(I) *The State has a law or regulation*  
11          *that—*

12                 “(i) *mandates seizure by the State or*  
13                 *any political subdivision thereof of any ve-*  
14                 *hicle driven by an individual in violation*  
15                 *of an alcohol-related traffic safety law, if*  
16                 *such violator has been convicted on more*  
17                 *than one occasion of an alcohol-related traf-*  
18                 *fic offense within any 5-year period begin-*  
19                 *ning after the date of enactment of this sec-*  
20                 *tion, or has been convicted of driving while*  
21                 *his or her driver’s license is suspended or*  
22                 *revoked by reason of a conviction for such*  
23                 *an offense;*

24                 “(ii) *mandates that the vehicle be for-*  
25                 *feited to the State or a political subdivision*

1           *thereof if the vehicle was solely owned by*  
2           *such violator at the time of the violation;*

3           “(iii) *requires that the vehicle be re-*  
4           *turned to the owner if the vehicle was a sto-*  
5           *len vehicle at the time of the violation; and*

6           “(iv) *authorizes the vehicle to be re-*  
7           *leased to a member of such violator’s fam-*  
8           *ily, the co-owner, or the owner, if the vehicle*  
9           *was not a stolen vehicle and was not solely*  
10          *owned by such violator at the time of the*  
11          *violation, and if the family member, co-*  
12          *owner, or owner, prior to such release, exe-*  
13          *cutes a binding agreement that the family*  
14          *member, co-owner, or owner will not permit*  
15          *such violator to drive the vehicle and that*  
16          *the vehicle shall be forfeited to the State or*  
17          *a political subdivision thereof in the event*  
18          *such violator drives the vehicle with the per-*  
19          *mission of the family member, co-owner, or*  
20          *owner.*

21          “(f) *SUPPLEMENTAL GRANT PROGRAM.—*

22                 “(1) *EXTENDED APPLICATION OF PROVISIONAL*  
23          *LICENSE REQUIREMENT.—For purposes of this sec-*  
24          *tion, a State is eligible for a supplemental grant for*  
25          *a fiscal year in an amount, subject to subsection (c),*

1 *not to exceed 10 percent of the amount apportioned*  
2 *to such State for fiscal year 1989 under section 402*  
3 *of this title if such State is eligible for a basic grant*  
4 *and in addition such State requires that a driver*  
5 *under 21 years of age shall not be issued a full driv-*  
6 *er's license until the driver has held a provisional li-*  
7 *cence for at least 1 year with a clean driving record*  
8 *as described in subsection (e)(2)(B).*

9 *“(2) PROVISION OF INSURANCE INFORMATION.—*  
10 *For purposes of this section, a State is eligible for a*  
11 *supplemental grant for a fiscal year in an amount,*  
12 *subject to subsection (c), not to exceed 5 percent of the*  
13 *amount apportioned to such State for fiscal year 1989*  
14 *under section 402 of this title if such State is eligible*  
15 *for a basic grant and in addition such State provides,*  
16 *to a parent or legal guardian of any provisional li-*  
17 *cencee, general information prepared with the assist-*  
18 *ance of the insurance industry on the effect of traffic*  
19 *safety convictions and at-fault accidents on insurance*  
20 *rates for young drivers.*

21 *“(3) READILY DISTINGUISHABLE LICENSES FOR*  
22 *YOUNG DRIVERS.—For purposes of this section, a*  
23 *State is eligible for a supplemental grant for a fiscal*  
24 *year in an amount, subject to subsection (c), not to*  
25 *exceed 5 percent of the amount apportioned to such*

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

4             *“(A) requires that the provisional driver’s*  
5             *license, or full driver’s license, of any driver*  
6             *under 21 years of age be readily distinguishable*  
7             *from the licenses of drivers who are 21 years of*  
8             *age or older, through the use of special back-*  
9             *ground, marking, profile, or any other features,*  
10            *consistent with any guidelines developed by the*  
11            *Secretary in cooperation with the American As-*  
12            *sociation of Motor Vehicle Administrators; and*

13            *“(B) employs the Social Security number as*  
14            *a common identifier on every driver’s license so*  
15            *as to facilitate the transfer of traffic records*  
16            *among States.*

