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[Report No. 108-____]

IN THE SENATE OF THE UNITED STATES

MAY 15, 2003

Mr. INHOFE (for himself, Mr. JEFFORDS, Mr. BOND, and Mr. REID) (by request) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

DECEMBER ____ (legislative day, _____), 2003

Reported by Mr. INHOFE, with an amendment

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

A BILL

To authorize funds for Federal-aid highways, highway safety programs, and transit programs, 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; TABLE OF CONTENTS.**

4 (a) ~~SHORT TITLE.~~—This Act may be cited as the
5 “~~Safe, Accountable, Flexible, and Efficient Transportation~~
6 ~~Equity Act of 2003~~”.

1 **SEC. 9013. ADDITIONAL RULES REGARDING INSPECTIONS**
2 **OF RECORDS.**

3 (a) **PROVISION OF COPIES OF RECORDS.**—Section
4 4102 (relating to inspection of records by local officers)
5 is amended by inserting “, and copies shall be furnished
6 upon request of,” after “inspection by”.

7 (b) **INSPECTION BY OTHER ENFORCEMENT AGEN-**
8 **CIES.**—Section 4102 of the Internal Revenue Code of
9 1986, as amended by subsection (a), is amended by insert-
10 ing “; such records and information on returns required
11 to be filed with respect to taxes under section 4481 shall
12 be open to inspection by officers of any State agency
13 charged with the registration and licensing of vehicles de-
14 scribed in such section and officers of any other Federal
15 or State agency charged with the enforcement of Federal
16 or State law regarding taxable fuels or criminal activities
17 regarding taxable fuels” after “section 4083”).

18 (c) **EFFECTIVE DATE.**—The amendments made by
19 this section shall take effect on the date of the enactment
20 of this Act.

21 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

22 (a) **SHORT TITLE.**—*This Act may be cited as the*
23 *“Safe, Accountable, Flexible, and Efficient Transportation*
24 *Equity Act of 2003”.*

25 (b) **TABLE OF CONTENTS.**—*The table of contents of this*
26 *Act is as follows:*

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- Sec. 1. Short title; table of contents.*
Sec. 2. General definitions.
Sec. 3. Definitions for title 23.

*TITLE I—FEDERAL-AID HIGHWAYS**Subtitle A—Funding*

- Sec. 1101. Authorization of appropriations.*
Sec. 1102. Obligation ceiling.
Sec. 1103. Apportionments.
Sec. 1104. Minimum guarantee.
Sec. 1105. Revenue aligned budget authority.

Subtitle B—New Programs

- Sec. 1201. Infrastructure performance and maintenance program.*
Sec. 1202. Future of surface transportation system.
Sec. 1203. Freight transportation gateways; freight intermodal connections.
Sec. 1204. Construction of ferry boats and ferry terminal facilities.
Sec. 1205. Designation of Daniel Patrick Moynihan Interstate Highway.

Subtitle C—Finance

- Sec. 1301. Federal share.*
Sec. 1302. Transfer of highway and transit funds.
Sec. 1303. Transportation Infrastructure Finance and Innovation Act Amendments.
Sec. 1304. Facilitation of international registration plans and international fuel tax agreements.
Sec. 1305. National Commission on Future Revenue Sources to Support the Highway Trust Fund and Finance the Needs of the Surface Transportation System.
Sec. 1306. State infrastructure banks.

Subtitle D—Safety

- Sec. 1401. Highway safety improvement program.*
Sec. 1402. Operation lifesaver.
Sec. 1403. License suspension.
Sec. 1404. Bus axle weight exemption.
Sec. 1405. Safe routes to schools program.
Sec. 1406. Purchases of equipment.
Sec. 1407. Workzone safety.
Sec. 1408. Worker injury prevention and free flow of vehicular traffic.

*Subtitle E—Environmental Planning and Review**CHAPTER 1—TRANSPORTATION PLANNING*

- Sec. 1501. Integration of natural resource concerns into State and metropolitan transportation planning.*
Sec. 1502. Consultation between transportation agencies and resource agencies in transportation planning.
Sec. 1503. Integration of natural resource concerns into transportation project planning.
Sec. 1504. Public involvement in transportation planning and projects.
Sec. 1505. Project mitigation.

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CHAPTER 2—TRANSPORTATION PROJECT DEVELOPMENT PROCESS

- Sec. 1511. Transportation project development process.*
- Sec. 1512. Assumption of responsibility for categorical exclusions.*
- Sec. 1513. Surface transportation project delivery pilot program.*
- Sec. 1514. Regulations.*

CHAPTER 3—MISCELLANEOUS

- Sec. 1521. Critical real property acquisition.*
- Sec. 1522. Planning capacity building initiative.*

Subtitle F—Environment

- Sec. 1601. Environmental restoration and pollution abatement; control of invasive plant species and establishment of native species.*
- Sec. 1602. National scenic byways program.*
- Sec. 1603. Recreational trails program.*
- Sec. 1604. Exemption of Interstate System.*
- Sec. 1605. Standards.*
- Sec. 1606. Use of high occupancy vehicle lanes.*
- Sec. 1607. Bicycle transportation and pedestrian walkways.*
- Sec. 1608. Idling reduction facilities in interstate rights-of-way.*
- Sec. 1609. Toll programs.*
- Sec. 1610. Federal reference method.*
- Sec. 1611. Addition of particulate matter areas to CMAQ.*
- Sec. 1612. Addition to CMAQ-eligible projects.*
- Sec. 1613. Improved interagency consultation.*
- Sec. 1614. Evaluation and assessment of CMAQ projects.*
- Sec. 1615. Synchronized planning and conformity timelines, requirements, and horizon.*
- Sec. 1616. Transition to new air quality standards.*
- Sec. 1617. Reduced barriers to air quality improvements.*
- Sec. 1618. Air quality monitoring data influenced by exceptional events.*
- Sec. 1619. Conforming amendments.*
- Sec. 1620. Highway stormwater discharge mitigation program.*

Subtitle G—Operations

- Sec. 1701. Transportation systems management and operations.*
- Sec. 1702. Real-time system management information program.*

Subtitle H—Federal-Aid Stewardship

- Sec. 1801. Future Interstate System routes.*
- Sec. 1802. Stewardship and oversight.*
- Sec. 1803. Design-build contracting.*
- Sec. 1804. Program efficiencies—finance.*
- Sec. 1805. Set-asides for interstate discretionary projects.*
- Sec. 1806. Federal lands highways program.*
- Sec. 1807. Emergency relief.*
- Sec. 1808. Highway bridge program.*
- Sec. 1809. Appalachian development highway system.*
- Sec. 1810. Multistate corridor program.*
- Sec. 1811. Border planning, operations, technology, and capacity program.*
- Sec. 1812. Puerto Rico highway program.*
- Sec. 1813. National historic covered bridge preservation.*

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- Sec. 1814. Transportation and community and system preservation pilot program.*
- Sec. 1815. Tribal-State road maintenance agreements.*
- Sec. 1816. Forest highways.*
- Sec. 1817. Territorial highway program.*
- Sec. 1818. Magnetic levitation transportation technology deployment program.*
- Sec. 1819. Donations and credits.*
- Sec. 1820. Disadvantaged business enterprises.*

Subtitle I—Technical Corrections

- Sec. 1901. Repeal or update of obsolete text.*
- Sec. 1902. Clarification of date.*
- Sec. 1903. Inclusion of requirements for signs identifying funding sources in title 23.*
- Sec. 1904. Inclusion of Buy America requirements in title 23.*
- Sec. 1905. Technical amendments to nondiscrimination section.*

*TITLE II—TRANSPORTATION RESEARCH**Subtitle A—Funding*

- Sec. 2001. Authorization of appropriations.*
- Sec. 2002. Obligation ceiling.*
- Sec. 2003. Notice.*

Subtitle B—Research and Technology

- Sec. 2101. Research and technology program.*
- Sec. 2102. Study of data collection and statistical analysis efforts.*
- Sec. 2103. Centers for surface transportation excellence.*

Subtitle C—Intelligent Transportation System Research

- Sec. 2201. Intelligent transportation system research and technical assistance program.*

TITLE III—INTERMODAL PASSENGER FACILITIES

- Sec. 3002. Intermodal passenger facilities.*

*TITLE IV—FEDERAL AID IN SPORT FISH RESTORATION ACT
AMENDMENTS*

- Sec. 4001. Amendment of Federal Aid in Fish Restoration Act.*
- Sec. 4002. Authorization of appropriations.*
- Sec. 4003. Division of annual appropriations.*
- Sec. 4004. Maintenance of projects.*
- Sec. 4005. Boating infrastructure.*
- Sec. 4006. Requirements and restrictions concerning use of amounts for expenses for administration.*
- Sec. 4007. Payments of funds to and cooperation with Puerto Rico, the District of Columbia, Guam, American Samoa, Commonwealth of the Northern Mariana Islands, and Virgin Islands.*
- Sec. 4008. Multistate conservation grant program.*

1 **SEC. 2. GENERAL DEFINITIONS.**

2 *In this Act:*

3 (1) *DEPARTMENT.*—*The term “Department”*
4 *means the Department of Transportation.*

5 (2) *SECRETARY.*—*The term “Secretary” means*
6 *the Secretary of Transportation.*

7 **SEC. 3. DEFINITIONS FOR TITLE 23.**

8 *Section 101 of title 23, United States Code, is amended*
9 *by striking subsection (a) and inserting the following:*

10 *“(a) DEFINITIONS.—In this title:*

11 *“(1) APPORTIONMENT.—The term ‘apportion-*
12 *ment’ includes an unexpended apportionment made*
13 *under a law enacted before the date of enactment of*
14 *the Safe, Accountable, Flexible, and Efficient Trans-*
15 *portation Equity Act of 2003.*

16 *“(2) CARPOOL PROJECT.—*

17 *“(A) IN GENERAL.—The term ‘carpool*
18 *project’ means any project to encourage the use*
19 *of carpools and vanpools.*

20 *“(B) INCLUSIONS.—The term ‘carpool*
21 *project’ includes a project—*

22 *“(i) to provide carpooling opportuni-*
23 *ties to the elderly and individuals with dis-*
24 *abilities;*

1 “(ii) to develop and implement a sys-
2 tem for locating potential riders and in-
3 forming the riders of carpool opportunities;

4 “(iii) to acquire vehicles for carpool
5 use;

6 “(iv) to designate highway lanes as
7 preferential carpool highway lanes;

8 “(v) to provide carpool-related traffic
9 control devices; and

10 “(vi) to designate facilities for use for
11 preferential parking for carpools.

12 “(3) CONSTRUCTION.—

13 “(A) IN GENERAL.—The term ‘construction’
14 means the supervision, inspection, and actual
15 building of, and incurring of all costs incidental
16 to the construction or reconstruction of a high-
17 way, including bond costs and other costs relat-
18 ing to the issuance in accordance with section
19 122 of bonds or other debt financing instruments
20 and costs incurred by the State in performing
21 Federal-aid project related audits that directly
22 benefit the Federal-aid highway program.

23 “(B) INCLUSIONS.—The term ‘construction’
24 includes—

- 1 “(i) locating, surveying, and mapping
2 (including the establishment of temporary
3 and permanent geodetic markers in accord-
4 ance with specifications of the National
5 Oceanic and Atmospheric Administration);
- 6 “(ii) resurfacing, restoration, and re-
7 habilitation;
- 8 “(iii) acquisition of rights-of-way;
- 9 “(iv) relocation assistance, acquisition
10 of replacement housing sites, and acquisi-
11 tion and rehabilitation, relocation, and con-
12 struction of replacement housing;
- 13 “(v) elimination of hazards of railway
14 grade crossings;
- 15 “(vi) elimination of roadside obstacles;
- 16 “(vii) improvements that directly fa-
17 cilitate and control traffic flow, such as—
- 18 “(I) grade separation of intersec-
19 tions;
- 20 “(II) widening of lanes;
- 21 “(III) channelization of traffic;
- 22 “(IV) traffic control systems; and
- 23 “(V) passenger loading and un-
24 loading areas;

1 “(viii) capital improvements that di-
2 rectly facilitate an effective vehicle weight
3 enforcement program, such as—

4 “(I) scales (fixed and portable);

5 “(II) scale pits;

6 “(III) scale installation; and

7 “(IV) scale houses;

8 “(ix) improvements directly relating to
9 securing transportation infrastructures for
10 detection, preparedness, response, and recov-
11 ery;

12 “(x) operating costs relating to traffic
13 monitoring, management, and control;

14 “(xi) operational movements; and

15 “(xii) transportation system manage-
16 ment and operations.

17 “(4) COUNTY.—The term ‘county’ includes—

18 “(A) a corresponding unit of government
19 under any other name in a State that does not
20 have county organizations; and

21 “(B) in those States in which the county
22 government does not have jurisdiction over high-
23 ways, any local government unit vested with ju-
24 risdiction over local highways.

25 “(5) FEDERAL-AID HIGHWAY.—

1 “(A) *IN GENERAL.*—*The term ‘Federal-aid*
2 *highway’ means a highway eligible for assistance*
3 *under this chapter.*

4 “(B) *EXCLUSIONS.*—*The term ‘Federal-aid*
5 *highway’ does not include a highway classified*
6 *as a local road or rural minor collector.*

7 “(6) *FEDERAL-AID SYSTEM.*—*The term ‘Federal-*
8 *aid system’ means any of the Federal-aid highway*
9 *systems described in section 103.*

10 “(7) *FEDERAL LANDS HIGHWAY.*—*The term*
11 *‘Federal lands highway’ means—*

12 “(A) *a forest highway;*

13 “(B) *a recreation road;*

14 “(C) *a public Forest Service road;*

15 “(D) *a park road;*

16 “(E) *a parkway;*

17 “(F) *a refuge road;*

18 “(G) *an Indian reservation road that is a*
19 *public road; and*

20 “(H) *a public lands highway.*

21 “(8) *FOREST HIGHWAY.*—*The term ‘forest high-*
22 *way’ means a forest road that is—*

23 “(A) *under the jurisdiction of, and main-*
24 *tained by, a public authority; and*

25 “(B) *is open to public travel.*

1 “(9) *FOREST ROAD OR TRAIL.*—

2 “(A) *IN GENERAL.*—*The term ‘forest road or*
3 *trail’ means a road or trail wholly or partly*
4 *within, or adjacent to, and serving National*
5 *Forest System land that is necessary for the pro-*
6 *tection, administration, use, and development of*
7 *the resources of that land.*

8 “(B) *INCLUSIONS.*—*The term ‘forest road or*
9 *trail’ includes—*

10 “(i) *a classified forest road;*

11 “(ii) *an unclassified forest road;*

12 “(iii) *a temporary forest road; and*

13 “(iv) *a public forest service road.*

14 “(10) *FREIGHT TRANSPORTATION GATEWAY.*—

15 “(A) *IN GENERAL.*—*The term ‘freight trans-*
16 *portation gateway’ means a nationally or re-*
17 *gionally significant transportation port of entry*
18 *or hub for domestic and global trade or military*
19 *mobilization.*

20 “(B) *INCLUSIONS.*—*The term ‘freight trans-*
21 *portation gateway’ includes freight intermodal*
22 *and Strategic Highway Network connections that*
23 *provide access to and from a port or hub de-*
24 *scribed in subparagraph (A).*

1 “(11) *HIGHWAY.*—*The term ‘highway’*
2 *includes—*

3 “(A) *a road, street, and parkway;*

4 “(B) *a right-of-way, bridge, railroad-high-*
5 *way crossing, tunnel, drainage structure, sign,*
6 *guardrail, and protective structure, in connec-*
7 *tion with a highway; and*

8 “(C) *a portion of any interstate or inter-*
9 *national bridge or tunnel (including the ap-*
10 *proaches to the interstate or international bridge*
11 *or tunnel, and such transportation facilities as*
12 *may be required by the United States Customs*
13 *Service and the Bureau of Citizenship and Im-*
14 *migration Services in connection with the oper-*
15 *ation of an international bridge or tunnel), the*
16 *cost of which is assumed by a State transpor-*
17 *tation department.*

18 “(12) *HIGHWAY SAFETY IMPROVEMENT*
19 *PROJECT.*—*The term ‘highway safety improvement*
20 *project’ means a project that meets the requirements*
21 *of section 148.*

22 “(13) *INDIAN RESERVATION ROAD.*—

23 “(A) *IN GENERAL.*—*The term ‘Indian res-*
24 *ervation road’ means a public road that is lo-*
25 *cated within or provides access to an area de-*

1 *scribed in subparagraph (B) on which or in*
2 *which reside Indians or Alaskan Natives that, as*
3 *determined by the Secretary of the Interior, are*
4 *eligible for services generally available to Indians*
5 *under Federal laws specifically applicable to In-*
6 *dians.*

7 “(B) *AREAS.*—*The areas referred to in sub-*
8 *paragraph (A) are—*

9 “(i) *an Indian reservation;*

10 “(ii) *Indian trust land or restricted*
11 *Indian land that is not subject to fee title*
12 *alienation without the approval of the Fed-*
13 *eral Government; and*

14 “(iii) *an Indian or Alaska Native vil-*
15 *lage, group, or community.*

16 “(14) *INTERSTATE SYSTEM.*—*The term ‘Inter-*
17 *state System’ means the Dwight D. Eisenhower Na-*
18 *tional System of Interstate and Defense Highways de-*
19 *scribed in section 103(c).*

20 “(15) *MAINTENANCE.*—

21 “(A) *IN GENERAL.*—*The term ‘maintenance’*
22 *means the preservation of a highway.*

23 “(B) *INCLUSIONS.*—*The term ‘maintenance’*
24 *includes the preservation of—*

1 “(i) *the surface, shoulders, roadsides,*
2 *and structures of a highway; and*

3 “(ii) *such traffic-control devices as are*
4 *necessary for safe, secure, and efficient use*
5 *of a highway.*

6 “(16) *MAINTENANCE AREA.—The term ‘mainte-*
7 *nance area’ means an area that was designated as a*
8 *nonattainment area, but was later redesignated by the*
9 *Administrator of the Environmental Protection Agen-*
10 *cy as an attainment area, under section 107(d) of the*
11 *Clean Air Act (42 U.S.C. 7407(d)).*

12 “(17) *NATIONAL FOREST SYSTEM ROAD OR*
13 *TRAIL.—The term ‘National Forest System road or*
14 *trail’ means a forest road or trail that is under the*
15 *jurisdiction of the Forest Service.*

16 “(18) *NATIONAL HIGHWAY SYSTEM.—The term*
17 *‘National Highway System’ means the Federal-aid*
18 *highway system described in section 103(b).*

19 “(19) *OPERATING COSTS FOR TRAFFIC MONI-*
20 *TORING, MANAGEMENT, AND CONTROL.—The term ‘op-*
21 *erating costs for traffic monitoring, management, and*
22 *control’ includes—*

23 “(A) *labor costs;*

24 “(B) *administrative costs;*

25 “(C) *costs of utilities and rent;*

1 “(D) costs incurred by transportation agen-
2 cies for technology to monitor critical transpor-
3 tation infrastructure for security purposes; and

4 “(E) other costs associated with transpor-
5 tation systems management and operations and
6 the continuous operation of traffic control, such
7 as—

8 “(i) an integrated traffic control sys-
9 tem;

10 “(ii) an incident management pro-
11 gram; and

12 “(iii) a traffic control center.

