

111TH CONGRESS  
1ST SESSION

# S. 308

To amend title 23, United States Code, to improve economic opportunity and development in rural States through highway investment, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 22, 2009

Mr. BAUCUS (for himself, Mr. TESTER, Mr. THUNE, Mr. CONRAD, Mr. CRAPO, and Mr. BROWNBACK) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend title 23, United States Code, to improve economic opportunity and development in rural States through highway investment, 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 “Rural Opportunity and  
5 Development Act” or the “ROAD Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that investment in highway preserva-  
 3 tion and improvement is essential to the economic develop-  
 4 ment and well-being of rural areas.

5 **SEC. 3. RURAL OPPORTUNITY AND DEVELOPMENT PRO-**  
 6 **GRAM.**

7 (a) IN GENERAL.—Subchapter I of chapter 1 of title  
 8 23, United States Code, is amended by inserting after sec-  
 9 tion 149 the following:

10 **“§ 150. Rural opportunity and development program**

11 “(a) ESTABLISHMENT.—The Secretary shall estab-  
 12 lish and implement a rural opportunity and development  
 13 program to promote opportunity and economic develop-  
 14 ment in rural States by allocating funds to States for the  
 15 preservation and improvement of highways.

16 “(b) STATE ALLOCATIONS.—

17 “(1) IN GENERAL.—Funds authorized to be ap-  
 18 propriated for the program established under sub-  
 19 section (a) shall be allocated for each fiscal year  
 20 among States in accordance with this subsection.

21 “(2) STATE SHARES.—The Secretary shall de-  
 22 termine the number of shares to be allocated among  
 23 eligible States by assigning—

24 “(A) 6 shares to each State with a popu-  
 25 lation density of 20 or fewer individuals per  
 26 square mile of land area;

1           “(B) 3 shares to each State with a popu-  
 2           lation density of between 20 and 40 individuals  
 3           per square mile of land area;

4           “(C) 1 share to each State with a popu-  
 5           lation density of between 40 and 70 individuals  
 6           per square mile of land area; and

7           “(D) 1 share to each State that has more  
 8           than 57,000 square miles of land area and a  
 9           population density of greater than 70 individ-  
 10          uals per square mile of land area.

11          “(3) USE OF 2000 DECENNIAL CENSUS.—In de-  
 12          termining the population density of States under  
 13          paragraph (2), the Secretary shall use data con-  
 14          tained in the 2000 decennial census.

15          “(4) CALCULATION OF SHARES.—For each fis-  
 16          cal year, for each share assigned to a State under  
 17          paragraph (2), the Secretary shall allocate to such  
 18          State an amount equal to the quotient obtained by  
 19          dividing—

20                 “(A) \$1,000,000,000; by

21                 “(B) the total number of shares assigned  
 22                 under paragraph (2) for the fiscal year.

23          “(c) USE OF FUNDS.—Funds allocated to a State for  
 24          the program established under subsection (a)—

1 “(1) may be used for any type of project eligi-  
2 ble under section 133;

3 “(2) are not subject to other provisions of sec-  
4 tion 133; and

5 “(3) may not be expended on projects located  
6 within the geographical boundaries of an area that  
7 has been identified or designated as a transportation  
8 management area under section 134(k)(1).”.

9 (b) CONFORMING AMENDMENT.—The analysis for  
10 chapter 1 of title 23, United States Code, is amended by  
11 inserting after the item relating to section 149 the fol-  
12 lowing:

“150. Rural opportunity and development program.”.

13 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

14 From amounts available in the Highway Trust Fund  
15 (other than the Mass Transit Account), there is author-  
16 ized to be appropriated, for fiscal year 2010 and for each  
17 subsequent fiscal year, \$1,000,000,000, which—

18 (1) shall be used for the rural opportunity and  
19 development program established under section 150  
20 of title 23, United States Code;

21 (2) shall remain available until expended; and

22 (3)(A) shall be available for obligation as if the  
23 funds were apportioned under chapter 1 of title 23,  
24 United States Code; but

- 1 (B) shall not be subject to any limitation on ob-
- 2 ligations.