17            *“(4) DRIVER TRAINING PREREQUISITE.—For*  
18            *purposes of this section, a State is eligible for a sup-*  
19            *plemental grant in an amount, subject to subsection*  
20            *(c), not to exceed 5 percent of the amount apportioned*  
21            *to such State for fiscal year 1989 under section 402*  
22            *of this title if such State is eligible for a basic grant*  
23            *and in addition such State requires that a provi-*  
24            *sional driver’s license may be issued only to a driver*  
25            *who has satisfactorily completed a State-accepted*

1 *driver education and training program that meets*  
2 *Department of Transportation guidelines and in-*  
3 *cludes information on the interaction of alcohol and*  
4 *controlled substances and the effect of such interaction*  
5 *on driver performance, and information on the im-*  
6 *portance of motorcycle helmet use and safety belt use.*

7       “(5) *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 1989*  
12 *under section 402 of this title if such State is eligible*  
13 *for a basic grant and in addition such State requires,*  
14 *at a lower point threshold than for other drivers, re-*  
15 *medial driver improvement instruction for drivers*  
16 *under 21 years of age and requires such remedial in-*  
17 *struction for any driver under 21 years of age who*  
18 *is convicted of reckless driving, excessive speeding,*  
19 *driving under the influence of alcohol, or driving*  
20 *while intoxicated.*

21       “(6) *PROVISIONAL LICENSE REQUIREMENT*  
22 *AFTER LICENSE SUSPENSION OR REVOCATION.—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 1989*  
2     *under section 402 of this title if such State is eligible*  
3     *for a basic grant and in addition such State requires*  
4     *that any driver whose driving privilege is restored*  
5     *after license suspension or revocation resulting from*  
6     *a traffic safety violation shall for at least 1 year be*  
7     *subject to the following:*

8             *“(A) The restored license shall be imme-*  
9             *diately suspended, for a period to be determined*  
10            *by the Secretary, upon the driver’s conviction of*  
11            *any moving traffic safety violation, except that*  
12            *the Secretary may by regulation define limited*  
13            *circumstances under which the State may waive*  
14            *this immediate suspension requirement.*

15            *“(B) A full driver’s license shall be issued*  
16            *only after the driver has held a provisional li-*  
17            *cence for at least 1 year with a clean driving*  
18            *record, as described in subsection (e)(2)(B).*

19            *“(C) The driver shall be—*

20                 *“(i) deemed to be driving while intoxi-*  
21                 *cated if the driver has a blood alcohol con-*  
22                 *centration of .02 percent or greater; or*

23                 *“(ii) prohibited from operating a*  
24                 *motor vehicle with such a blood alcohol con-*  
25                 *centration.*

1           “(7) *RECORD OF SERIOUS CONVICTIONS; HABIT-*  
2           *UAL OR REPEAT OFFENDER SANCTIONS.*—For pur-  
3           *poses of this section, a State is eligible for a supple-*  
4           *mental grant for a fiscal year in an amount, subject*  
5           *to subsection (c), not to exceed 5 percent of the*  
6           *amount apportioned to such State for fiscal year 1989*  
7           *under section 402 of this title if such State is eligible*  
8           *for a basic grant and in addition such State—*

9                   “(A) *requires that a notation of any serious*  
10           *traffic safety conviction of a driver be main-*  
11           *tained on the driver’s permanent traffic record*  
12           *for at least 10 years after the date of the convic-*  
13           *tion; and*

14                   “(B) *provides additional sanctions for any*  
15           *driver who, following conviction of a serious*  
16           *traffic safety violation, is convicted during the*  
17           *next 10 years of one or more subsequent serious*  
18           *traffic safety violations.*

19           “(8) *OVERSIGHT OF ALCOHOL SALES TO UNDER-*  
20           *AGE DRINKERS.*—For purposes of this section, a State  
21           *is eligible for a supplemental grant for a fiscal year*  
22           *in an amount, subject to subsection (c), not to exceed*  
23           *5 percent of the amount appropriated to such State*  
24           *for fiscal year 1989 under section 402 of this title if*  
25           *such State is eligible for a basic grant and in addi-*

1     *tion such State exercises effective oversight of colleges*  
2     *and universities to ensure that colleges and univer-*  
3     *sities do not provide, and do not allow the selling of,*  
4     *alcohol to individuals under 21 years of age.*

