

112TH CONGRESS  
1ST SESSION

# H. R. 708

To amend title 23, United States Code, to establish standards limiting the amounts of arsenic and lead contained in glass beads used in pavement markings.

---

## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 15, 2011

Mr. SHUSTER (for himself and Mr. HOLDEN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

---

## A BILL

To amend title 23, United States Code, to establish standards limiting the amounts of arsenic and lead contained in glass beads used in pavement markings.

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 Highway Mark-  
5 ings Act of 2011”.

1 **SEC. 2. STANDARDS LIMITING AMOUNTS OF ARSENIC AND**  
2 **LEAD CONTAINED IN GLASS BEADS USED IN**  
3 **PAVEMENT MARKINGS.**

4 (a) IN GENERAL.—Chapter 3 of title 23, United  
5 States Code, is amended by adding at the end the fol-  
6 lowing:

7 **“§ 330. Standards limiting amounts of arsenic and**  
8 **lead contained in glass beads used in**  
9 **pavement markings**

10 “(a) STANDARDS.—

11 “(1) WITHHOLDING OF APPORTIONMENTS FOR  
12 NONCOMPLIANCE.—The Secretary shall withhold up  
13 to 5 percent of the amount required to be appor-  
14 tioned to a State under paragraphs (1), (3), and (4)  
15 of section 104(b) on the first day of fiscal year 2013  
16 and each fiscal year thereafter, if the State does not  
17 meet the requirement of paragraph (2) on that date.

18 “(2) REQUIREMENT.—A State meets the re-  
19 quirement of this paragraph if the State has in ef-  
20 fect and is enforcing requirements to ensure that  
21 glass beads used in pavement markings, on or along  
22 any road or highway in the State, do not contain  
23 more than 200 parts per million arsenic or lead, as  
24 determined in accordance with the testing methods  
25 of the Environmental Protection Agency numbered  
26 6010C and 3052.

1           “(3) AVAILABILITY FOR APPORTIONMENT.—An  
2           amount withheld under this section from appor­tion-  
3           ment to a State shall not subsequently be available  
4           for apportionment to that State.

5           “(b) DEFINITIONS.—In this section, the following  
6           definitions apply:

7           “(1) GLASS BEAD.—The term ‘glass bead’  
8           means a transparent spherical glass manufactured  
9           to be highly resistant to traffic wear and used in  
10          pavement markings to provide retroreflective prop-  
11          erties when viewed at night with motor vehicle head-  
12          lights.

13          “(2) PAVEMENT MARKING.—The term ‘pave-  
14          ment marking’ means a system composed of pig-  
15          mented binders that is applied to the pavement sur-  
16          face to convey guidance, regulations, or warnings to  
17          motorists.”.

18          (b) CONFORMING AMENDMENT.—The analysis for  
19          such chapter is amended by adding at the end the fol-  
20          lowing:

          “330. Standards limiting amounts of arsenic and lead contained in glass beads  
          used in pavement markings.”.

21          (c) EFFECTIVE DATE.—This Act and the amend-  
22          ments made by this Act shall take effect on the 90th day  
23          following the date of enactment of this Act.

○