13 “(20) OPERATIONAL IMPROVEMENT.—

14 “(A) IN GENERAL.—The term ‘operational
15 improvement’ means—

16 “(i) a capital improvement for instal-
17 lation or implementation of—

18 “(I) a transportation system
19 management and operations program;

20 “(II) traffic and transportation
21 security surveillance and control equip-
22 ment;

23 “(III) a computerized signal sys-
24 tem;

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1 “(IV) a motorist information sys-
2 tem;

3 “(V) an integrated traffic control
4 system;

5 “(VI) an incident management
6 program;

7 “(VII) equipment and programs
8 for transportation response to man-
9 made and natural disasters; or

10 “(VIII) a transportation demand
11 management facility, strategy, or pro-
12 gram; and

13 “(ii) such other capital improvements
14 to a public road as the Secretary may des-
15 ignate by regulation.

16 “(B) EXCLUSIONS.—The term ‘operational
17 improvement’ does not include—

18 “(i) a resurfacing, restorative, or reha-
19 bilitative improvement;

20 “(ii) construction of an additional
21 lane, interchange, or grade separation; or

22 “(iii) construction of a new facility on
23 a new location.

24 “(21) PARK ROAD.—The term ‘park road’ means
25 a public road (including a bridge built primarily for

1 *pedestrian use, but with capacity for use by emer-*
2 *gency vehicles) that is located within, or provides ac-*
3 *cess to, an area in the National Park System with*
4 *title and maintenance responsibilities vested in the*
5 *United States.*

6 “(22) *PARKWAY.*—*The term ‘parkway’ means a*
7 *parkway authorized by an Act of Congress on land to*
8 *which title is vested in the United States.*

9 “(23) *PROJECT.*—*The term ‘project’ means—*

10 “(A)(i) *an undertaking to construct a par-*
11 *ticular portion of a highway; or*

12 “(ii) *if the context so implies, a particular*
13 *portion of a highway so constructed; and*

14 “(B) *any other undertaking eligible for as-*
15 *sistance under this title.*

16 “(24) *PROJECT AGREEMENT.*—*The term ‘project*
17 *agreement’ means the formal instrument to be exe-*
18 *cuted by the Secretary and a State transportation de-*
19 *partment under section 106.*

20 “(25) *PUBLIC AUTHORITY.*—*The term ‘public au-*
21 *thority’ means a Federal, State, county, town, or*
22 *township, Indian tribe, municipal or other local gov-*
23 *ernment or instrumentality with authority to finance,*
24 *build, operate, or maintain toll or toll-free facilities.*

1 “(26) *PUBLIC FOREST SERVICE ROAD.*—*The term*
2 *‘public Forest Service road’ means a classified forest*
3 *road—*

4 “(A) *that is open to public travel;*

5 “(B) *for which title and maintenance re-*
6 *sponsibility is vested in the Federal Government;*
7 *and*

8 “(C) *that has been designated a public road*
9 *by the Forest Service.*

10 “(27) *PUBLIC LANDS DEVELOPMENT ROADS AND*
11 *TRAILS.*—*The term ‘public lands development roads*
12 *and trails’ means roads and trails that the Secretary*
13 *of the Interior determines are of primary importance*
14 *for the development, protection, administration, and*
15 *use of public lands and resources under the control of*
16 *the Secretary of the Interior.*

17 “(28) *PUBLIC LANDS HIGHWAY.*—*The term ‘pub-*
18 *lic lands highway’ means—*

19 “(A) *a forest road that is—*

20 “(i) *under the jurisdiction of, and*
21 *maintained by, a public authority; and*

22 “(ii) *open to public travel; and*

23 “(B) *any highway through unappropriated*
24 *or unreserved public land, nontaxable Indian*
25 *land, or any other Federal reservation (including*

1 *a main highway through such land or reserva-*
2 *tion that is on the Federal-aid system) that is—*

3 *“(i) under the jurisdiction of, and*
4 *maintained by, a public authority; and*

5 *“(ii) open to public travel.*

6 *“(29) PUBLIC ROAD.—The term ‘public road’*
7 *means any road or street that is—*

8 *“(A) under the jurisdiction of, and main-*
9 *tained by, a public authority; and*

10 *“(B) open to public travel.*

11 *“(30) RECREATIONAL ROAD.—The term ‘rec-*
12 *reational road’ means a public road—*

13 *“(A) that provides access to a museum, lake,*
14 *reservoir, visitors center, gateway to a major*
15 *wilderness area, public use area, or recreational*
16 *or historic site; and*

17 *“(B) for which title is vested in the Federal*
18 *Government.*

19 *“(31) REFUGE ROAD.—The term ‘refuge road’*
20 *means a public road—*

21 *“(A) that provides access to or within a*
22 *unit of the National Wildlife Refuge System or*
23 *a national fish hatchery; and*

1 “(B) for which title and maintenance re-
2 sponsibility is vested in the United States Gov-
3 ernment.

4 “(32) *RURAL AREA*.—The term ‘rural area’
5 means an area of a State that is not included in an
6 urban area.

7 “(33) *SECRETARY*.—The term ‘Secretary’ means
8 the Secretary of Transportation.

9 “(34) *STATE*.—The term ‘State’ means—

10 “(A) a State;

11 “(B) the District of Columbia; and

12 “(C) the Commonwealth of Puerto Rico.

13 “(35) *STATE FUNDS*.—The term ‘State funds’ in-
14 cludes funds that are—

15 “(A) raised under the authority of the State
16 (or any political or other subdivision of a State);
17 and

18 “(B) made available for expenditure under
19 the direct control of the State transportation de-
20 partment.

21 “(36) *STATE TRANSPORTATION DEPARTMENT*.—
22 The term ‘State transportation department’ means
23 the department, agency, commission, board, or official
24 of any State charged by the laws of the State with the
25 responsibility for highway construction.

1 “(37) *TERRITORIAL HIGHWAY SYSTEM.*—*The*
2 *term ‘territorial highway system’ means the system of*
3 *arterial highways, collector roads, and necessary*
4 *interisland connectors in American Samoa, the Com-*
5 *monwealth of the Northern Mariana Islands, Guam,*
6 *and the United States Virgin Islands that have been*
7 *designated by the appropriate Governor or chief exec-*
8 *utive officer of a territory, and approved by the Sec-*
9 *retary, in accordance with section 215.*

10 “(38) *TRANSPORTATION ENHANCEMENT ACTIV-*
11 *ITY.*—*The term ‘transportation enhancement activity’*
12 *means, with respect to any project or the area to be*
13 *served by the project, any of the following activities*
14 *as the activities relate to surface transportation:*

15 “(A) *Provision of facilities for pedestrians*
16 *and bicycles.*

17 “(B) *Provision of safety and educational*
18 *activities for pedestrians and bicyclists.*

19 “(C) *Acquisition of scenic easements and*
20 *scenic or historic sites (including historic battle-*
21 *fields).*

22 “(D) *Conduct of scenic or historic highway*
23 *programs (including the provision of tourist and*
24 *welcome center facilities).*

1 “(E) *Landscaping and other scenic beautifi-*
2 *cation.*

3 “(F) *Historic preservation.*

4 “(G) *Rehabilitation and operation of his-*
5 *toric transportation buildings, structures, or fa-*
6 *cilities (including historic railroad facilities and*
7 *canals).*

8 “(H) *Preservation of abandoned railway*
9 *corridors (including the conversion and use of*
10 *the corridors for pedestrian or bicycle trails).*

11 “(I) *Control and removal of outdoor adver-*
12 *tising.*

13 “(J) *Archaeological planning and research.*

14 “(K) *Environmental mitigation—*

15 “(i) *to address water pollution due to*
16 *highway runoff; or*

17 “(ii) *reduce vehicle-caused wildlife*
18 *mortality while maintaining habitat*
19 *connectivity.*

20 “(L) *Establishment of transportation muse-*
21 *ums.*

22 “(39) *TRANSPORTATION SYSTEMS MANAGEMENT*
23 *AND OPERATIONS.—*

24 “(A) *IN GENERAL.—The term ‘transpor-*
25 *tation systems management and operations’*

1 *means an integrated program to optimize the*
2 *performance of existing infrastructure through*
3 *the implementation of multimodal and inter-*
4 *modal, cross-jurisdictional systems, services, and*
5 *projects designed to preserve capacity and im-*
6 *prove security, safety, and reliability of the*
7 *transportation system.*

8 “(B) *INCLUSIONS.—The term ‘transport-*
9 *ation systems management and operations’*
10 *includes—*

11 “(i) *regional operations collaboration*
12 *and coordination activities between trans-*
13 *portation and public safety agencies; and*

14 “(ii) *improvements to the transport-*
15 *ation system such as traffic detection and*
16 *surveillance, arterial management, freeway*
17 *management, demand management, work*
18 *zone management, emergency management,*
19 *electronic toll collection, automated enforce-*
20 *ment, traffic incident management, road-*
21 *way weather management, traveler infor-*
22 *mation services, commercial vehicle oper-*
23 *ations, traffic control, freight management,*
24 *and coordination of highway, rail, transit,*
25 *bicycle, and pedestrian operations.*

1 “(40) *URBAN AREA.*—*The term ‘urban area’*
2 *means—*

3 “(A) *an urbanized area (or, in the case of*
4 *an urbanized area encompassing more than 1*
5 *State, the portion of the urbanized area in each*
6 *State); and*

7 “(B) *an urban place designated by the Bu-*
8 *reau of the Census that—*

9 “(i) *has a population of 5,000 or more;*

10 “(ii) *is not located within any urban-*
11 *ized area; and*

12 “(iii) *is located within boundaries*
13 *that—*

14 “(I) *are fixed cooperatively by re-*
15 *sponsible State and local officials, sub-*
16 *ject to approval by the Secretary; and*

17 “(II) *encompass, at a minimum,*
18 *the entire urban place designated by*
19 *the Bureau of the Census (except in the*
20 *case of cities in the State of Maine and*
21 *in the State of New Hampshire).*

22 “(41) *URBANIZED AREA.*—*The term ‘urbanized*
23 *area’ means an area that—*

24 “(A) *has a population of 50,000 or more;*

1 “(B) is designated by the Bureau of the
2 Census; and

3 “(C) is located within boundaries that—

4 “(i) are fixed cooperatively by respon-
5 sible State and local officials, subject to ap-
6 proval by the Secretary; and

7 “(ii) encompass, at a minimum, the
8 entire urbanized area within a State as des-
9 ignated by the Bureau of the Census.”.

1 **TITLE I—FEDERAL-AID**
2 **HIGHWAYS**
3 **Subtitle A—Funding**

4 **SEC. 1101. AUTHORIZATION OF APPROPRIATIONS.**

5 *The following sums are authorized to be appropriated*
6 *out of the Highway Trust Fund (other than the Mass Tran-*
7 *sit Account):*

8 (1) *INTERSTATE MAINTENANCE PROGRAM.—For*
9 *the Interstate maintenance program under section*
10 *119 of title 23, United States Code—*

11 (A) *\$5,500,000,000 for fiscal year 2004;*

12 (B) *\$6,300,000,000 for fiscal year 2005; and*

13 (C) *\$6,550,000,000 for each of fiscal years*
14 *2006 through 2009.*

15 (2) *NATIONAL HIGHWAY SYSTEM.—For the Na-*
16 *tional Highway System under section 103 of that*
17 *title—*

18 (A) *\$6,650,000,000 for fiscal year 2004;*

19 (B) *\$7,650,000,000 for fiscal year 2005; and*

20 (C) *\$7,950,000,000 for each of fiscal years*
21 *2006 through 2009.*

22 (3) *BRIDGE PROGRAM.—For the bridge program*
23 *under section 144 of that title—*

24 (A) *\$4,700,000,000 for fiscal year 2004;*

25 (B) *\$5,400,000,000 for fiscal year 2005; and*

1–2

1 (C) \$5,600,000,000 for each of fiscal years
2 2006 through 2009.

3 (4) *SURFACE TRANSPORTATION PROGRAM.*—For
4 the surface transportation program under section 133
5 of that title—

6 (A) \$6,950,000,000 for fiscal year 2004;

7 (B) \$7,950,000,000 for fiscal year 2005; and

8 (C) \$8,250,000,000 for each of fiscal years
9 2006 through 2009.

10 (5) *CONGESTION MITIGATION AND AIR QUALITY*
11 *IMPROVEMENT PROGRAM.*—For the congestion mitiga-
12 tion and air quality improvement program under sec-
13 tion 149 of that title—

14 (A) \$1,900,000,000 for fiscal year 2004;

15 (B) \$2,150,000,000 for fiscal year 2005; and

16 (C) \$2,225,000,000 for each of fiscal years
17 2006 through 2009.

18 (6) *HIGHWAY SAFETY IMPROVEMENT PRO-*
19 *GRAM.*—For the highway safety improvement pro-
20 gram under section 148 of that title—

21 (A) \$1,200,000,000 for fiscal year 2004;

22 (B) \$1,300,000,000 for fiscal year 2005; and

23 (C) \$1,350,000,000 for each of fiscal years
24 2006 through 2009.

1–3

1 (7) *APPALACHIAN DEVELOPMENT HIGHWAY SYS-*
2 *TEM PROGRAM.—For the Appalachian development*
3 *highway system program under section 170 of that*
4 *title, \$590,000,000 for each of fiscal years 2004*
5 *through 2009.*

6 (8) *RECREATIONAL TRAILS PROGRAM.—For the*
7 *recreational trails program under section 206 of that*
8 *title, \$60,000,000 for each of fiscal years 2004*
9 *through 2009.*

10 (9) *FEDERAL LANDS HIGHWAYS PROGRAM.—*

11 (A) *INDIAN RESERVATION ROADS.—For In-*
12 *dian reservation roads under section 204 of that*
13 *title—*

14 (i) *\$300,000,000 for fiscal year 2004;*

15 (ii) *\$325,000,000 for fiscal year 2005;*

16 (iii) *\$350,000,000 for fiscal year 2006;*

17 (iv) *\$375,000,000 for fiscal year 2007;*

18 (v) *\$400,000,000 for fiscal year 2008;*

19 *and*

20 (vi) *\$425,000,000 for fiscal year 2009.*

21 (B) *RECREATION ROADS.—For recreation*
22 *roads under section 204 of that title, \$50,000,000*
23 *for each of fiscal years 2004 through 2009.*

1–4

1 (C) *PARK ROADS AND PARKWAYS.*—*For*
2 *park roads and parkways under section 204 of*
3 *that title—*

4 (i) *\$300,000,000 for fiscal year 2004;*

5 (ii) *\$310,000,000 for fiscal year 2005;*

6 *and*

7 (iii) *\$320,000,000 for each of fiscal*
8 *years 2006 through 2009.*

9 (D) *REFUGE ROADS.*—*For refuge roads*
10 *under section 204 of that title, \$30,000,000 for*
11 *each of fiscal years 2004 through 2009.*

12 (E) *PUBLIC LANDS HIGHWAYS.*—*For Fed-*
13 *eral lands highways under section 204 of that*
14 *title, \$300,000,000 for each of fiscal years 2004*
15 *through 2009.*

16 (F) *SAFETY.*—*For safety under section 204*
17 *of that title, \$40,000,000 for each of fiscal years*
18 *2004 through 2009.*

19 (10) *MULTISTATE CORRIDOR PROGRAM.*—*For the*
20 *multistate corridor program under section 171 of that*
21 *title—*

22 (A) *\$112,500,000 for fiscal year 2004;*

23 (B) *\$135,000,000 for fiscal year 2005;*

24 (C) *\$157,500,000 for fiscal year 2006;*

25 (D) *\$180,000,000 for fiscal year 2007;*

1–5

1 (E) \$202,500,000 for fiscal year 2008; and

2 (F) \$225,000,000 for fiscal year 2009.