5     “(g) *APPLICABILITY OF CHAPTER 1.*—

6         “(1) *IN GENERAL.*—*Except as otherwise provided*  
7     *in this subsection, all provisions of chapter 1 of this*  
8     *title that are applicable to National Highway System*  
9     *funds, other than provisions relating to the apportion-*  
10    *ment formula and provisions limiting the expenditure*  
11    *of such funds to the Federal-aid systems, shall apply*  
12    *to the funds authorized to be appropriated to carry*  
13    *out this section.*

14        “(2) *INCONSISTENT PROVISIONS.*—*If the Sec-*  
15    *retary determines that a provision of chapter 1 of this*  
16    *title is inconsistent with this section, such provision*  
17    *shall not apply to funds authorized to be appro-*  
18    *priated to carry out this section.*

19        “(3) *CREDIT FOR STATE AND LOCAL EXPENDI-*  
20    *TURES.*—*The aggregate of all expenditures made dur-*  
21    *ing any fiscal year by a State and its political sub-*  
22    *divisions (exclusive of Federal funds) for carrying out*  
23    *the State highway safety program (other than plan-*  
24    *ning and administration) shall be available for the*  
25    *purpose of crediting such State during such fiscal*

1     *year for the non-Federal share of the cost of any*  
2     *project under this section (other than one for plan-*  
3     *ning or administration) without regard to whether*  
4     *such expenditures were actually made in connection*  
5     *with such project.*

6             “(4) *INCREASED FEDERAL SHARE FOR CERTAIN*  
7     *INDIAN TRIBE PROGRAMS.—In the case of a local*  
8     *highway safety program carried out by an Indian*  
9     *tribe, if the Secretary is satisfied that an Indian tribe*  
10    *does not have sufficient funds available to meet the*  
11    *non-Federal share of the cost of such program, the*  
12    *Secretary may increase the Federal share of the cost*  
13    *thereof payable under this title to the extent nec-*  
14    *essary.*

15            “(5) *TREATMENT OF TERM ‘STATE HIGHWAY DE-*  
16    *PARTMENT’.—In applying provisions of chapter 1 in*  
17    *carrying out this section, the term ‘State highway de-*  
18    *partment’ as used in such provisions shall mean the*  
19    *Governor of a State and, in the case of an Indian*  
20    *tribe program, the Secretary of the Interior.*

21            “(h) *AUTHORIZATION OF APPROPRIATIONS.—There*  
22    *are authorized to be appropriated to carry out this section,*  
23    *\$9,000,000 for the fiscal year ending September 30, 1996,*  
24    *\$12,000,000 for the fiscal year ending September 30, 1997,*  
25    *and \$14,000,000 for the fiscal year ending September 30,*

1 1998, \$16,000,000 for the fiscal year ending September 30,  
2 1999, and \$18,000,000 for the fiscal year ending September  
3 30, 2000.”.

4 (b) *CONFORMING AMENDMENT.*—The analysis of chap-  
5 ter 4 of title 23, United States Code, is amended by insert-  
6 ing immediately after the item relating to section 410 the  
7 following new item:

“411. Programs for young drivers.”.

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

16 **SEC. 222. PROGRAM EVALUATION.**

17 (a) *EVALUATION BY SECRETARY.*—The Secretary  
18 shall, under section 403 of title 23, United States Code, con-  
19 duct an evaluation of the effectiveness of State provisional  
20 driver’s licensing programs and the grant program author-  
21 ized by section 411 of title 23, United States Code (as added  
22 by section 221 of this Act).

23 (b) *REPORT TO CONGRESS.*—By January 1, 1997, the  
24 Secretary shall transmit a report on the results of the eval-  
25 uation conducted under subsection (a) and any related re-

1 *search to the Committee on Commerce, Science, and Trans-*  
2 *portation of the Senate and the Committee on Public Works*  
3 *and Transportation of the House of Representatives. The*  
4 *report shall include any related recommendations by the*  
5 *Secretary for legislative changes.*

