

112TH CONGRESS
1ST SESSION

H. R. 3536

To direct the Secretary of Transportation to delay certain target compliance dates for minimum retroreflectivity level standards applicable to traffic signs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 1, 2011

Mr. JOHNSON of Georgia (for himself, Mr. BARLETTA, Mr. FILNER, Mr. HOLT, Mr. CARNAHAN, Mr. LEWIS of Georgia, Mr. STARK, Mr. ALTMIRE, Mr. RANGEL, Ms. PINGREE of Maine, and Mr. BISHOP of New York) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To direct the Secretary of Transportation to delay certain target compliance dates for minimum retroreflectivity level standards applicable to traffic signs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Safe Roads for Amer-
5 ica Act of 2011”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) An individual who is 65 years of age needs
2 4 times the amount of light to see at night as com-
3 pared to an individual who is 25 years of age.

4 (2) The AAA Foundation for Traffic Safety
5 projects that by 2030 1 in every 4 drivers will be 65
6 years of age or older.

7 (3) Increasing the retroreflectivity and size of
8 traffic signs provides added decision time for older
9 drivers.

10 (4) Increasing the retroreflectivity and size of
11 traffic signs also provides for faster response time by
12 emergency medical technicians and police and fire
13 personnel by increasing their ability to read and un-
14 derstand signs and reduce travel time to a site.

15 (5) More than 50 percent of traffic accidents
16 resulting in fatalities occur at night, and increased
17 retroreflectivity of traffic signs addresses this issue.

18 (6) In 2007, the following deadlines were estab-
19 lished in the Manual on Uniform Traffic Control
20 Devices in response to a statutory requirement from
21 Congress:

22 (A) By January 22, 2012, roadway owners
23 must adopt a plan to ensure that their signs
24 meet minimum levels of retroreflectivity.

1 (B) By January 22, 2015, regulatory and
2 warning signs and post-mounted signs must
3 meet minimum levels of retroreflectivity.

4 (C) By January 22, 2018, overhead and
5 street name signs must meet minimum levels of
6 retroreflectivity.

7 (7) The Federal Highway Administration has
8 estimated that the cost for making these
9 retroreflectivity improvements for signage through-
10 out the United States is \$37,000,000 over a 10-year
11 period.

12 (8) At no point must a roadway owner replace
13 a sign that meets the minimum levels of
14 retroreflectivity.

15 (9) The United States is currently experiencing
16 the worst economic conditions since the Great De-
17 pression.

18 (10) As a result, local governments across the
19 United States are experiencing one of the most eco-
20 nomically challenging times in history, with available
21 revenues unable to match the costs of services de-
22 manded by the public.

23 (11) To compensate for depressed revenue col-
24 lections during the economic downturn, counties and
25 cities are adopting severe cost-cutting measures,

1 such as laying off and furloughing employees (in-
2 cluding public safety personnel), cancelling or post-
3 poning planned capital improvements, deferring nec-
4 essary maintenance, cutting equipment inventories,
5 and in some cases declaring bankruptcy.

6 (12) The costs of employee benefits continue to
7 rise and local governments have to devote more re-
8 sources to keep up with inflation.

9 (13) States are passing along the costs of serv-
10 ices to local governments as a method to balance
11 their budgets.

12 (14) The outlook for recovery appears to be at
13 least 5 years away given that, even when the econ-
14 omy recovers, local governments experience a delay
15 in increased tax collections due to the nature of
16 property tax collections.

17 **SEC. 3. RETROREFLECTIVITY LEVEL STANDARDS APPLICA-**
18 **BLE TO TRAFFIC SIGNS.**

19 (a) IN GENERAL.—The Secretary of Transportation
20 shall modify the target compliance dates for minimum
21 retroreflectivity level standards set forth in section 2A.08
22 of the Manual on Uniform Traffic Control Devices for
23 Streets and Highways, 2009 Edition (incorporated by ref-
24 erence in subpart F of part 655 of title 23, Code of Fed-

1 eral Regulations) so that the following target compliance
2 dates apply:

3 (1) A target compliance date of January 22,
4 2012, for implementation and continued use of an
5 assessment or management method that is designed
6 to maintain traffic sign retroreflectivity at or above
7 the established minimum levels.