3 (11) *BORDER PLANNING, OPERATIONS, AND*
4 *TECHNOLOGY PROGRAM.—For the border planning,*
5 *operations, and technology program under section 172*
6 *of that title—*

7 (A) \$112,500,000 for fiscal year 2004;

8 (B) \$135,000,000 for fiscal year 2005;

9 (C) \$157,500,000 for fiscal year 2006;

10 (D) \$180,000,000 for fiscal year 2007;

11 (E) \$202,500,000 for fiscal year 2008; and

12 (F) \$225,000,000 for fiscal year 2009.

13 (12) *NATIONAL SCENIC BYWAYS PROGRAM.—For*
14 *the national scenic byways program under section*
15 *162 of that title—*

16 (A) \$34,000,000 for fiscal year 2004;

17 (B) \$35,000,000 for fiscal year 2005;

18 (C) \$36,000,000 for fiscal year 2006;

19 (D) \$37,000,000 for fiscal year 2007; and

20 (E) \$39,000,000 for each of fiscal years
21 2008 and 2009.

22 (13) *INFRASTRUCTURE PERFORMANCE AND MAIN-*
23 *TENANCE PROGRAM.—For carrying out the infrastruc-*
24 *ture performance and maintenance program under*
25 *section 139 of that title—*

1–6

1 (A) \$2,500,000,000 for each of fiscal years
2 2004 through 2006;

3 (B) \$2,000,000,000 for each of fiscal years
4 2007 and 2008; and

5 (C) \$500,000,000 for fiscal year 2009.

6 (14) CONSTRUCTION OF FERRY BOATS AND
7 FERRY TERMINAL FACILITIES.—For construction of
8 ferry boats and ferry terminal facilities under section
9 147 of that title, \$38,000,000 for each of fiscal years
10 2004 through 2009.

11 (15) COMMONWEALTH OF PUERTO RICO HIGH-
12 WAY PROGRAM.—For the Commonwealth of Puerto
13 Rico highway program under section 173 of that
14 title—

15 (A) \$140,000,000 for fiscal year 2004;

16 (B) \$145,000,000 for fiscal year 2005;

17 (C) \$149,000,000 for fiscal year 2006;

18 (D) \$154,000,000 for fiscal year 2007;

19 (E) \$160,000,000 for fiscal year 2008; and

20 (F) \$163,000,000 for fiscal year 2009.

21 **SEC. 1102. OBLIGATION CEILING.**

22 **[RESERVED]**

23 **SEC. 1103. APPORTIONMENTS.**

24 (a) ADMINISTRATIVE EXPENSES.—

1–7

1 (1) *IN GENERAL.*—Section 104 of title 23,
2 *United States Code, is amended by striking subsection*
3 *(a) and inserting the following:*

4 “(a) *ADMINISTRATIVE EXPENSES.*—

5 “(1) *IN GENERAL.*—*There are authorized to be*
6 *appropriated from the Highway Trust Fund (other*
7 *than the Mass Transit Account) to be made available*
8 *to the Secretary of Transportation for administrative*
9 *expenses of the Federal Highway Administration—*

10 “(A) \$450,000,000 for fiscal year 2004;

11 “(B) \$465,000,000 for fiscal year 2005;

12 “(C) \$480,000,000 for fiscal year 2006;

13 “(D) \$495,000,000 for fiscal year 2007;

14 “(E) \$510,000,000 for fiscal year 2008; and

15 “(F) \$525,000,000 for fiscal year 2009.

16 “(2) *PURPOSES.*—*The funds authorized by this*
17 *subsection shall be used—*

18 “(A) *to administer the provisions of law to*
19 *be financed from appropriations for the Federal-*
20 *aid highway program and programs authorized*
21 *under chapter 2; and*

22 “(B) *to make transfers of such sums as the*
23 *Secretary determines to be appropriate to the*
24 *Appalachian Regional Commission for adminis-*

1–8

1 *trative activities associated with the Appa-*
2 *lachian development highway system.*

3 “(3) *AVAILABILITY.*—*The funds made available*
4 *under paragraph (1) shall remain available until ex-*
5 *pended.*”.

6 (2) *CONFORMING AMENDMENTS.*—*Section 104 of*
7 *title 23, United States Code, is amended—*

8 (A) *in the matter preceding paragraph (1)*
9 *of subsection (b), by striking “the deduction au-*
10 *thorized by subsection (a) and”;*

11 (B) *in the first sentence of subsection (e)(1),*
12 *by striking “, and also” and all that follows*
13 *through “this section”; and*

14 (C) *in subsection (i), by striking “deducted”*
15 *and inserting “made available”.*

16 (b) *METROPOLITAN PLANNING.*—*Section 104(f) of title*
17 *23, United States Code, is amended—*

18 (1) *by striking paragraph (1) and inserting the*
19 *following:*

20 “(1) *SET-ASIDE.*—*On October 1 of each fiscal*
21 *year, the Secretary shall set aside 1.5 percent of the*
22 *funds authorized to be appropriated for expenditure*
23 *upon programs authorized under this title to carry*
24 *out the requirements of section 134.*”;

1–9

1 (2) *in paragraph (2), by striking “per centum”*
2 *and inserting “percent”;*

3 (3) *in paragraph (3)—*

4 (A) *by striking “The funds” and inserting*
5 *the following:*

6 “(A) *IN GENERAL.—The funds*”; and

7 (B) *by striking “These funds” and all that*
8 *follows and inserting the following:*

9 “(B) *UNUSED FUNDS.—Any funds that are*
10 *not used to carry out section 134 may be made*
11 *available by a metropolitan planning organiza-*
12 *tion to the State to fund activities under section*
13 *135.”; and*

14 (4) *by adding at the end the following:*

15 “(6) *FEDERAL SHARE.—Funds apportioned to a*
16 *State under this subsection shall be matched in ac-*
17 *cordance with section 120(b) unless the Secretary de-*
18 *termines that the interests of the Federal-aid highway*
19 *program would be best served without the match.”.*

20 (c) *ALASKA HIGHWAY.—Section 104(b)(1)(A) of title*
21 *23, United States Code, is amended by striking “1998*
22 *through 2002” and inserting “2004 through 2009”.*

1–10

1 **SEC. 1104. MINIMUM GUARANTEE.**

2 *Section 105 of title 23, United States Code, is amended*
3 *by striking subsections (a) through (f) and inserting the fol-*
4 *lowing:*

5 “(a) *GENERAL RULE.—For each of fiscal years 2004*
6 *through 2009, the Secretary shall ensure that the percentage*
7 *of apportionments of each State is sufficient to ensure that,*
8 *based on the percentage of tax payments attributable to*
9 *highway users in each State paid into the Highway Trust*
10 *Fund (other than the Mass Transit Account) in the latest*
11 *fiscal year for which data are available, no State’s percent-*
12 *age return from the Highway Trust Fund is less than 90.5*
13 *percent.*

14 “(b) *APPORTIONMENTS—In making an apportionment*
15 *described in subsection (a) for a fiscal year, the Secretary*
16 *shall ensure that the rate of return of each State from the*
17 *Highway Trust Fund includes the total apportionments*
18 *made for the fiscal year for—*

19 “(1) *the Interstate maintenance program under*
20 *section 119;*

21 “(2) *the National Highway System under section*
22 *103;*

23 “(3) *the bridge program under section 144;*

24 “(4) *the surface transportation program under*
25 *section 133;*

1 “(5) the congestion mitigation and air quality
2 improvement program under section 149;

3 “(6) the highway safety improvement program
4 under section 148;

5 “(7) the Appalachian development highway sys-
6 tem program under section 170;

7 “(8) the recreational trails program under sec-
8 tion 206;

9 “(9) the infrastructure performance and mainte-
10 nance program under section 139;

11 “(10) the metropolitan planning program under
12 section 104(f);

13 “(11) the equity bonus program under this sec-
14 tion;

15 “(12) the high priority projects program under
16 section 1601 of the Transportation Equity Act for the
17 21st Century (112 Stat. 255);

18 “(13) the safe routes to school program under
19 section 150; and

20 “(14) the railway-highway crossings under sec-
21 tion 130.”.

22 **SEC. 1105. REVENUE ALIGNED BUDGET AUTHORITY.**

23 Section 110 of title 23, United States Code, is
24 amended—

25 (1) in subsection (a)—

1–12

1 (A) in paragraphs (1) and (2), by striking
2 “2000” each place it appears and inserting
3 “2006”; and

4 (B) in paragraph (2)—

5 (i) by striking “the succeeding” and
6 inserting “that”; and

7 (ii) by striking “and the motor carrier
8 safety grant program”;

9 (2) in subsection (b)(1), by striking subpara-
10 graph (A) and inserting the following:

11 “(A) the sums authorized to be appropriated
12 from the Highway Trust Fund (other than the
13 Mass Transit Account) for each of the Federal-
14 aid highway and highway safety construction
15 programs (other than the equity bonus program)
16 and for which funds are allocated from the High-
17 way Trust Fund by the Secretary under this title
18 and the Safe, Accountable, Flexible, and Effi-
19 cient Transportation Equity Act of 2003; bears
20 to”;

21 (3) in subsection (c), by inserting “the highway
22 safety improvement program,” after “the surface
23 transportation program,”; and

24 (4) by striking subsections (e), (f), and (g).

1 ***Subtitle B—New Programs***

2 ***SEC. 1201. INFRASTRUCTURE PERFORMANCE AND MAINTEN-***
3 ***NANCE PROGRAM.***

4 (a) *IN GENERAL.*—Subchapter I of chapter 1 of title
5 23, United States Code, is amended by inserting after sec-
6 tion 138 the following:

7 ***“§ 139. Infrastructure performance and maintenance***
8 ***program***

9 “(a) *ESTABLISHMENT.*—The Secretary shall establish
10 and implement an infrastructure performance and mainte-
11 nance program in accordance with this section.

12 “(b) *ELIGIBLE PROJECTS.*—

13 “(1) *IN GENERAL.*—A State may obligate funds
14 allocated to the State under this section only for
15 projects eligible under the Interstate maintenance pro-
16 gram under section 119, the National Highway Sys-
17 tem program under section 103, the surface transpor-
18 tation program under section 133, the highway safety
19 improvement program under section 148, the highway
20 bridge replacement and rehabilitation program under
21 section 144, and the congestion mitigation and air
22 quality improvement program under section 149 that
23 will—

2-2

1 “(A) preserve, maintain, or otherwise ex-
2 tend, in a cost-effective manner, the useful life of
3 existing highway infrastructure elements; or

4 “(B) provide operational improvements (in-
5 cluding traffic management and intelligent
6 transportation system strategies and limited ca-
7 pacity enhancements) at points of recurring
8 highway congestion.

9 “(2) SET-ASIDE.—Notwithstanding any other
10 provision of law, of the amounts made available
11 under section 1101(a)(14) of the Safe, Accountable,
12 Flexible, and Efficient Transportation Equity Act of
13 2003, \$439,000,000 shall be available for obligation to
14 carry out this section without further appropriation.

15 “(c) PERIOD OF AVAILABILITY.—

16 “(1) OBLIGATION WITHIN 180 DAYS.—

17 “(A) IN GENERAL.—Funds allocated to a
18 State under this section shall be obligated by the
19 State not later than 180 days after the date of
20 apportionment.

21 “(B) UNOBLIGATED FUNDS.—Any amounts
22 that remain unobligated at the end of that pe-
23 riod shall be allocated in accordance with sub-
24 section (d).

25 “(2) OBLIGATION BY END OF FISCAL YEAR.—

2-3

1 “(A) *IN GENERAL.*—*All funds allocated or*
2 *reallocated under this section shall remain avail-*
3 *able for obligation until the last day of the fiscal*
4 *year for which the funds are apportioned.*

5 “(B) *UNOBLIGATED FUNDS.*—*Any amounts*
6 *allocated that remain unobligated at the end of*
7 *the fiscal year shall lapse.*

8 “(d) *REDISTRIBUTION OF ALLOCATED FUNDS AND OB-*
9 *LIGATION AUTHORITY.*—

10 “(1) *IN GENERAL.*—*On the date that is 180 days*
11 *after the date of allocation, or as soon thereafter as*
12 *practicable, for each fiscal year, the Secretary shall—*

13 “(A) *withdraw—*

14 “(i) *any funds allocated to a State*
15 *under this section that remain unobligated;*
16 *and*

17 “(ii) *an equal amount of obligation*
18 *authority provided for the use of the funds*
19 *in accordance with section 1101(a)(14) of*
20 *the Safe, Accountable, Flexible, and Effi-*
21 *cient Transportation Equity Act of 2003;*
22 *and*

23 “(B) *reallocate the funds and redistribute*
24 *the obligation authority to those States that—*

2-4

1 “(i) have fully obligated all amounts
2 allocated under this section for the fiscal
3 year; and

4 “(ii) demonstrate that the State is able
5 to obligate additional amounts for projects
6 eligible under this section before the end of
7 the fiscal year.

8 “(2) *EQUITY BONUS.*—The calculation and dis-
9 tribution of funds under section 105 shall be adjusted
10 as a result of the allocation of funds under this sub-
11 section.

12 “(e) *FEDERAL SHARE PAYABLE.*—The Federal share
13 payable for a project funded under this section shall be de-
14 termined in accordance with section 120.”.

15 (b) *CONFORMING AMENDMENT.*—The analysis for
16 chapter 1 of title 23, United States Code, is amended by
17 adding after the item relating to section 138 the following:
 “139. Infrastructure performance and maintenance program.”.

18 **SEC. 1202. FUTURE OF SURFACE TRANSPORTATION SYS-**
19 **TEM.**

20 (a) *DECLARATION OF POLICY.*—Section 101 of title 23,
21 United States Code, is amended—

22 (1) by striking “(b) It is hereby declared to be”
23 and inserting the following:

24 “(b) *DECLARATION OF POLICY.*—

2–5

1 “(1) *ACCELERATION OF CONSTRUCTION OF FED-*
2 *ERAL-AID HIGHWAY SYSTEMS.—Congress declares that*
3 *it is*”;

4 (2) *in the second paragraph, by striking “It is*
5 *hereby declared” and inserting the following:*

6 “(2) *COMPLETION OF INTERSTATE SYSTEM.—*
7 *Congress declares*”; and

8 (3) *by striking the last paragraph and inserting*
9 *the following:*

10 “(3) *TRANSPORTATION NEEDS OF 21ST CEN-*
11 *TURY.—Congress declares that—*

12 “(A) *it is in the national interest to pre-*
13 *serve and enhance the surface transportation sys-*
14 *tem to meet the needs of the United States for the*
15 *21st Century;*

16 “(B) *the current urban and long distance*
17 *personal travel and freight movement demands*
18 *have surpassed the original forecasts and travel*
19 *demand patterns are expected to change;*

20 “(C) *continued planning for and investment*
21 *in surface transportation is critical to ensure the*
22 *surface transportation system adequately meets*
23 *the changing travel demands of the future;*

24 “(D) *among the foremost needs that the sur-*
25 *face transportation system must meet to provide*

1 *for a strong and vigorous national economy are*
2 *safe, efficient, and reliable—*

3 “(i) *national and interregional per-*
4 *sonal mobility (including personal mobility*
5 *in rural and urban areas) and reduced con-*
6 *gestion;*

7 “(ii) *flow of interstate and inter-*
8 *national commerce and freight transpor-*
9 *tation; and*

10 “(iii) *travel movements essential for*
11 *national security;*

12 “(E) *special emphasis should be devoted to*
13 *providing safe and efficient access for the type*
14 *and size of commercial and military vehicles*
15 *that access designated National Highway System*
16 *intermodal freight terminals;*

17 “(F) *it is in the national interest to seek*
18 *ways to eliminate barriers to transportation in-*
19 *vestment created by the current modal structure*
20 *of transportation financing;*

21 “(G) *the connection between land use and*
22 *infrastructure is significant;*

23 “(H) *transportation should play a signifi-*
24 *cant role in promoting economic growth, improv-*

2-7

1 *ing the environment, and sustaining the quality*
2 *of life; and*

3 *“(I) the Secretary should take appropriate*
4 *actions to preserve and enhance the Interstate*
5 *System to meet the needs of the 21st Century.”.*

6 *(b) NATIONAL SURFACE TRANSPORTATION SYSTEM*
7 *STUDY.—*

8 *(1) IN GENERAL.—The Secretary shall—*

9 *(A) conduct a complete investigation and*
10 *study of the current condition and future needs*
11 *of the surface transportation system of the*
12 *United States, including—*

13 *(i) the National Highway System;*

14 *(ii) the Interstate System;*

15 *(iii) the strategic highway network;*

16 *(iv) congressional high priority cor-*
17 *ridors;*

18 *(v) intermodal connectors;*

19 *(vi) freight facilities;*

20 *(vii) navigable waterways;*

21 *(viii) mass transportation;*

22 *(ix) freight and intercity passenger*
23 *rail infrastructure and facilities; and*

24 *(x) surface access to airports; and*

2-8

1 (B) develop a conceptual plan, with alter-
2 native approaches, for the future to ensure that
3 the surface transportation system will continue
4 to serve the needs of the United States, including
5 specific recommendations regarding design and
6 operational standards, Federal policies, and leg-
7 islative changes.