6 ***Subtitle C—Older Driver Programs***

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

8 *(a) RESEARCH ON PREDICTABILITY OF HIGH RISK*  
9 *DRIVING.—*

10 *(1) The Secretary shall conduct a program that*  
11 *funds, within budgetary limitations, the research*  
12 *challenges presented in the Transportation Research*  
13 *Board's report entitled "Research and Development*  
14 *Needs for Maintaining the Safety and Mobility of*  
15 *Older Drivers" and the research challenges pertaining*  
16 *to older drivers presented in a report to Congress by*  
17 *the National Highway Traffic Safety Administration*  
18 *entitled "Addressing the Safety Issues Related to*  
19 *Younger and Older Drivers".*

20 *(2) To the extent technically feasible, the Sec-*  
21 *retary shall consider the feasibility and further the*  
22 *development of cost efficient, reliable tests capable of*  
23 *predicting increased risk of accident involvement or*  
24 *hazardous driving by older high risk drivers.*

1           (b) *SPECIALIZED TRAINING FOR LICENSE EXAMIN-*  
2 *ERS.—The Secretary shall encourage and conduct research*  
3 *and demonstration activities to support the specialized*  
4 *training of license examiners or other certified examiners*  
5 *to increase their knowledge and sensitivity to the transpor-*  
6 *tation needs and physical limitations of older drivers, in-*  
7 *cluding knowledge of functional disabilities related to driv-*  
8 *ing, and to be cognizant of possible countermeasures to deal*  
9 *with the challenges to safe driving that may be associated*  
10 *with increasing age.*

11           (c) *COUNSELING PROCEDURES AND CONSULTATION*  
12 *METHODS.—The Secretary shall encourage and conduct re-*  
13 *search and disseminate information to support and encour-*  
14 *age the development of appropriate counseling procedures*  
15 *and consultation methods with relatives, physicians, the*  
16 *traffic safety enforcement and the motor vehicle licensing*  
17 *communities, and other concerned parties. Such procedures*  
18 *and methods shall include the promotion of voluntary ac-*  
19 *tion by older high risk drivers to restrict or limit their driv-*  
20 *ing when medical or other conditions indicate such action*  
21 *is advisable. The Secretary shall consult extensively with*  
22 *the American Association of Retired Persons, the American*  
23 *Association of Motor Vehicle Administrators, the American*  
24 *Occupational Therapy Association, the American Auto-*  
25 *mobile Association, the Department of Health and Human*

1 *Services, the American Public Health Association, and*  
2 *other interested parties in developing educational materials*  
3 *on the interrelationship of the aging process, driver safety,*  
4 *and the driver licensing process.*

5       (d) *ALTERNATIVE TRANSPORTATION MEANS.*—*The*  
6 *Secretary shall ensure that the agencies of the Department*  
7 *of Transportation overseeing the various modes of surface*  
8 *transportation coordinate their policies and programs to*  
9 *ensure that funds authorized under the Intermodal Surface*  
10 *Transportation Efficiency Act of 1991 (Public Law 102–*  
11 *240; 105 Stat. 1914) and implementing Department of*  
12 *Transportation and Related Agencies Appropriation Acts*  
13 *take into account the transportation needs of older Ameri-*  
14 *cans by promoting alternative transportation means when-*  
15 *ever practical and feasible.*

16       (e) *STATE LICENSING PRACTICES.*—*The Secretary*  
17 *shall encourage State licensing agencies to use restricted li-*  
18 *censes instead of canceling a license whenever such action*  
19 *is appropriate and if the interests of public safety would*  
20 *be served, and to closely monitor the driving performance*  
21 *of older drivers with such licenses. The Secretary shall en-*  
22 *courage States to provide educational materials of benefit*  
23 *to older drivers and concerned family members and physi-*  
24 *cians. The Secretary shall promote licensing and relicensing*  
25 *programs in which the applicant appears in person and*

1 *shall promote the development and use of cost effective*  
2 *screening processes and testing of physiological, cognitive,*  
3 *and perception factors as appropriate and necessary. Not*  
4 *less than one model State program shall be evaluated in*  
5 *light of this subsection during each of the fiscal years 1996*  
6 *through 1998. Of the sums authorized under subsection (i),*  
7 *\$250,000 is authorized for each such fiscal year for such*  
8 *evaluation.*