8 (2) A target compliance date of January 22,
9 2018, for replacement of regulatory, warning, and
10 post-mounted guide (except street name) signs that
11 are identified using the assessment or management
12 method as failing to meet the established minimum
13 levels.

14 (3) A target compliance date of January 22,
15 2021, for replacement of street name signs and over-
16 head guide signs that are identified using the assess-
17 ment or management method as failing to meet the
18 established minimum levels.

19 (b) EFFECT ON PROPOSED REGULATIONS.—The
20 Secretary shall revise the notice of proposed amendments
21 published in the Federal Register on August 31, 2011 (76
22 Fed. Reg. 54156), to incorporate the target compliance
23 dates specified in subsection (a).

24 (c) FUNDING.—The Secretary may use funds avail-
25 able to the Secretary to carry out this section notwith-

1 standing any funding limitation enacted before the date
2 of enactment of this Act.

3 **SEC. 4. HIGHWAY SAFETY IMPROVEMENT PROGRAM.**

4 (a) HIGHWAY SIGNS AND PAVEMENT MARKINGS.—
5 Section 148(a)(3)(B)(xi) of title 23, United States Code,
6 is amended to read as follows:

7 “(xi) Installation, replacement, and
8 upgrade of highway signs and pavement
9 markings, including any upgrade of mate-
10 rials and the implementation of any assess-
11 ment or management method designed to
12 meet a State-established performance
13 standard, Federal regulation, or require-
14 ment contained in the Manual on Uniform
15 Traffic Control Devices relating to min-
16 imum levels of retroreflectivity.”.

17 (b) MAINTAINING MINIMUM LEVELS OF
18 RETROREFLECTIVITY.—

19 (1) DEFINITION.—Section 148(a) of such title
20 is amended by adding at the end the following:

21 “(7) PROJECT TO MAINTAIN MINIMUM LEVELS
22 OF RETROREFLECTIVITY.—The term ‘project to
23 maintain minimum levels of retroreflectivity’ means
24 a project undertaken pursuant to the Manual on
25 Uniform Traffic Control Devices requiring public

1 agencies to use an assessment or management meth-
2 od that is designed to maintain highway sign or
3 pavement marking retroreflectivity at or above pre-
4 scribed minimum levels.”.

5 (2) ELIGIBLE PROJECTS.—Section 148(d)(1) of
6 such title is amended—

7 (A) by striking “or” at the end of subpara-
8 graph (A);

9 (B) by redesignating subparagraph (B) as
10 subparagraph (C); and

11 (C) by inserting after subparagraph (A)
12 the following:

13 “(B) any project to maintain minimum lev-
14 els of retroreflectivity on a public road, whether
15 or not such project is included in the State
16 strategic highway safety plan; or”.

17 (3) INCREASED FEDERAL SHARE.—The first
18 sentence of section 120(c)(1) of such title is amend-
19 ed by inserting “maintaining minimum levels of
20 retroreflectivity of highway signs or pavement mark-
21 ings,” after “signalization,”.

22 (c) STANDARDS FOR PROJECTS TO UPGRADE HIGH-
23 WAY SIGNS AND PAVEMENT MARKINGS.—Section 148 of
24 such title is amended by adding at the end the following:

1 “(i) STANDARDS FOR PROJECTS TO UPGRADE HIGH-
2 WAY SIGNS AND PAVEMENT MARKINGS.—The Secretary
3 shall issue standards for the use of funds apportioned to
4 a State under section 104(b)(5) for highway safety im-
5 provement projects to upgrade highway signs and pave-
6 ment markings in order to meet or exceed minimum main-
7 tained levels of retroreflectivity. Such standards shall en-
8 sure that the projects are carried out so as to meet defined
9 criteria, consistent with other safety upgrades, using a
10 systematic approach. Such standards shall permit the use
11 of the funds for an initial upgrade of highway signs and
12 pavement markings in the State, but shall prohibit the
13 funds from being used for maintenance activities.”.

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