8 (2) *SPECIFIC ISSUES.*—In conducting the inves-
9 tigation and study, the Secretary shall specifically
10 address—

11 (A) the current condition and performance
12 of the Interstate System (including the physical
13 condition of bridges and pavements and oper-
14 ational characteristics and performance), relying
15 primarily on existing data sources;

16 (B) the future of the Interstate System,
17 based on a range of legislative and policy ap-
18 proaches for 15-, 30-, and 50-year time periods;

19 (C) the expected demographics and business
20 uses that impact the surface transportation sys-
21 tem;

22 (D) the expected use of the surface transpor-
23 tation system, including the effects of changing
24 vehicle types, modes of transportation, fleet size
25 and weights, and traffic volumes;

2-9

1 (E) desirable design policies and standards
2 for future improvements of the surface transpor-
3 tation system, including additional access
4 points;

5 (F) the identification of urban, rural, na-
6 tional, and interregional needs for the surface
7 transportation system;

8 (G) the potential for expansion, upgrades,
9 or other changes to the surface transportation
10 system, including—

11 (i) deployment of advanced materials
12 and intelligent technologies;

13 (ii) critical multistate, urban, and
14 rural corridors needing capacity, safety,
15 and operational enhancements;

16 (iii) improvements to intermodal link-
17 ages;

18 (iv) security and military deployment
19 enhancements;

20 (v) strategies to enhance asset preserva-
21 tion; and

22 (vi) implementation strategies;

23 (H) the improvement of emergency pre-
24 paredness and evacuation using the surface
25 transportation system, including—

2-10

1 (i) examination of the potential use of
2 all modes of the surface transportation sys-
3 tem in the safe and efficient evacuation of
4 citizens during times of emergency;

5 (ii) identification of the location of
6 critical bottlenecks; and

7 (iii) development of strategies to im-
8 prove system redundancy, especially in
9 areas with a high potential for terrorist at-
10 tacks;

11 (I) alternatives for addressing environ-
12 mental concerns in recommended alternatives;

13 (J) the evaluation and assessment of the
14 current and future capabilities for conducting
15 system-wide real-time performance data collec-
16 tion and analysis, traffic monitoring, and sys-
17 tem operations and management; and

18 (K) a range of policy and legislative alter-
19 natives for addressing future needs for the sur-
20 face transportation system, including funding
21 needs and potential approaches to provide funds.

22 (3) *TECHNICAL ADVISORY COMMITTEE.*—The
23 Secretary shall establish a technical advisory com-
24 mittee, in a manner consistent with the Federal Advi-

2-11

1 *sory Committee Act (5 U.S.C. App.), to collect and*
2 *evaluate technical input from—*

3 *(A) the Department of Defense;*

4 *(B) appropriate Federal, State, and local*
5 *officials with responsibility for transportation;*

6 *(C) appropriate State and local elected offi-*
7 *cials;*

8 *(D) transportation and trade associations;*

9 *(E) emergency management officials;*

10 *(F) freight providers;*

11 *(G) the general public; and*

12 *(H) other entities and persons determined*
13 *appropriate by the Secretary to ensure a diverse*
14 *range of views.*

15 *(4) REPORT.—Not later than 4 years after the*
16 *date of enactment of this Act, the Secretary shall sub-*
17 *mit to the Committee on Environment and Public*
18 *Works of the Senate and the Committee on Transpor-*
19 *tation and Infrastructure of the House of Representa-*
20 *tives, and make readily available to the public, a re-*
21 *port on the results of the investigation and study con-*
22 *ducted under this subsection.*

1 **SEC. 1203. FREIGHT TRANSPORTATION GATEWAYS;**
2 **FREIGHT INTERMODAL CONNECTIONS.**

3 (a) *FREIGHT TRANSPORTATION GATEWAYS.*—Chapter
4 3 of title 23, United States Code, is amended by adding
5 at the end the following:

6 **“§ 325. Freight transportation gateways**

7 “(a) *IN GENERAL.*—

8 “(1) *ESTABLISHMENT.*—The Secretary shall es-
9 tablish a freight transportation gateways program to
10 improve productivity, security, and safety of freight
11 transportation gateways, while mitigating congestion
12 and community impacts in the area of the gateways.

13 “(2) *PURPOSES.*—The purposes of the freight
14 transportation gateways program shall be—

15 “(A) to facilitate and support multimodal
16 freight transportation initiatives at the State
17 and local levels in order to improve freight
18 transportation gateways and mitigate the im-
19 pact of congestion on the environment in the
20 area of the gateways;

21 “(B) to provide capital funding to address
22 infrastructure and freight operational needs at
23 freight transportation gateways;

24 “(C) to encourage adoption of new financ-
25 ing strategies to leverage State, local, and pri-

1 *vate investment in freight transportation gate-*
2 *ways;*

3 “(D) *to facilitate access to intermodal*
4 *freight transfer facilities; and*

5 “(E) *to increase economic efficiency by fa-*
6 *cilitating the movement of goods.*

7 “(b) *STATE RESPONSIBILITIES.—*

8 “(1) *PROJECT DEVELOPMENT PROCESS.—Each*
9 *State, in coordination with metropolitan planning*
10 *organizations, shall ensure that intermodal freight*
11 *transportation, trade facilitation, and economic devel-*
12 *opment needs are adequately considered and fully in-*
13 *tegrated into the project development process, includ-*
14 *ing transportation planning through final design and*
15 *construction of freight-related transportation projects.*

16 “(2) *FREIGHT TRANSPORTATION COORDI-*
17 *NATOR.—*

18 “(A) *IN GENERAL.—Each State shall des-*
19 *ignate a freight transportation coordinator.*

20 “(B) *DUTIES.—The coordinator shall—*

21 “(i) *foster public and private sector*
22 *collaboration needed to implement complex*
23 *solutions to freight transportation and*
24 *freight transportation gateway problems,*
25 *including—*

2-14

1 “(I) coordination of metropolitan
2 and statewide transportation activities
3 with trade and economic interests;

4 “(II) coordination with other
5 States, agencies, and organizations to
6 find regional solutions to freight trans-
7 portation problems; and

8 “(III) coordination with local of-
9 ficials of the Department of Defense
10 and the Department of Homeland Se-
11 curity, and with other organizations,
12 to develop regional solutions to mili-
13 tary and homeland security transpor-
14 tation needs; and

15 “(ii) promote programs that build pro-
16 fessional capacity to better plan, coordinate,
17 integrate, and understand freight transpor-
18 tation needs for the State.

19 “(c) INNOVATIVE FINANCE STRATEGIES.—

20 “(1) IN GENERAL.—States and localities are en-
21 couraged to adopt innovative financing strategies for
22 freight transportation gateway improvements,
23 including—

24 “(A) new user fees;

1 “(B) modifications to existing user fees, in-
2 cluding trade facilitation charges;

3 “(C) revenue options that incorporate pri-
4 vate sector investment; and

5 “(D) a blending of Federal-aid and innova-
6 tive finance programs.

7 “(2) TECHNICAL ASSISTANCE.—The Secretary
8 shall provide technical assistance to States and local-
9 ities with respect to the strategies.

10 “(d) INTERMODAL FREIGHT TRANSPORTATION
11 PROJECTS.—

12 “(1) USE OF SURFACE TRANSPORTATION PRO-
13 GRAM FUNDS.—A State may obligate funds appor-
14 tioned to the State under section 104(b)(3) for pub-
15 licly-owned intermodal freight transportation projects
16 that provide community and highway benefits by ad-
17 dressing economic, congestion, system reliability, secu-
18 rity, safety, or environmental issues associated with
19 freight transportation gateways.

20 “(2) ELIGIBLE PROJECTS.—A project eligible for
21 funding under this section—

22 “(A) may include publicly-owned inter-
23 modal freight transfer facilities, access to the fa-
24 cilities, and operational improvements for the fa-
25 cilities (including capital investment for intel-

1 *ligent transportation systems), except that*
2 *projects located within the boundaries of port*
3 *terminals shall only include the surface trans-*
4 *portation infrastructure modifications necessary*
5 *to facilitate direct intermodal interchange, trans-*
6 *fer, and access into and out of the port; and*

7 *“(B) may involve the combining of private*
8 *and public funds.”.*

9 *(b) ELIGIBILITY FOR SURFACE TRANSPORTATION PRO-*
10 *GRAM FUNDS.—Section 133(b) of title 23, United States*
11 *Code, is amended by inserting after paragraph (11) the fol-*
12 *lowing:*

13 *“(12) Intermodal freight transportation projects*
14 *in accordance with section 325(d)(2).”.*

15 *(c) FREIGHT INTERMODAL CONNECTIONS TO NHS.—*
16 *Section 103(b) of title 23, United States Code, is amended*
17 *by adding at the end the following:*

18 *“(7) FREIGHT INTERMODAL CONNECTIONS TO*
19 *THE NHS.—*

20 *“(A) FUNDING SET-ASIDE.—Of the funds*
21 *apportioned to a State for each fiscal year under*
22 *section 104(b)(1), an amount determined in ac-*
23 *cordance with subparagraph (B) shall only be*
24 *available to the State to be obligated for projects*
25 *on—*

2-17

1 “(i) *National Highway System routes*
2 *connecting to intermodal freight terminals*
3 *identified according to criteria specified in*
4 *the report to Congress entitled ‘Pulling To-*
5 *gether: The National Highway System and*
6 *its Connections to Major Intermodal Termi-*
7 *nals’ dated May 24, 1996, referred to in*
8 *paragraph (1), and any modifications to*
9 *the connections that are consistent with*
10 *paragraph (4);*

11 “(ii) *strategic highway network con-*
12 *nectors to strategic military deployment*
13 *ports; and*

14 “(iii) *projects to eliminate railroad*
15 *crossings or make railroad crossing im-*
16 *provements.*

17 “(B) *DETERMINATION OF AMOUNT.—The*
18 *amount of funds for each State for a fiscal year*
19 *that shall be set aside under subparagraph (A)*
20 *shall be equal to the greater of—*

21 “(i) *the product obtained by*
22 *multiplying—*

23 “(I) *the total amount of funds ap-*
24 *portioned to the State under section*
25 *104(b)(1); by*

2-18

1 “(II) the percentage of miles that
2 routes specified in subparagraph (A)
3 constitute of the total miles on the Na-
4 tional Highway System in the State;
5 or

6 “(ii) 2 percent of the annual appor-
7 tionment to the State of funds under
8 104(b)(1).

9 “(C) EXEMPTION FROM SET-ASIDE.—For
10 any fiscal year, a State may obligate the funds
11 otherwise set aside by this paragraph for any
12 project that is eligible under paragraph (6) and
13 is located in the State on a segment of the Na-
14 tional Highway System specified in paragraph
15 (2), if the State certifies and the Secretary con-
16 curs that—

17 “(i) the designated National Highway
18 System intermodal connectors described in
19 subparagraph (A) are in good condition
20 and provide an adequate level of service for
21 military vehicle and civilian commercial
22 vehicle use; and

23 “(ii) significant needs on the des-
24 ignated National Highway System inter-

1 modal connectors are being met or do not
2 exist.”.

3 (d) *FEDERAL SHARE PAYABLE.*—Section 120 of title
4 23, United States Code, is amended by adding at the end
5 the following:

6 “(m) *INCREASED FEDERAL SHARE FOR CONNEC-*
7 *TORS.*—In the case of a project to support a National High-
8 way System intermodal freight connection or strategic high-
9 way network connector to a strategic military deployment
10 port described in section 103(b)(7), the Federal share of the
11 total cost of the project shall be 90 percent.”.

12 (e) *LENGTH LIMITATIONS.*—Section 31111(e) of title
13 49, United States Code, is amended—

14 (1) by striking “The” and inserting the fol-
15 lowing:

16 “(1) *IN GENERAL.*—The”; and

17 (2) by adding at the end the following:

18 “(2) *LENGTH LIMITATIONS.*—In the interests of
19 economic competitiveness, security, and intermodal
20 connectivity, not later than 3 years after the date of
21 enactment of this paragraph, States shall update the
22 list of Federal-aid system highways to include—

23 “(A) strategic highway network connectors
24 to strategic military deployment ports; and

1 “(B) *National Highway System intermodal*
2 *freight connections serving military and com-*
3 *mercial truck traffic going to major intermodal*
4 *terminals as described in section*
5 *103(b)(7)(A)(i).”.*

6 (f) *CONFORMING AMENDMENT.—The analysis of chap-*
7 *ter 3 of title 23, United States Code, is amended by adding*
8 *at the end the following:*

 “325. *Freight transportation gateways.*”.

9 **SEC. 1204. CONSTRUCTION OF FERRY BOATS AND FERRY**
10 **TERMINAL FACILITIES.**

11 (a) *IN GENERAL.—Section 147 of title 23, United*
12 *States Code, is amended to read as follows:*

13 **“§ 147. Construction of ferry boats and ferry terminal**
14 **facilities**

15 “(a) *IN GENERAL.—The Secretary shall carry out a*
16 *program for construction of ferry boats and ferry terminal*
17 *facilities in accordance with section 129(c).*

18 “(b) *FEDERAL SHARE.—The Federal share of the cost*
19 *of construction of ferry boats and ferry terminals under this*
20 *section shall be 80 percent.*

21 “(c) *SET ASIDE FOR PROJECTS ON NATIONAL HIGH-*
22 *WAY SYSTEM.—Before any apportionment is made under*
23 *section 104(b)(3), the Secretary shall set aside \$20,000,000*
24 *for each of fiscal years 2004 through 2009, for obligation*
25 *by the Secretary, for—*

1 “(1) *the construction or refurbishment of ferry*
2 *boats and ferry terminal facilities;*

3 “(2) *the acquisition of zero- or low-emission*
4 *ferry boats, or projects that advance the ship-building*
5 *capacities of the United States through the introduc-*
6 *tion of new technology; and*

7 “(3) *approaches to facilities described in para-*
8 *graph (1) located within marine highway systems*
9 *that are part of the National Highway System.*

10 “(d) *FUNDING.—There shall be made available to the*
11 *Secretary to carry out this section, out of the Highway*
12 *Trust Fund (other than the Mass Transit Account), for obli-*
13 *gation at the discretion of the Secretary and to remain*
14 *available until expended, \$38,000,000 for the period of fis-*
15 *cal years 2004 through 2009.”.*

16 **(b) CONFORMING AMENDMENTS.—**

17 (1) *The analysis for subchapter I of chapter 1 of*
18 *title 23, United States Code, is amended by striking*
19 *the item relating to section 147 and inserting the fol-*
20 *lowing:*

 “147. *Construction of ferry boats and ferry terminal facilities.”.*

21 (2) *Section 1064 of the Intermodal Surface*
22 *Transportation Efficiency Act of 1991 (105 Stat.*
23 *2005) is repealed.*

1 **SEC. 1205. DESIGNATION OF DANIEL PATRICK MOYNIHAN**
2 **INTERSTATE HIGHWAY.**

3 (a) *DESIGNATION.*—*Interstate Highway 86 in the*
4 *State of New York, extending from the Pennsylvania border*
5 *near Lake Erie through Orange County, New York, shall*
6 *be known and designated as the “Daniel Patrick Moynihan*
7 *Interstate Highway”.*

8 (b) *REFERENCES.*—*Any reference in a law, map, regu-*
9 *lation, document, paper, or other record of the United*
10 *States to the highway referred to in subsection (a) shall be*
11 *deemed to be a reference to the Daniel Patrick Moynihan*
12 *Interstate Highway.*

3-1

1 ***Subtitle C—Finance***

2 ***SEC. 1301. FEDERAL SHARE.***

3 *Section 120 of title 23, United States Code, is amended*
4 *by striking subsection (d) and inserting the following:*

5 “(d) *INCREASED FEDERAL SHARE.—*

6 “(1) *IN GENERAL.—The Federal share payable*
7 *under subsection (a) or (b) may be increased for*
8 *projects and activities in each State in which is*
9 *located—*

10 “(A) *nontaxable Indian land;*

11 “(B) *public land (reserved or unreserved);*

12 “(C) *a national forest; or*

13 “(D) *a national park and monument.*

14 “(2) *AMOUNT.—*

15 “(A) *IN GENERAL.—The Federal share for*
16 *States described in paragraph (1) shall be in-*
17 *creased by a percentage of the remaining cost*
18 *that—*

19 “(i) *is equal to the percentage that—*

20 “(I) *the area of all land described*
21 *in paragraph (1) in a State; bears to*

22 “(II) *the total area of the State;*

23 *but*

3-2

1 “(ii) does not exceed 95 percent of the
2 total cost of the project or activity for which
3 the Federal share is provided.

4 “(B) *ADJUSTMENT.*—The Secretary shall
5 adjust the Federal share for States under sub-
6 paragraph (A) as the Secretary determines nec-
7 essary, on the basis of data provided by the Fed-
8 eral agencies that are responsible for maintain-
9 ing the data.

10 “(C) *DECREASED FEDERAL SHARE.*—Unless
11 the State voluntarily agrees to a decreased Fed-
12 eral share, the Secretary shall provide the max-
13 imum Federal share allowable under subsections
14 (a) and (b), as adjusted by this subsection.”.