9       *(f) IMPROVEMENT OF MEDICAL SCREENING.—The Sec-*  
10 *retary shall conduct research and other activities designed*  
11 *to support and encourage the States to establish and main-*  
12 *tain medical review or advisory groups to work with State*  
13 *licensing agencies to improve and provide current informa-*  
14 *tion on the screening and licensing of older drivers. The*  
15 *Secretary shall encourage the participation of the public in*  
16 *these groups to ensure fairness and concern for the safety*  
17 *and mobility needs of older drivers.*

18       *(g) INTELLIGENT VEHICLE-HIGHWAY SYSTEMS.—In*  
19 *implementing the Intelligent Vehicle-Highway Systems Act*  
20 *of 1991 (23 U.S.C. 307 note), the Secretary shall ensure*  
21 *that the National Intelligent Vehicle-Highway Systems Pro-*  
22 *gram devotes sufficient attention to the use of intelligent*  
23 *vehicle-highway systems to aid older drivers in safely per-*  
24 *forming driver functions. Federally-sponsored research, de-*  
25 *velopment, and operational testing shall ensure the ad-*

1 *vancement of night vision improvement systems, technology*  
2 *to reduce the involvement of older drivers in accidents oc-*  
3 *curring at intersections, and other technologies of particu-*  
4 *lar benefit to older drivers.*

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

15       *(i) AUTHORIZATION OF APPROPRIATIONS.—Of the*  
16 *funds authorized under section 403 of title 23, United*  
17 *States Code, \$1,250,000 is authorized for each of the fiscal*  
18 *years 1995 through 2000, and \$1,500,000 is authorized for*  
19 *each of the fiscal years 2001 through 2005, to support older*  
20 *driver programs described in subsections (a), (b), (c), (e),*  
21 *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 en-  
5       actment of this Act, the Secretary shall complete a study  
6       to determine whether additional or strengthened Federal ac-  
7       tivities, authority, or regulatory actions are desirable or  
8       necessary to improve or strengthen the driver record and  
9       control systems of the States to identify high risk drivers  
10      more rapidly and ensure prompt intervention in the licens-  
11      ing of high risk drivers. The study, which shall be based  
12      in part on analysis obtained from a request for information  
13      published in the Federal Register, shall consider steps nec-  
14      essary to ensure that State traffic record systems are unam-  
15      biguous, accurate, current, accessible, complete, and (to the  
16      extent useful) uniform among the States.

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

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

21              (2) *the feasibility and practicality of further en-*  
22              *couraging and establishing a uniform traffic ticket ci-*  
23              *tation and control system;*

24              (3) *the need for a uniform driver violation point*  
25              *system to be adopted by the States;*

1           (4) *the need for all the States to participate in*  
2 *the Driver License Reciprocity Program conducted by*  
3 *the American Association of Motor Vehicle Adminis-*  
4 *trators;*

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

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

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

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

2       *The Secretary shall encourage and promote State driv-*  
 3 *er evaluation, assistance, or control programs for high risk*  
 4 *drivers. These programs may include in-person license reex-*  
 5 *aminations, driver education or training courses, license re-*  
 6 *strictions or suspensions, and other actions designed to im-*  
 7 *prove the operating performance of high risk drivers.*

8                                   **Subtitle E—Funding**

9 **SEC. 251. FUNDING.**

10       (a) *INCREASE IN AMOUNTS AVAILABLE FOR ALCOHOL-*  
 11 *IMPAIRED DRIVING COUNTERMEASURES GRANTS.*—*In ad-*  
 12 *dition to any amount otherwise appropriated or available*  
 13 *for such use, the Secretary of Transportation is authorized*  
 14 *to obligate \$15,000,000 for fiscal years 1995, 1996, and*  
 15 *1997 for the purpose of carrying out section 410 of title*  
 16 *23, United States Code.*

17       (b) *SOURCE OF FUNDS.*—*The Secretary of Transpor-*  
 18 *tation shall transfer amounts obligated under this section*  
 19 *for fiscal years 1995, 1996, 1997, and 1998 from any*  
 20 *amounts authorized but not appropriated to carry out sec-*  
 21 *tion 31102 of title 49, United States Code.*

Amend the title so as to read: “A bill 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; and to provide additional con-

tract authority for making grants under the High Risk Drivers program, the alcohol-impaired driving countermeasures program, and for other purposes.”.

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S 2101 RS—3

S 2101 RS—4