15 **SEC. 1302. TRANSFER OF HIGHWAY AND TRANSIT FUNDS.**

16 Section 104 of title 23, United States Code, is amended
17 by striking subsection (k) and inserting the following:

18 “(k) *TRANSFER OF HIGHWAY AND TRANSIT FUNDS.*—

19 “(1) *TRANSFER OF HIGHWAY FUNDS FOR TRAN-*
20 *SIT PROJECTS.*—

21 “(A) *IN GENERAL.*—Subject to subpara-
22 graph (B), funds made available for transit
23 projects or transportation planning under this
24 title may be transferred to and administered by

1 *the Secretary in accordance with chapter 53 of*
2 *title 49.*

3 “(B) *NON-FEDERAL SHARE.*—*The provi-*
4 *sions of this title relating to the non-Federal*
5 *share shall apply to the transferred funds.*

6 “(2) *TRANSFER OF TRANSIT FUNDS FOR HIGH-*
7 *WAY PROJECTS.*—*Funds made available for highway*
8 *projects or transportation planning under chapter 53*
9 *of title 49 may be transferred to and administered by*
10 *the Secretary in accordance with this title.*

11 “(3) *TRANSFER OF HIGHWAY FUNDS TO OTHER*
12 *FEDERAL AGENCIES.*—

13 “(A) *IN GENERAL.*—*Except as provided in*
14 *clauses (i) and (ii) and subparagraph (B), funds*
15 *made available under this title or any other Act*
16 *that are derived from Highway Trust Fund*
17 *(other than the Mass Transit account) may be*
18 *transferred to another Federal agency if—*

19 “(i)(I) *an expenditure is specifically*
20 *authorized in Federal-aid highway legisla-*
21 *tion or as a line item in an appropriation*
22 *act; or*

23 “(II) *a State transportation depart-*
24 *ment consents to the transfer of funds;*

3-4

1 “(ii) *the Secretary determines, after*
2 *consultation with the State transportation*
3 *department (as appropriate), that the Fed-*
4 *eral agency should carry out a project with*
5 *the funds; and*

6 “(iii) *the other Federal agency agrees*
7 *to accept the transfer of funds and to ad-*
8 *minister the project.*

9 “(B) *ADMINISTRATION.—*

10 “(i) *PROCEDURES.—A project carried*
11 *out with funds transferred to a Federal*
12 *agency under subparagraph (A) shall be ad-*
13 *ministered by the Federal agency under the*
14 *procedures of the Federal agency.*

15 “(ii) *APPROPRIATIONS.—Funds trans-*
16 *ferred to a Federal agency under subpara-*
17 *graph (A) shall not be considered an aug-*
18 *mentation of the appropriations of the Fed-*
19 *eral agency.*

20 “(iii) *NON-FEDERAL SHARE.—The pro-*
21 *visions of this title, or an Act described in*
22 *subparagraph (A), relating to the non-Fed-*
23 *eral share shall apply to a project carried*
24 *out with the transferred funds, unless the*
25 *Secretary determines that it is in the best*

3-5

1 *interest of the United States that the non-*
2 *Federal share be waived.*

3 “(4) *TRANSFER OF FUNDS AMONG STATES OR TO*
4 *FEDERAL HIGHWAY ADMINISTRATION.—*

5 “(A) *IN GENERAL.—Subject to subpara-*
6 *graphs (B) through (D), the Secretary may, at*
7 *the request of a State, transfer funds apportioned*
8 *or allocated to the State to another State, or to*
9 *the Federal Highway Administration, for the*
10 *purpose of funding 1 or more specific projects.*

11 “(B) *ADMINISTRATION.—The transferred*
12 *funds shall be used for the same purpose and in*
13 *the same manner for which the transferred funds*
14 *were authorized.*

15 “(C) *APPORTIONMENT.—The transfer shall*
16 *have no effect on any apportionment formula*
17 *used to distribute funds to States under this sec-*
18 *tion or section 105 or 144.*

19 “(D) *SURFACE TRANSPORTATION PRO-*
20 *GRAM.—Funds that are apportioned or allocated*
21 *to a State under subsection (b)(3) and attributed*
22 *to an urbanized area of a State with a popu-*
23 *lation of over 200,000 individuals under section*
24 *133(d)(2) may be transferred under this para-*
25 *graph only if the metropolitan planning organi-*

1 *zation designated for the area concurs, in writ-*
2 *ing, with the transfer request.*

3 “(5) *TRANSFER OF OBLIGATION AUTHORITY.—*
4 *Obligation authority for funds transferred under this*
5 *subsection shall be transferred in the same manner*
6 *and amount as the funds for the projects are trans-*
7 *ferred under this subsection.”.*

8 **SEC. 1303. TRANSPORTATION INFRASTRUCTURE FINANCE**
9 **AND INNOVATION ACT AMENDMENTS.**

10 (a) *DEFINITIONS.—Section 181 of title 23, United*
11 *States Code, is amended—*

12 (1) *in paragraph (3), by striking “category” and*
13 *“offered into the capital markets”;*

14 (2) *by striking paragraph (7) and redesignating*
15 *paragraphs (8) through (15) as paragraphs (7)*
16 *through (14) respectively;*

17 (3) *in paragraph (8) (as redesignated by para-*
18 *graph (2))—*

19 (A) *in subparagraph (B), by striking the*
20 *period at the end and inserting a semicolon; and*

21 (B) *by striking subparagraph (D) and in-*
22 *serting the following:*

23 “(D) *a project that—*

24 “(i)(I) *is a project for—*

3-7

1 “(aa) a public freight rail facility
2 or a private facility providing public
3 benefit;

4 “(bb) an intermodal freight trans-
5 fer facility;

6 “(cc) a means of access to a facil-
7 ity described in item (aa) or (bb);

8 “(dd) a service improvement for a
9 facility described in item (aa) or (bb)
10 (including a capital investment for an
11 intelligent transportation system); or

12 “(II) comprises a series of projects de-
13 scribed in subclause (I) with the common
14 objective of improving the flow of goods;

15 “(ii) may involve the combining of pri-
16 vate and public sector funds, including in-
17 vestment of public funds in private sector
18 facility improvements; and

19 “(iii) if located within the boundaries
20 of a port terminal, includes only such sur-
21 face transportation infrastructure modifica-
22 tions as are necessary to facilitate direct
23 intermodal interchange, transfer, and access
24 into and out of the port.”; and

3-8

1 (4) in paragraph (10) (as redesignated by para-
2 graph (2)) by striking “bond” and inserting “credit”.

3 (b) *DETERMINATION OF ELIGIBILITY AND PROJECT*
4 *SELECTION.*—Section 182 of title 23, United States Code,
5 *is amended—*

6 (1) in subsection (a)—

7 (A) by striking paragraphs (1) and (2) and
8 inserting the following:

9 “(1) *INCLUSION IN TRANSPORTATION PLANS AND*
10 *PROGRAMS.*—The project shall satisfy the applicable
11 planning and programming requirements of sections
12 134 and 135 at such time as an agreement to make
13 available a Federal credit instrument is entered into
14 under this subchapter.

15 “(2) *APPLICATION.*—A State, local government,
16 public authority, public-private partnership, or any
17 other legal entity undertaking the project and author-
18 ized by the Secretary shall submit a project applica-
19 tion to the Secretary.”;

20 (B) in paragraph (3)(A)—

21 (i) in clause (i), by striking
22 “\$100,000,000” and inserting
23 “\$50,000,000”; and

24 (ii) in clause (ii), by striking “50”
25 and inserting “20”; and

3-9

1 (C) in paragraph (4)—

2 (i) by striking “Project financing” and
3 inserting “The Federal credit instrument”;
4 and

5 (ii) by inserting before the period at
6 the end the following: “that also secure the
7 project obligations”; and

8 (2) in subsection (b)—

9 (A) in paragraph (1), by striking “criteria”
10 the second place it appears and inserting “re-
11 quirements”; and

12 (B) in paragraph (2)(B), by inserting
13 “(which may be the Federal credit instrument)”
14 after “obligations”.

15 (c) SECURED LOANS.—Section 183 of title 23, United
16 States Code, is amended—

17 (1) in subsection (a)—

18 (A) in paragraph (1)—

19 (i) by striking “of any project selected
20 under section 182.” at the end;

21 (ii) in subparagraphs (A) and (B), by
22 inserting “of any project selected under sec-
23 tion 182” after “costs” ; and

3-10

1 (iii) in subparagraph (B), by striking
2 the semicolon at the end and inserting a pe-
3 riod; and

4 (B) in paragraph (4)—

5 (i) by striking “funding” and inserting
6 “execution”; and

7 (ii) by striking “rating,” and all that
8 follows and inserting a period;

9 (2) in subsection (b)—

10 (A) by striking paragraph (2) and inserting
11 the following:

12 “(2) *MAXIMUM AMOUNT.*—The amount of the se-
13 cured loan shall not exceed the lesser of—

14 “(A) 33 percent of the reasonably antici-
15 pated eligible project costs; or

16 “(B) the amount of the senior project obli-
17 gations.”;

18 (B) in paragraph (3)(A)(i), by inserting
19 “that also secure the senior project obligations”
20 after “sources”; and

21 (C) in paragraph (4), by striking “market-
22 able”; and

23 (3) in subsection (c)—

24 (A) by striking paragraph (3);

3-11

1 (B) by redesignating paragraphs (4) and
2 (5) as paragraphs (3) and (4), respectively; and
3 (C) in paragraph (3) (as redesignated by
4 subparagraph (B))—

5 (i) in subparagraph (A), by striking
6 “during the 10 years”; and

7 (ii) in subparagraph (B)(ii), by strik-
8 ing “loan” and all that follows and insert-
9 ing “loan.”.

10 (d) *LINES OF CREDIT*.—Section 184 of title 23, United
11 *States Code*, is amended—

12 (1) in subsection (b)—

13 (A) in paragraph (3), by striking “interest,
14 any debt service reserve fund, and any other
15 available reserve” and inserting “interest (but
16 not including reasonably required financing re-
17 serves)”;

18 (B) in paragraph (4), by striking “market-
19 able United States Treasury securities as of the
20 date on which the line of credit is obligated” and
21 inserting “ United States Treasury securities as
22 of the date of execution of the line of credit agree-
23 ment”; and

3-12

1 (C) in paragraph (5)(A)(i), by inserting
2 “that also secure the senior project obligations”
3 after “sources”; and

4 (2) in subsection (c)—

5 (A) in paragraph (2)—

6 (i) by striking “scheduled”;

7 (ii) by inserting “be scheduled to” after
8 “shall”; and

9 (iii) by striking “be fully repaid, with
10 interest,” and inserting “to conclude, with
11 full repayment of principal and interest,”;
12 and

13 (B) by striking paragraph (3).

14 (e) *PROGRAM ADMINISTRATION.*—Section 185 of title
15 23, United States Code, is amended to read as follows:

16 “**§ 185. Program administration**

17 “(a) *REQUIREMENT.*—The Secretary shall establish a
18 uniform system to service the Federal credit instruments
19 made available under this subchapter.

20 “(b) *FEES.*—The Secretary may establish fees at a
21 level to cover all or a portion of the costs to the Federal
22 government of servicing the Federal credit instruments.

23 “(c) *SERVICER.*—

1 “(1) *IN GENERAL.*—*The Secretary may appoint*
2 *a financial entity to assist the Secretary in servicing*
3 *the Federal credit instruments.*

4 “(2) *DUTIES.*—*The servicer shall act as the*
5 *agent for the Secretary.*

6 “(3) *FEE.*—*The servicer shall receive a servicing*
7 *fee, subject to approval by the Secretary.*

8 “(d) *ASSISTANCE FROM EXPERT FIRMS.*—*The Sec-*
9 *retary may retain the services of expert firms, including*
10 *counsel, in the field of municipal and project finance to*
11 *assist in the underwriting and servicing of Federal credit*
12 *instruments.”.*

13 “(f) *FUNDING.*—*Section 188 of title 23, United States*
14 *Code, is amended to read as follows:*

15 “**§ 188. Funding**

16 “(a) *FUNDING.*—

17 “(1) *IN GENERAL.*—*There is authorized to be ap-*
18 *propriated from the Highway Trust Fund (other than*
19 *the Mass Transit Account) to carry out this sub-*
20 *chapter \$130,000,000 for each of fiscal years 2004*
21 *through 2009.*

22 “(2) *COLLECTED FEES.*—*All fees collected under*
23 *this subchapter shall be made available to the Sec-*
24 *retary, without further appropriation, to carry out*
25 *this subchapter.*

1 “(3) *ADMINISTRATIVE COSTS.*—Of amounts made
2 available under paragraph (1), the Secretary may use
3 for the administration of this subchapter not more
4 than \$2,000,000 for each of fiscal years 2004 through
5 2009.

6 “(4) *AVAILABILITY.*—Amounts made available
7 under paragraph (1) shall remain available until ex-
8 pended.

9 “(b) *CONTRACT AUTHORITY.*—

10 “(1) *IN GENERAL.*—Notwithstanding any other
11 provision of law, approval by the Secretary of a Fed-
12 eral credit instrument that uses funds made available
13 under this subchapter shall be deemed to be accept-
14 ance by the United States of a contractual obligation
15 to fund the Federal credit investment.

16 “(2) *AVAILABILITY.*—Amounts authorized under
17 this section for a fiscal year shall be available for ob-
18 ligation on October 1 of the fiscal year.”.

19 “(g) *REPEAL.*—Section 189 of title 23, United States
20 code, is repealed.

21 “(h) *CONFORMING AMENDMENTS.*—The analysis for
22 chapter 1 of title 23, United States Code, is amended—

23 (1) by striking the item relating to section 185
24 and inserting the following:

 “185. Program administration.”;

25 and

1 (2) *by striking the item relating to section 189.*

2 **SEC. 1304. FACILITATION OF INTERNATIONAL REGISTRA-**
3 **TION PLANS AND INTERNATIONAL FUEL TAX**
4 **AGREEMENTS.**

5 (a) *IN GENERAL.*—Chapter 317 of title 49, United
6 *States Code, is amended by adding at the end the following:*

7 **“§31708. Facilitation of international registration**
8 **plans and international fuel tax agree-**
9 **ments**

10 *“The Secretary may provide assistance to any State*
11 *that is participating in the International Registration Plan*
12 *and International Fuel Tax Agreement, as provided in sec-*
13 *tions 31704 and 31705, respectively, and that serves as a*
14 *base jurisdiction for motor carriers that are domiciled in*
15 *Mexico, to assist the State with administrative costs result-*
16 *ing from serving as a base jurisdiction for motor carriers*
17 *from Mexico.”.*

18 (b) *CONFORMING AMENDMENT.*—*The analysis for*
19 *chapter 317 of title 49, United States Code, is amended by*
20 *adding at the end the following:*

“31708. Facilitation of international registration plans and international fuel tax
 agreements.”.

1 **SEC. 1305. NATIONAL COMMISSION ON FUTURE REVENUE**
2 **SOURCES TO SUPPORT THE HIGHWAY TRUST**
3 **FUND AND FINANCE THE NEEDS OF THE SUR-**
4 **FACE TRANSPORTATION SYSTEM.**

5 (a) *ESTABLISHMENT.*—*There is established a commis-*
6 *sion to be known as the “National Commission on Future*
7 *Revenue Sources to Support the Highway Trust Fund and*
8 *Finance the Needs of the Surface Transportation System”*
9 *(referred to in this section as the “Commission”).*

10 (b) *MEMBERSHIP.*—

11 (1) *COMPOSITION.*—*The Commission shall be*
12 *composed of 11 members, of whom—*

13 (A) *3 members shall be appointed by the*
14 *President;*

15 (B) *2 members shall be appointed by the*
16 *Speaker of the House of Representatives;*

17 (C) *2 members shall be appointed by the*
18 *minority leader of the House of Representatives;*

19 (D) *2 members shall be appointed by the*
20 *majority leader of the Senate; and*

21 (E) *2 members shall be appointed by the*
22 *minority leader of the Senate.*

23 (2) *QUALIFICATIONS.*—*Members appointed under*
24 *paragraph (1) shall have experience in or represent*
25 *the interests of—*

3-17

1 (A) public finance, including experience in
2 developing State and local revenue resources;

3 (B) surface transportation program admin-
4 istration;

5 (C) organizations that use surface transpor-
6 tation facilities;

7 (D) academic research into related issues; or

8 (E) other activities that provide unique per-
9 spectives on current and future requirements for
10 revenue sources to support the Highway Trust
11 Fund.

12 (3) *DATE OF APPOINTMENTS.*—The appointment
13 of a member of the Commission shall be made not
14 later than 120 days after the date of establishment of
15 the Commission.

16 (4) *TERMS.*—A member shall be appointed for
17 the life of the Commission.

18 (5) *VACANCIES.*—A vacancy on the
19 Commission—

20 (A) shall not affect the powers of the Com-
21 mission; and

22 (B) shall be filled in the same manner as
23 the original appointment was made.

24 (6) *INITIAL MEETING.*—Not later than 30 days
25 after the date on which all members of the Commis-

1 *sion have been appointed, the Commission shall hold*
2 *the initial meeting of the Commission.*

3 (7) *MEETINGS.—The Commission shall meet at*
4 *the call of the Chairperson.*

5 (8) *QUORUM.—A majority of the members of the*
6 *Commission shall constitute a quorum, but a lesser*
7 *number of members may hold hearings.*

8 (9) *CHAIRPERSON AND VICE CHAIRPERSON.—*
9 *The Commission shall select a Chairperson and Vice*
10 *Chairperson from among the members of the Commis-*
11 *sion.*

12 (c) *DUTIES.—*

13 (1) *IN GENERAL.—The Commission shall—*

14 (A) *conduct a comprehensive study of alter-*
15 *natives to replace or to supplement the fuel tax*
16 *as the principal revenue source to support the*
17 *Highway Trust Fund and suggest new or alter-*
18 *native sources of revenue to fund the needs of the*
19 *surface transportation system over at least the*
20 *next 30 years;*

21 (B) *conduct the study in a manner that*
22 *builds on—*

23 (i) *findings, conclusions, and rec-*
24 *ommendations of the recent study conducted*
25 *by the Transportation Research Board on*

3-19

1 *alternatives to the fuel tax to support high-*
2 *way program financing; and*

3 *(ii) other relevant prior research;*

4 *(C) consult with the Secretary and the Sec-*
5 *retary of the Treasury in conducting the study*
6 *to ensure that the views of the Secretaries con-*
7 *cerning essential attributes of Highway Trust*
8 *Fund revenue alternatives are considered;*

9 *(D) consult with representatives of State*
10 *Departments of Transportation and metropoli-*
11 *tan planning organizations and other key inter-*
12 *ested stakeholders in conducting the study to en-*
13 *sure that—*

14 *(i) the views of the stakeholders on al-*
15 *ternative revenue sources to support State*
16 *transportation improvement programs are*
17 *considered; and*

18 *(ii) any recommended Federal financ-*
19 *ing strategy takes into account State finan-*
20 *cial requirements; and*

21 *(E) based on the study, make specific rec-*
22 *ommendations regarding—*

23 *(i) actions that should be taken to de-*
24 *velop alternative revenue sources to support*
25 *the Highway Trust Fund; and*

1 (ii) the time frame for taking those ac-
2 tions.

3 (2) *SPECIFIC MATTERS.*—The study shall address
4 specifically—

5 (A) the advantages and disadvantages of al-
6 ternative revenue sources to meet anticipated
7 Federal surface transportation financial require-
8 ments;

9 (B) recommendations concerning the most
10 promising revenue sources to support long-term
11 Federal surface transportation financing require-
12 ments;

13 (C) development of a broad transition strat-
14 egy to move from the current tax base to new
15 funding mechanisms, including the time frame
16 for various components of the transition strategy;

17 (D) recommendations for additional re-
18 search that may be needed to implement rec-
19 ommended alternatives; and

20 (E) the extent to which revenues should re-
21 flect the relative use of the highway system.

22 (3) *RELATED WORK.*—To the maximum extent
23 practicable, the study shall build on related work that
24 has been done by—

25 (A) the Secretary of Transportation;

3-21

1 (B) *the Secretary of Energy;*

2 (C) *the Transportation Research Board;*

3 *and*

4 (D) *other entities and persons.*

5 (4) *FACTORS.—In developing recommendations*
6 *under this subsection, the Commission shall*
7 *consider—*

8 (A) *the ability to generate sufficient reve-*
9 *nues from all modes to meet anticipated long-*
10 *term surface transportation financing needs;*

11 (B) *the roles of the various levels of govern-*
12 *ment and the private sector in meeting future*
13 *surface transportation financing needs;*

14 (C) *administrative costs (including enforce-*
15 *ment costs) to implement each option;*

16 (D) *the expected increase in non-taxed fuels*
17 *and the impact of taxing those fuels;*

18 (E) *the likely technological advances that*
19 *could ease implementation of each option;*

20 (F) *the equity and economic efficiency of*
21 *each option;*

22 (G) *the flexibility of different options to*
23 *allow various pricing alternatives to be imple-*
24 *mented; and*

1 (H) potential compatibility issues with
2 State and local tax mechanisms under each al-
3 ternative.

4 (5) REPORT AND RECOMMENDATIONS.—Not later
5 than September 30, 2007, the Commission shall sub-
6 mit to Congress a final report that contains—

7 (A) a detailed statement of the findings and
8 conclusions of the Commission; and

9 (B) the recommendations of the Commission
10 for such legislation and administrative actions
11 as the Commission considers appropriate.

12 (d) POWERS.—

13 (1) HEARINGS.—The Commission may hold such
14 hearings, meet and act at such times and places, take
15 such testimony, and receive such evidence as the Com-
16 mission considers advisable to carry out this section.

17 (2) INFORMATION FROM FEDERAL AGENCIES.—

18 (A) IN GENERAL.—The Commission may se-
19 cure directly from a Federal agency such infor-
20 mation as the Commission considers necessary to
21 carry out this section.

22 (B) PROVISION OF INFORMATION.—On re-
23 quest of the Chairperson of the Commission, the
24 head of the agency shall provide the information
25 to the Commission.

3-23

1 (3) *POSTAL SERVICES.*—*The Commission may*
2 *use the United States mails in the same manner and*
3 *under the same conditions as other agencies of the*
4 *Federal Government.*

5 (4) *DONATIONS.*—*The Commission may accept,*
6 *use, and dispose of donations of services or property.*

7 (e) *COMMISSION PERSONNEL MATTERS.*—

8 (1) *MEMBERS.*—*A member of the Commission*
9 *shall serve without pay but shall be allowed travel ex-*
10 *penditures, including per diem in lieu of subsistence, at*
11 *rates authorized for an employee of an agency under*
12 *subchapter I of chapter 57 of title 5, United States*
13 *Code, while away from the home or regular place of*
14 *business of the member in the performance of the du-*
15 *ties of the Commission.*

16 (2) *CONTRACTOR.*—*The Commission may con-*
17 *tract with an appropriate organization, agency, or*
18 *entity to conduct the study required under this sec-*
19 *tion, under the strategic guidance of the Commission.*

20 (3) *ADMINISTRATIVE SUPPORT.*—*On the request*
21 *of the Commission, the Administrator of the Federal*
22 *Highway Administration shall provide to the Com-*
23 *mission, on a reimbursable basis, the administrative*
24 *support and services necessary for the Commission to*

1 *carry out the duties of the Commission under this sec-*
2 *tion.*

3 (4) *DETAIL OF DEPARTMENT PERSONNEL.—*

4 (A) *IN GENERAL.—On the request of the*
5 *Commission, the Secretary may detail, on a re-*
6 *imbursable basis, any of the personnel of the De-*
7 *partment to the Commission to assist the Com-*
8 *mission in carrying out the duties of the Com-*
9 *mission under this section.*

10 (B) *CIVIL SERVICE STATUS.—The detail of*
11 *the employee shall be without interruption or*
12 *loss of civil service status or privilege.*

13 (5) *COOPERATION.—The staff of the Secretary*
14 *shall cooperate with the Commission in the study re-*
15 *quired under this section, including providing such*
16 *nonconfidential data and information as are nec-*
17 *essary to conduct the study.*

18 (f) *RELATIONSHIP TO OTHER LAWS.—*

19 (1) *IN GENERAL.—Except as provided in para-*
20 *graphs (2) and (3), funds made available to carry out*
21 *this section shall be available for obligation in the*
22 *same manner as if the funds were apportioned under*
23 *chapter 1 of title 23, United States Code.*

1 (2) *FEDERAL SHARE.*—*The Federal share of the*
2 *cost of the study and the Commission under this sec-*
3 *tion shall be 100 percent.*

4 (3) *AVAILABILITY.*—*Funds made available to*
5 *carry out this section shall remain available until ex-*
6 *pended.*

7 (g) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
8 *authorized to be appropriated from the Highway Trust*
9 *Fund (other than the Mass Transit Account) to carry out*
10 *this section \$3,000,000 for fiscal year 2004.*

11 (h) *TERMINATION.*—

12 (1) *IN GENERAL.*—*The Commission shall termi-*
13 *nate on the date that is 180 days after the date on*
14 *which the Commission submits the report of the Com-*
15 *mission under subsection (c)(5).*

16 (2) *RECORDS.*—*Not later than the termination*
17 *date for the Commission, all records and papers of the*
18 *Commission shall be delivered to the Administrator of*
19 *General Services for deposit in the National Archives.*

20 **SEC. 1306. STATE INFRASTRUCTURE BANKS.**

21 Section 1511(b)(1)(A) of the *Transportation Equity*
22 *Act for the 21st Century* (23 U.S.C. 181 note; 112 Stat.
23 251) is amended by striking “*Missouri,*” and all that fol-
24 *lows through “for the establishment” and inserting “Mis-*

3-26

- 1 *souri, Rhode Island, Texas, and any other State that seeks*
- 2 *such an agreement for the establishment”.*

1 **Subtitle D—Safety**

2 **SEC. 1401. HIGHWAY SAFETY IMPROVEMENT PROGRAM.**

3 (a) SAFETY IMPROVEMENT.—

4 (1) IN GENERAL.—Section 148 of title 23,
5 United States Code, is amended to read as follows:

6 **“§ 148. Highway safety improvement program**

7 “(a) DEFINITIONS.—In this section:

8 “(1) HIGHWAY SAFETY IMPROVEMENT PRO-
9 GRAM.—The term ‘highway safety improvement pro-
10 gram’ means the program carried out under this sec-
11 tion.

12 “(2) HIGHWAY SAFETY IMPROVEMENT
13 PROJECT.—

14 “(A) IN GENERAL.—The term ‘highway
15 safety improvement project’ means a project de-
16 scribed in the State strategic highway safety
17 plan that—

18 “(i) corrects or improves a hazardous
19 road location or feature; or

20 “(ii) addresses a highway safety prob-
21 lem.

22 “(B) INCLUSIONS.—The term ‘highway safe-
23 ty improvement project’ includes a project for—

24 “(i) an intersection safety improve-
25 ment;

4-2

1 “(ii) pavement and shoulder widening
2 (including addition of a passing lane to
3 remedy an unsafe condition);

4 “(iii) installation of rumble strips or
5 another warning device, if the rumble strips
6 or other warning devices do not adversely
7 affect the safety or mobility of bicyclists and
8 pedestrians;

9 “(iv) installation of a skid-resistant
10 surface at an intersection or other location
11 with a high frequency of accidents;

12 “(v) an improvement for pedestrian or
13 bicyclist safety;

14 “(vi)(I) construction of any project for
15 the elimination of hazards at a railway-
16 highway crossing that is eligible for funding
17 under section 130, including the separation
18 or protection of grades at railway-highway
19 crossings;

20 “(II) construction of a railway-high-
21 way crossing safety feature; or

22 “(III) the conduct of a model traffic
23 enforcement activity at a railway-highway
24 crossing;

4-3

1 “(vii) construction of a traffic calming
2 feature;

3 “(viii) elimination of a roadside obsta-
4 cle;

5 “(ix) improvement of highway signage
6 and pavement markings;

7 “(x) installation of a priority control
8 system for emergency vehicles at signalized
9 intersections;

10 “(xi) installation of a traffic control or
11 other warning device at a location with
12 high accident potential;

13 “(xii) safety-conscious planning;

14 “(xiii) improvement in the collection
15 and analysis of crash data;

16 “(xiv) planning, equipment, oper-
17 ational activities, or traffic enforcement ac-
18 tivities (including police assistance) relat-
19 ing to workzone safety;

20 “(xv) installation of guardrails, bar-
21 riers (including barriers between construc-
22 tion work zones and traffic lanes for the
23 safety of motorists and workers), and crash
24 attenuators;

1 “(xvi) the addition or retrofitting of
2 structures or other measures to eliminate or
3 reduce accidents involving vehicles and
4 wildlife; or

5 “(xvii) installation and maintenance
6 of signs (including fluorescent, yellow-green
7 signs) at pedestrian-bicycle crossings and in
8 school zones.

9 “(3) SAFETY PROJECT UNDER ANY OTHER SEC-
10 TION.—

11 “(A) IN GENERAL.—The term ‘safety project
12 under any other section’ means a project carried
13 out for the purpose of safety under any other sec-
14 tion of this title.

15 “(B) INCLUSION.—The term ‘safety project
16 under any other section’ includes a project to—

17 “(i) promote the awareness of the pub-
18 lic and educate the public concerning high-
19 way safety matters; or

20 “(ii) enforce highway safety laws.

21 “(4) STATE HIGHWAY SAFETY IMPROVEMENT
22 PROGRAM.—The term ‘State highway safety improve-
23 ment program’ means projects or strategies included
24 in the State strategic highway safety plan carried out

4–5

1 *as part of the State transportation improvement pro-*
2 *gram under section 135(f).*

3 “(5) *STATE STRATEGIC HIGHWAY SAFETY*
4 *PLAN.—The term ‘State strategic highway safety*
5 *plan’ means a plan developed by the State transpor-*
6 *tation department that—*

7 “(A) *is developed after consultation with—*

8 “(i) *a highway safety representative of*
9 *the Governor of the State;*

10 “(ii) *regional transportation planning*
11 *organizations, if any;*

12 “(iii) *representatives of major modes of*
13 *transportation;*

14 “(iv) *local traffic enforcement officials;*

15 “(v) *persons responsible for admin-*
16 *istering section 130 at the State level;*

17 “(vi) *representatives conducting Oper-*
18 *ation Lifesaver;*

19 “(vii) *representatives conducting a*
20 *motor carrier safety program under section*
21 *31104 or 31107 of title 49;*

22 “(viii) *motor vehicle administration*
23 *agencies; and*

24 “(ix) *other major State and local safe-*
25 *ty stakeholders;*

1 “(B) analyzes and makes effective use of
2 State, regional, or local crash data;

3 “(C) addresses engineering, management,
4 operation, education, enforcement, and emer-
5 gency services elements of highway safety as key
6 factors in evaluating highway projects;

7 “(D) considers safety needs of, and high-fa-
8 tality segments of, public roads;

9 “(E) considers the results of State, regional,
10 or local transportation and highway safety plan-
11 ning processes in existence as of the date of en-
12 actment of this section;

13 “(F) describes a program of projects or
14 strategies to reduce or eliminate safety hazards;

15 “(G) is approved by the Governor of the
16 State or a responsible State agency; and

17 “(H) is consistent with the requirements of
18 section 135(f).

19 “(b) PROGRAM.—

20 “(1) IN GENERAL.—The Secretary shall carry
21 out a highway safety improvement program.

22 “(2) PURPOSE.—The purpose of the highway
23 safety improvement program shall be to achieve a sig-
24 nificant reduction in traffic fatalities and serious in-
25 juries on public roads.

1 “(c) *ELIGIBILITY.*—

2 “(1) *IN GENERAL.*—*To receive funds under this*
3 *section, a State shall have in effect a State highway*
4 *safety improvement program under which the State—*

5 “(A) *develops and implements a State stra-*
6 *tegic highway safety plan that identifies and*
7 *analyzes highway safety problems and opportu-*
8 *nities as provided in paragraph (2);*

9 “(B) *produces a program of projects or*
10 *strategies to reduce identified safety problems;*
11 *and*

12 “(C) *evaluates the plan on a regular basis*
13 *to ensure the accuracy of the data and priority*
14 *of proposed improvements.*

15 “(2) *IDENTIFICATION AND ANALYSIS OF HIGH-*
16 *WAY SAFETY PROBLEMS AND OPPORTUNITIES.*—*As*
17 *part of the State strategic highway safety plan, a*
18 *State shall—*

19 “(A) *have in place a crash data system with*
20 *the ability to perform safety problem identifica-*
21 *tion and countermeasure analysis;*

22 “(B) *based on the analysis required by sub-*
23 *paragraph (A), identify hazardous locations, sec-*
24 *tions, and elements (including roadside obstacles,*
25 *railway-highway crossing needs, and unmarked*

4–8

1 *or poorly marked roads) that constitute a danger*
2 *to motorists, bicyclists, pedestrians, and other*
3 *highway users;*

4 *“(C) adopt strategic and performance-based*
5 *goals that—*

6 *“(i) address traffic safety, including*
7 *behavioral and infrastructure problems and*
8 *opportunities on all public roads;*

9 *“(ii) focus resources on areas of great-*
10 *est need; and*

11 *“(iii) are coordinated with other State*
12 *highway safety programs;*

13 *“(D) advance the capabilities of the State*
14 *for traffic records data collection, analysis, and*
15 *integration with other sources of safety data*
16 *(such as road inventories) in a manner that—*

17 *“(i) complements the State highway*
18 *safety program under chapter 4 and the*
19 *commercial vehicle safety plan under sec-*
20 *tion 31102 of title 49;*

21 *“(ii) includes all public roads; and*

22 *“(iii) identifies hazardous locations,*
23 *sections, and elements on public roads that*
24 *constitute a danger to motorists, bicyclists,*
25 *and pedestrians;*

1 “(E)(i) determine priorities for the correc-
2 tion of hazardous road locations, sections, and
3 elements (including railway-highway crossing
4 improvements), as identified through crash data
5 analysis;

6 “(ii) identify opportunities for preventing
7 the development of such hazardous conditions;
8 and

9 “(iii) establish and implement a schedule of
10 highway safety improvement projects for hazard
11 correction and hazard prevention; and

12 “(F)(i) establish an evaluation process to
13 analyze and assess results achieved by highway
14 safety improvement projects carried out in ac-
15 cordance with procedures and criteria established
16 by this section; and

17 “(ii) use the information obtained under
18 clause (i) in setting priorities for highway safety
19 improvement projects.

20 “(d) ELIGIBLE PROJECTS.—

21 “(1) IN GENERAL.—A State may obligate funds
22 apportioned to the State under this section to carry
23 out—

4–10

1 “(A) any highway safety improvement
2 project on any public road or publicly owned bi-
3 cycle or pedestrian pathway or trail; or

4 “(B) as provided in subsection (e), for other
5 safety projects.

6 “(2) USE OF OTHER FUNDING FOR SAFETY.—

7 “(A) EFFECT OF SECTION.—Nothing in this
8 section prohibits the use of funds made available
9 under other provisions of this title for highway
10 safety improvement projects.

11 “(B) USE OF OTHER FUNDS.—States are
12 encouraged to address the full scope of their safe-
13 ty needs and opportunities by using funds made
14 available under other provisions of this title (ex-
15 cept a provision that specifically prohibits that
16 use).

17 “(e) FLEXIBLE FUNDING FOR STATES WITH A STRA-
18 TEGIC HIGHWAY SAFETY PLAN.—

19 “(1) IN GENERAL.—To further the implementa-
20 tion of a State strategic highway safety plan, a State
21 may use up to 25 percent of the amount of funds
22 made available under this section for a fiscal year to
23 carry out safety projects under any other section as
24 provided in the State strategic highway safety plan.

1 “(2) *OTHER TRANSPORTATION AND HIGHWAY*
2 *SAFETY PLANS.*—*Nothing in this subsection requires a*
3 *State to revise any State process, plan, or program*
4 *in effect on the date of enactment of this section.*

5 “(f) *REPORTS.*—

6 “(1) *IN GENERAL.*—*A State shall submit to the*
7 *Secretary a report that—*

8 “(A) *describes progress being made to im-*
9 *plement highway safety improvement projects*
10 *under this section;*

11 “(B) *assesses the effectiveness of those im-*
12 *provements; and*

13 “(C) *describes the extent to which the im-*
14 *provements funded under this section contribute*
15 *to the goals of—*

16 “(i) *reducing the number of fatalities*
17 *on roadways;*

18 “(ii) *reducing the number of roadway-*
19 *related injuries;*

20 “(iii) *reducing the occurrences of road-*
21 *way-related accidents;*

22 “(iv) *mitigating the consequences of*
23 *roadway-related accidents; and*

24 “(v) *reducing the occurrences of road-*
25 *way-railroad grade crossing accidents.*

1 “(2) *CONTENTS; SCHEDULE.*—*The Secretary*
2 *shall establish the content and schedule for a report*
3 *under paragraph (1).*

4 “(g) *FEDERAL SHARE OF HIGHWAY SAFETY IMPROVE-*
5 *MENT PROJECTS.*—*The Federal share of the cost of a high-*
6 *way safety improvement project carried out with funds*
7 *made available under this section shall be 90 percent.”.*

8 (2) *ALLOCATIONS OF APPORTIONED FUNDS.*—
9 *Section 133(d) of title 23, United States Code, is*
10 *amended—*

11 (A) *by striking paragraph (1);*

12 (B) *by redesignating paragraphs (2)*
13 *through (5) as paragraphs (1) through (4), re-*
14 *spectively;*

15 (C) *in paragraph (2) (as redesignated by*
16 *subparagraph (B))—*

17 (i) *in the first sentence of subpara-*
18 *graph (A)—*

19 (I) *by striking “subparagraphs*
20 *(C) and (D)” and inserting “subpara-*
21 *graph (C)”;* and

22 (II) *by striking “80 percent” and*
23 *inserting “90 percent”;*

24 (ii) *by striking subparagraph (C);*

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1 (iii) by redesignating subparagraphs
2 (D) and (E) as subparagraphs (C) and (D),
3 respectively; and

4 (iv) in subparagraph (C) (as redesign-
5 ated by clause (iii)), by adding a period
6 at the end; and

7 (D) in paragraph (4)(A) (as redesignated
8 by subparagraph (B)), by striking “paragraph
9 (2)” and inserting “paragraph (1)”.

10 (3) CONFORMING AMENDMENTS.—

11 (A) Chapter 1 of title 23, United States
12 Code, is amended by striking the item relating to
13 section 148 and inserting the following:

 “148. Highway safety improvement program.”.

14 (B) Sections 154, 164, and 409 of title 23,
15 United States Code, are amended by striking
16 “152” each place it appears and inserting
17 “148”.

18 (b) APPORTIONMENT OF HIGHWAY SAFETY IMPROVE-
19 MENT PROGRAM FUNDS.—Section 104(b) of title 23, United
20 States Code, is amended—

21 (1) in the matter preceding paragraph (1), by
22 inserting after “Improvement program,” the fol-
23 lowing: “the highway safety improvement program,”;
24 and

25 (2) by adding at the end the following:

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1 “(5) *HIGHWAY SAFETY IMPROVEMENT PRO-*
2 *GRAM.—*

3 “(A) *IN GENERAL.—For the highway safety*
4 *improvement program, in accordance with the*
5 *following formula:*

6 “(i) *25 percent of the apportionments*
7 *in the ratio that—*

8 “(I) *the total lane miles of Fed-*
9 *eral-aid highways in each State; bears*
10 *to*

11 “(II) *the total lane miles of Fed-*
12 *eral-aid highways in all States.*

13 “(ii) *40 percent of the apportionments*
14 *in the ratio that—*

15 “(I) *the total vehicle miles trav-*
16 *eled on lanes on Federal-aid highways*
17 *in each State; bears to*

18 “(II) *the total vehicle miles trav-*
19 *eled on lanes on Federal-aid highways*
20 *in all States.*

21 “(iii) *35 percent of the apportionments*
22 *in the ratio that—*

23 “(I) *the estimated tax payments*
24 *attributable to highway users in each*
25 *State paid into the Highway Trust*

4–15

1 *Fund (other than the Mass Transit Ac-*
2 *count) in the latest fiscal year for*
3 *which data are available; bears to*

4 *“(II) the estimated tax payments*
5 *attributable to highway users in all*
6 *States paid into the Highway Trust*
7 *Fund (other than the Mass Transit Ac-*
8 *count) in the latest fiscal year for*
9 *which data are available.*

10 *“(B) MINIMUM APPORTIONMENT.—Notwith-*
11 *standing subparagraph (A), each State shall re-*
12 *ceive a minimum of 1/2 of 1 percent of the funds*
13 *apportioned under this paragraph.”.*

14 *(c) ELIMINATION OF HAZARDS RELATING TO HIGH-*
15 *WAY FACILITIES.—*

16 *(1) FUNDS FOR PROTECTIVE DEVICES.—Section*
17 *130(e) of title 23, United States Code, is amended—*

18 *(A) in the heading, by striking “PROTEC-*
19 *TIVE DEVICES” and inserting “RAILWAY-HIGH-*
20 *WAY CROSSINGS”;*

21 *(B) by striking the first sentence and insert-*
22 *ing the following:*

23 *“(1) IN GENERAL.—For each fiscal year, at least*
24 *\$200,000,000 of the funds authorized and expended*
25 *under section 148 shall be available for the elimi-*

1 *nation of hazards and the installation of protective*
2 *devices at railway-highway crossings.”; and*

3 *(C) by striking “Sums authorized” and in-*
4 *serting the following:*

5 *“(2) OBLIGATION.—Sums authorized”.*

6 *(2) BIENNIAL REPORTS TO CONGRESS.—Section*
7 *130(g) of title 23, United States Code, is amended in*
8 *the third sentence—*

9 *(A) by inserting “and the Committee on*
10 *Commerce, Science, and Transportation,” after*
11 *“Public Works”; and*

12 *(B) by striking “not later than April 1 of*
13 *each year” and inserting “every other year”.*

14 *(3) EXPENDITURE OF FUNDS; APPORTION-*
15 *MENT.—Section 130 of title 23, United States Code,*
16 *is amended by adding at the end the following:*

17 *“(k) EXPENDITURE OF FUNDS; APPORTIONMENT.—*
18 *Funds made available to carry out this section shall be—*

19 *“(1) available for expenditure on compilation*
20 *and analysis of data in support of activities carried*
21 *out under subsection (g); and*

22 *“(2) apportioned in accordance with section*
23 *104(b)(5).”.*

24 *(d) TRANSITION.—*

1 (1) *IMPLEMENTATION.*—*Except as provided in*
2 *paragraph (2), to qualify for funding under section*
3 *148 of title 23, United States Code (as amended by*
4 *subsection (a)), a State shall develop and implement*
5 *a State strategic highway safety plan as required by*
6 *subsection (c) of that section not later than October*
7 *1 of the second fiscal year after the date of enactment*
8 *of this Act.*

9 (2) *INTERIM PERIOD.*—

10 (A) *IN GENERAL.*—*Before October 1 of the*
11 *second fiscal year after the date of enactment of*
12 *this Act and until the date on which a State de-*
13 *velops and implements a State strategic highway*
14 *safety plan, the Secretary shall apportion funds*
15 *to a State for the highway safety improvement*
16 *program and the State may obligate funds ap-*
17 *portioned to the State for the highway safety im-*
18 *provement program under section 148 for*
19 *projects that were eligible for funding under sec-*
20 *tions 130 and 152 of that title, as in effect on*
21 *the day before the date of enactment of this Act.*

22 (B) *NO STRATEGIC HIGHWAY SAFETY*
23 *PLAN.*—*If a State has not developed a strategic*
24 *highway safety plan by October 1 of the second*
25 *fiscal year after the date of enactment of this*

1 *Act, but demonstrates to the satisfaction of the*
2 *Secretary that progress is being made toward de-*
3 *veloping and implementing such a plan, the Sec-*
4 *retary shall continue to apportion funds for 1*
5 *additional fiscal year for the highway safety im-*
6 *provement program under section 148 of title 23,*
7 *United States Code, to the State, and the State*
8 *may continue to obligate funds apportioned to*
9 *the State under this section for projects that were*
10 *eligible for funding under sections 130 and 152*
11 *of that title, as in effect on the day before the*
12 *date of enactment of this Act.*

13 (C) *PENALTY.—If a State has not adopted*
14 *a strategic highway safety plan by the date that*
15 *is 2 years after the date of enactment of this Act,*
16 *funds made available to the State under section*
17 *1101(6) shall be redistributed to other States in*
18 *accordance with section 104(b) of title 23, United*
19 *States Code.*

20 **SEC. 1402. OPERATION LIFESAVER.**

21 *Section 104(d)(1) of title 23, United States Code, is*
22 *amended—*

23 (1) *by striking “subsection (b)(3)” and inserting*
24 *“subsection (b)(5)”; and*

1 (2) by striking “\$500,000” and inserting
2 “\$600,000”.

3 **SEC. 1403. LICENSE SUSPENSION.**

4 Section 164(a) of title 23, United States Code, is
5 amended by striking paragraph (3) and inserting the fol-
6 lowing:

7 “(3) *LICENSE SUSPENSION.*—The term ‘license
8 suspension’ means—

9 “(A) the suspension of all driving privileges
10 of an individual for the duration of the suspen-
11 sion period; or

12 “(B) a combination of suspension of all
13 driving privileges of an individual for the first
14 90 days of the suspension period, followed by re-
15 instatement of limited driving privileges requir-
16 ing the individual to operate only motor vehicles
17 equipped with an ignition interlock system or
18 other device approved by the Secretary during
19 the remainder of the suspension period.”.

20 **SEC. 1404. BUS AXLE WEIGHT EXEMPTION.**

21 Section 1023 of the Intermodal Surface Transpor-
22 tation Efficiency Act of 1991 (23 U.S.C. 127 note; 105 Stat.
23 1951) is amended by striking subsection (h) and inserting
24 the following:

1 “(h) *OVER-THE-ROAD BUS AND PUBLIC TRANSIT VE-*
2 *HICLE EXEMPTION.*—

3 “(1) *IN GENERAL.*—*The second sentence of sec-*
4 *tion 127 of title 23, United States Code (relating to*
5 *axle weight limitations for vehicles using the Dwight*
6 *D. Eisenhower System of Interstate and Defense*
7 *Highways), shall not apply to—*

8 “(A) *any over-the-road bus (as defined in*
9 *section 301 of the Americans With Disabilities*
10 *Act of 1990 (42 U.S.C. 12181)); or*

11 “(B) *any vehicle that is regularly and ex-*
12 *clusively used as an intrastate public agency*
13 *transit passenger bus.*

14 “(2) *STATE ACTION.*—*No State or political sub-*
15 *division of a State, or any political authority of 2 or*
16 *more States, shall impose any axle weight limitation*
17 *on any vehicle described in paragraph (1) in any case*
18 *in which such a vehicle is using the Dwight D. Eisen-*
19 *hower System of Interstate and Defense Highways.”.*

20 **SEC. 1405. SAFE ROUTES TO SCHOOLS PROGRAM.**

21 “(a) *IN GENERAL.*—*Subchapter I of chapter I of title*
22 *23, United States Code, is amended by inserting after sec-*
23 *tion 149 the following:*

24 **“§ 150. Safe routes to schools program**

25 “(a) *DEFINITIONS.*—*In this section:*

4–21

1 “(1) *PRIMARY AND SECONDARY SCHOOL.*—*The*
2 *term ‘primary and secondary school’ means a school*
3 *that provides education to children in any of grades*
4 *kindergarten through 12.*

5 “(2) *PROGRAM.*—*The term ‘program’ means the*
6 *safe routes to schools program established under sub-*
7 *section (b).*

8 “(3) *VICINITY OF A SCHOOL.*—*The term ‘vicinity*
9 *of a school’ means the area within 2 miles of a pri-*
10 *mary or secondary school.*

11 “(b) *ESTABLISHMENT.*—*The Secretary shall establish*
12 *and carry out a safe routes to school program for the benefit*
13 *of children in primary and secondary schools in accordance*
14 *with this section.*

15 “(c) *PURPOSES.*—*The purposes of the program shall*
16 *be—*

17 “(1) *to enable and to encourage children to walk*
18 *and bicycle to school;*

19 “(2) *to encourage a healthy and active lifestyle*
20 *by making walking and bicycling to school safer and*
21 *more appealing transportation alternatives; and*

22 “(3) *to facilitate the planning, development, and*
23 *implementation of projects and activities that will*
24 *improve safety in the vicinity of schools.*

1 “(d) *ELIGIBLE RECIPIENTS.*—A State shall use
2 amounts apportioned under this section to provide finan-
3 cial assistance to State, regional, and local agencies that
4 demonstrate an ability to meet the requirements of this sec-
5 tion.

6 “(e) *ELIGIBLE PROJECTS AND ACTIVITIES.*—

7 “(1) *INFRASTRUCTURE-RELATED PROJECTS.*—

8 “(A) *IN GENERAL.*—Amounts apportioned
9 to a State under this section may be used for the
10 planning, design, and construction of infrastruc-
11 ture-related projects to encourage walking and
12 bicycling to school, including—

13 “(i) sidewalk improvements;

14 “(ii) traffic calming and speed reduc-
15 tion improvements;

16 “(iii) pedestrian and bicycle crossing
17 improvements;

18 “(iv) on-street bicycle facilities;

19 “(v) off-street bicycle and pedestrian
20 facilities;

21 “(vi) secure bicycle parking facilities;

22 “(vii) traffic signal improvements; and

23 “(viii) pedestrian-railroad grade cross-
24 ing improvements.

4-23

1 “(B) *LOCATION OF PROJECTS.*—*Infrastruc-*
2 *ture-related projects under subparagraph (A)*
3 *may be carried out on—*

4 “(i) *any public road in the vicinity of*
5 *a school; or*

6 “(ii) *any bicycle or pedestrian path-*
7 *way or trail in the vicinity of a school.*

8 “(2) *BEHAVIORAL ACTIVITIES.*—

9 “(A) *IN GENERAL.*—*In addition to projects*
10 *described in paragraph (1), amounts appor-*
11 *tioned to a State under this section may be used*
12 *for behavioral activities to encourage walking*
13 *and bicycling to school, including—*

14 “(i) *public awareness campaigns and*
15 *outreach to press and community leaders;*

16 “(ii) *traffic education and enforcement*
17 *in the vicinity of schools; and*

18 “(iii) *student sessions on bicycle and*
19 *pedestrian safety, health, and environment.*

20 “(B) *ALLOCATION.*—*Of the amounts appor-*
21 *tioned to a State under this section for a fiscal*
22 *year, not less than 10 percent shall be used for*
23 *behavioral activities under this paragraph.*

24 “(f) *FUNDING.*—

1 “(1) *SET ASIDE.*—Before apportioning amounts
2 to carry out section 148 for a fiscal year, the Sec-
3 retary shall set aside and use \$70,000,000 to carry
4 out this section.

5 “(2) *APPORTIONMENT.*—Amounts made available
6 to carry out this section shall be apportioned to
7 States in accordance with section 104(b)(5).

8 “(3) *ADMINISTRATION OF AMOUNTS.*—Amounts
9 apportioned to a State under this section shall be ad-
10 ministered by the State transportation department.

11 “(4) *FEDERAL SHARE.*—The Federal share of the
12 cost of a project or activity funded under this section
13 shall be 90 percent.

14 “(5) *PERIOD OF AVAILABILITY.*—Notwith-
15 standing section 118(b)(2), amounts apportioned
16 under this section shall remain available until ex-
17 pended.”.

18 (b) *CONFORMING AMENDMENTS.*—The analysis for
19 subchapter I of chapter 1 of title 23, United States Code
20 is amended by inserting after the item relating to section
21 149 the following:

 “150. Safe routes to school program.”.

22 **SEC. 1406. PURCHASES OF EQUIPMENT.**

23 (a) *IN GENERAL.*—Section 152 of title 23, United
24 States Code is amended to read as follows:

1 **“§ 152. Purchases of equipment**

2 “(a) *IN GENERAL.*—Subject to subsection (b), a State
3 or other entity carrying out a project under this chapter
4 shall purchase device, tool or other equipment needed for
5 the project only after completing and providing a written
6 analysis demonstrating the cost savings associated with
7 purchasing the equipment compared with renting the equip-
8 ment from a qualified equipment rental provider before the
9 project commences

10 “(b) *APPLICABILITY.*—This section shall apply to—

11 “(1) earth moving, road machinery, and mate-
12 rial handling equipment, or any other item, with a
13 purchase price in excess of \$75,000; and

14 “(2) aerial work platforms with a purchase price
15 in excess of \$25,000.”.

16 “(b) *CONFORMING AMENDMENT.*—The analysis for sub-
17 chapter I of chapter 1 of title 23, United States Code, is
18 amended by striking the item relating to section 152 and
19 inserting the following:

 “152. *Purchases of equipment.*”.

20 **SEC. 1407. WORKZONE SAFETY.**

21 Section 358(b) of the National Highway System Des-
22 ignation Act of 1995 (109 Stat. 625) is amended by adding
23 at the end the following:

24 “(7) *Recommending all federally-assisted projects*
25 *in excess of \$15,000,000 to enter into contracts only*

1 *with work zone safety services contractors, traffic con-*
2 *trol contractors, and trench safety and shoring con-*
3 *tractors that carry general liability insurance in an*
4 *amount not less than \$15,000,000.*

5 “(8) *Recommending federally-assisted projects*
6 *the costs of which exceed \$15,000,000 to include work*
7 *zone intelligent transportation systems that are—*

8 “(A) *provided by a qualified vendor; and*

9 “(B) *monitored continuously.*

10 “(9) *Recommending federally-assisted projects to*
11 *fully fund not less than 5 percent of project costs for*
12 *work zone safety and temporary traffic control meas-*
13 *ures, in addition to the cost of the project, which*
14 *measures shall be provided by a qualified work zone*
15 *safety or traffic control provider.”.*

16 **SEC. 1408. WORKER INJURY PREVENTION AND FREE FLOW**
17 **OF VEHICULAR TRAFFIC.**

18 *Not later than 1 year after the date of enactment of*
19 *this Act, the Secretary shall promulgate regulations—*

20 (1) *to decrease the probability of worker injury;*

21 (2) *to maintain the free flow of vehicular traffic*

22 *by requiring workers whose duties place the workers*

23 *on, or in close proximity to, a Federal-aid highway*

24 *(as defined in section 101 of title 23, United States*

25 *Code) to wear high-visibility clothing; and*

4-27

1 *(3) to require such other worker-safety measures*
2 *for workers described in paragraph (2) as the Sec-*
3 *retary determines appropriate.*

1 ***Subtitle E—Environmental***
2 ***Planning and Review***
3 ***CHAPTER 1—TRANSPORTATION***
4 ***PLANNING***

5 ***SEC. 1501. INTEGRATION OF NATURAL RESOURCE CON-***
6 ***CERNS INTO STATE AND METROPOLITAN***
7 ***TRANSPORTATION PLANNING.***

8 *(a) METROPOLITAN PLANNING.—Section 134(f) of title*
9 *23, United States Code, is amended—*

10 *(1) in paragraph (1)—*

11 *(A) in subparagraph (D)—*

12 *(i) by inserting after “environment”*
13 *the following: “(including the protection of*
14 *habitat, water quality, and agricultural*
15 *and forest land, while minimizing invasive*
16 *species)”;* and

17 *(ii) by inserting before the semicolon*
18 *the following: “(including minimizing ad-*
19 *verse health effects from mobile source air*
20 *pollution and promoting the linkage of the*
21 *transportation and development goals of the*
22 *metropolitan area)”;* and

23 *(B) in subparagraph (G), by inserting “and*
24 *efficient use” after “preservation”;*

1 (2) *by redesignating paragraph (2) as para-*
2 *graph (3); and*

3 (3) *by inserting after paragraph (1) the fol-*
4 *lowing:*

5 “(2) *SELECTION OF FACTORS.*—*After soliciting*
6 *and considering any relevant public comments, the*
7 *metropolitan planning organization shall determine*
8 *which of the factors described in paragraph (1) are*
9 *most appropriate for the metropolitan area to con-*
10 *sider.”.*

11 (b) *STATEWIDE PLANNING.*—*Section 135(c) of title 23,*
12 *United States Code, is amended—*

13 (1) *in paragraph (1)—*

14 (A) *in subparagraph (D)—*

15 (i) *by inserting after “environment”*
16 *the following: “(including the protection of*
17 *habitat, water quality, and agricultural*
18 *and forest land, while minimizing invasive*
19 *species)”;* and

20 (ii) *by inserting before the semicolon*
21 *the following: “(including minimizing ad-*
22 *verse health effects from mobile source air*
23 *pollution and promoting the linkage of the*
24 *transportation and development goals of the*
25 *State)”;* and

1 (B) in subparagraph (G), by inserting “and
2 efficient use” after “preservation”;

3 (2) by redesignating paragraph (2) as para-
4 graph (3); and

5 (3) by inserting after paragraph (1) the fol-
6 lowing:

7 “(2) *SELECTION OF PROJECTS AND STRATE-*
8 *GIES.—After soliciting and considering any relevant*
9 *public comments, the State shall determine which of*
10 *the projects and strategies described in paragraph (1)*
11 *are most appropriate for the State to consider.”.*

12 **SEC. 1502. CONSULTATION BETWEEN TRANSPORTATION**
13 **AGENCIES AND RESOURCE AGENCIES IN**
14 **TRANSPORTATION PLANNING.**

15 (a) *IN GENERAL.—Section 134(g) of title 23, United*
16 *States Code, is amended—*

17 (1) *in paragraph (2)—*

18 (A) *by redesignating subparagraphs (B)*
19 *through (D) as subparagraphs (C) through (E),*
20 *respectively; and*

21 (B) *by inserting after subparagraph (A) the*
22 *following:*

23 “(B) *MITIGATION ACTIVITIES.—*

5-4

1 “(i) *IN GENERAL.*—A long-range trans-
2 portation plan shall include a discussion
3 of—

4 “(I) *types of potential habitat,*
5 *hydrological, and environmental miti-*
6 *gation activities that may assist in*
7 *compensating for loss of habitat, wet-*
8 *land, and other environmental func-*
9 *tions; and*

10 “(II) *potential areas to carry out*
11 *these activities, including a discussion*
12 *of areas that may have the greatest po-*
13 *tential to restore and maintain the*
14 *habitat types and hydrological or envi-*
15 *ronmental functions affected by the*
16 *plan.*

17 “(ii) *CONSULTATION.*—*The discussion*
18 *shall be developed in consultation with Fed-*
19 *eral, State, and tribal wildlife, land man-*
20 *agement, and regulatory agencies.”;*

21 (2) *by redesignating paragraphs (4), (5), and (6)*
22 *as paragraphs (5), (6), and (7), respectively; and*

23 (3) *by inserting after paragraph (3) the fol-*
24 *lowing:*

25 “(4) *CONSULTATION.*—

1 “(A) *IN GENERAL.*—*In each metropolitan*
2 *area, the metropolitan planning organization*
3 *shall consult, as appropriate, with State and*
4 *local agencies responsible for land use manage-*
5 *ment, natural resources, environmental protec-*
6 *tion, conservation, and historic preservation con-*
7 *cerning the development of a long-range trans-*
8 *portation plan.*

9 “(B) *ISSUES.*—*The consultation shall*
10 *involve—*

11 “(i) *comparison of transportation*
12 *plans with State conservation plans or with*
13 *maps, if available;*

14 “(ii) *comparison of transportation*
15 *plans to inventories of natural or historic*
16 *resources, if available; or*

17 “(iii) *consideration of areas where*
18 *wildlife crossing structures may be needed*
19 *to ensure connectivity between wildlife habi-*
20 *tat linkage areas.”.*

21 (b) *IMPROVED CONSULTATION DURING STATE TRANS-*
22 *PORTATION PLANNING.—*

23 (1) *IN GENERAL.*—*Section 135(e)(2) of title 23,*
24 *United States Code, is amended by adding at the end*
25 *the following:*

5-6

1 “(D) CONSULTATION, COMPARISON, AND
2 CONSIDERATION.—

3 “(i) IN GENERAL.—*The long-range*
4 *transportation plan shall be developed, as*
5 *appropriate, in consultation with State and*
6 *local agencies responsible for—*

7 “(I) *land use management;*

8 “(II) *natural resources;*

9 “(III) *environmental protection;*

10 “(IV) *conservation; and*

11 “(V) *historic preservation.*

12 “(ii) COMPARISON AND CONSIDER-
13 *ATION.—Consultation under clause (i) shall*
14 *involve—*

15 “(I) *comparison of transportation*
16 *plans to State conservation plans or*
17 *maps, if available;*

18 “(II) *comparison of transpor-*
19 *tation plans to inventories of natural*
20 *or historic resources, if available; or*

21 “(III) *consideration of areas*
22 *where wildlife crossing structures may*
23 *be needed to ensure connectivity be-*
24 *tween wildlife habitat linkage areas.”.*

1 (2) *ADDITIONAL REQUIREMENTS.—Section*
2 *135(e) of title 23, United States Code, is amended—*

3 *(A) by redesignating paragraphs (4) and*
4 *(5) as paragraphs (6) and (7), respectively; and*
5 *(B) by inserting after paragraph (3) the fol-*
6 *lowing:*

7 “(4) *MITIGATION ACTIVITIES.—*

8 “(A) *IN GENERAL.—A long-range transpor-*
9 *tation plan shall include a discussion of—*

10 “(i) *types of potential habitat,*
11 *hydrological, and environmental mitigation*
12 *activities that may assist in compensating*
13 *for loss of habitat, wetlands, and other envi-*
14 *ronmental functions; and*

15 “(ii) *potential areas to carry out these*
16 *activities, including a discussion of areas*
17 *that may have the greatest potential to re-*
18 *store and maintain the habitat types and*
19 *hydrological or environmental functions af-*
20 *ected by the plan.*

21 “(B) *CONSULTATION.—The discussion shall*
22 *be developed in consultation with Federal, State,*
23 *and tribal wildlife, land management, and regu-*
24 *latory agencies.*

1 “(5) *TRANSPORTATION STRATEGIES.*—A long-
2 range transportation plan shall identify transpor-
3 tation strategies necessary to efficiently serve the mo-
4 bility needs of people.”.

5 **SEC. 1503. INTEGRATION OF NATURAL RESOURCE CON-**
6 **CERNS INTO TRANSPORTATION PROJECT**
7 **PLANNING.**

8 *Section 109(c)(2) of title 23, United States Code, is*
9 *amended—*

10 (1) by striking “consider the results” and insert-
11 ing “consider—

12 “(A) the results”;

13 (2) by striking the period at the end and insert-
14 ing a semicolon; and

15 (3) by adding at the end the following:

16 “(B) the publication entitled ‘Flexibility in
17 Highway Design’ of the Federal Highway Ad-
18 ministration;

19 “(C) ‘Eight Characteristics of Process to
20 Yield Excellence and the Seven Qualities of Ex-
21 cellence in Transportation Design’ developed by
22 the conference held during 1998 entitled ‘Think-
23 ing Beyond the Pavement National Workshop on
24 Integrating Highway Development with Commu-

1 *nities and the Environment while Maintaining*
2 *Safety and Performance’; and*
3 *“(D) any other material that the Secretary*
4 *determines to be appropriate.”.*

5 **SEC. 1504. PUBLIC INVOLVEMENT IN TRANSPORTATION**
6 **PLANNING AND PROJECTS.**

7 *(a) METROPOLITAN PLANNING.—*

8 *(1) PARTICIPATION BY INTERESTED PARTIES.—*
9 *Section 134(g)(5) of title 23, United States Code (as*
10 *redesignated by section 1502(a)(1)), is amended—*

11 *(A) by striking “Before approving” and in-*
12 *serting the following:*

13 *“(A) IN GENERAL.—Before approving”; and*

14 *(B) by adding at the end the following:*

15 *“(B) METHODS.—In carrying out subpara-*
16 *graph (A), the metropolitan planning organiza-*
17 *tion shall, to the maximum extent practicable—*

18 *“(i) hold any public meetings at con-*
19 *venient and accessible locations and times;*

20 *“(ii) employ visualization techniques*
21 *to describe plans; and*

22 *“(iii) make public information avail-*
23 *able in electronically accessible format and*
24 *means, such as the World Wide Web.”.*

1 (2) *PUBLICATION OF LONG-RANGE TRANSPORTATION PLANS.—Section 134(g)(6)(i) of title 23, United States Code (as redesignated by section 1502(a)(1)), is amended by inserting before the semicolon the following: “, including (to the maximum extent practicable) in electronically accessible formats and means such as the World Wide Web”.*

8 (b) *STATEWIDE PLANNING.—*

9 (1) *PARTICIPATION BY INTERESTED PARTIES.—*
10 *Section 135(e)(3) of title 23, United States Code, is amended by striking subparagraph (B) and inserting the following:*

13 “(B) *METHODS.—In carrying out subparagraph (A), the State shall, to the maximum extent practicable—*

16 “(i) *hold any public meetings at convenient and accessible locations and times;*

18 “(ii) *employ visualization techniques to describe plans; and*

20 “(iii) *make public information available in electronically accessible format and means, such as the World Wide Web.”.*

23 (2) *PUBLICATION OF LONG-RANGE TRANSPORTATION PLANS.—Section 135(e) of title 23, United*

1 *States Code (as amended by section 1502(b)(2)), is*
2 *amended by adding at the end the following:*

3 “(8) *PUBLICATION OF LONG-RANGE TRANSPOR-*
4 *TATION PLANS.—Each long-range transportation plan*
5 *prepared by a State shall be published or otherwise*
6 *made available, including (to the maximum extent*
7 *practicable) in electronically accessible formats and*
8 *means, such as the World Wide Web.”.*

9 **SEC. 1505. PROJECT MITIGATION.**

10 (a) *MITIGATION FOR NATIONAL HIGHWAY SYSTEM*
11 *PROJECTS.—Section 103(b)(6)(M) of title 23, United States*
12 *Code, is amended—*

13 (1) *by inserting “(i)” after “(M); and*

14 (2) *by adding at the end the following:*

15 “(i) *State habitat, streams, and wetlands*
16 *mitigation efforts under section 155.”.*

17 (b) *MITIGATION FOR SURFACE TRANSPORTATION PRO-*
18 *GRAM PROJECTS.—Section 133(b)(11) of title 23, United*
19 *States Code, is amended—*

20 (1) *by inserting “(A)” after “(11)”; and*

21 (2) *by adding at the end the following:*

22 “(B) *State habitat, streams, and wetlands miti-*
23 *gation efforts under section 155.”.*

1 (c) *STATE HABITAT, STREAMS, AND WETLANDS MITI-*
2 *GATION FUNDS.*—Section 155 of title 23, United States
3 Code, is amended to read as follows:

4 **“§ 155. State habitat, streams, and wetlands mitiga-**
5 **tion funds**

6 “(a) *ESTABLISHMENT.*—A State should establish a
7 habitat, streams, and wetlands mitigation fund (referred to
8 in this section as a ‘State fund’).

9 “(b) *PURPOSE.*—The purpose of a State fund is to en-
10 courage efforts for habitat, streams, and wetlands mitiga-
11 tion in advance of or in conjunction with highway projects
12 to—

13 “(1) ensure that the best habitat, streams, and
14 wetland mitigation sites now available are used; and

15 “(2) accelerate transportation project delivery by
16 making high-quality habitat, streams, and wetland
17 mitigation credits available when needed.

18 “(c) *FUNDS.*—A State may deposit into a State fund
19 part of the funds apportioned to the State under—

20 “(1) section 104(b)(1) for the National Highway
21 System; and

22 “(2) section 104(b)(3) for the surface transpor-
23 tation program.

24 “(d) *USE.*—

1 “(1) *IN GENERAL.*—Amounts deposited in a
2 *State fund shall be used (in a manner consistent with*
3 *this section) for habitat, streams, or wetlands mitiga-*
4 *tion related to 1 or more projects funded under this*
5 *title, including a project under the transportation im-*
6 *provement program of the State developed under sec-*
7 *tion 135(f).*

8 “(2) *ENDANGERED SPECIES.*—*In carrying out*
9 *this section, a State and cooperating agency shall give*
10 *consideration to mitigation projects, on-site or off-site,*
11 *that restore and preserve the best available sites to*
12 *conserve biodiversity and habitat for—*

13 “(A) *Federal or State listed threatened or*
14 *endangered species of plants and animals; and*

15 “(B) *plant or animal species warranting*
16 *listing as threatened or endangered, as deter-*
17 *mined by the Secretary of the Interior in accord-*
18 *ance with section 4(b)(3)(B) of the Endangered*
19 *Species Act of 1973 (16 U.S.C. 1533(b)(3)(B)).*

20 “(e) *CONSISTENCY WITH APPLICABLE REQUIRE-*
21 *MENTS.*—*Contributions from the State fund to mitigation*
22 *efforts may occur in advance of project construction only*
23 *if the efforts are consistent with all applicable requirements*
24 *of Federal law (including regulations).”.*

1 (d) *CONFORMING AMENDMENT.*—*The analysis for sub-*
2 *chapter I of chapter 1 of title 23, United States Code, is*
3 *amended by striking the item relating to section 155 and*
4 *inserting the following:*

 “155. *State habitat, streams, and wetlands mitigation funds.*”.

5 **CHAPTER 2—TRANSPORTATION PROJECT**
6 **DEVELOPMENT PROCESS**

7 **SEC. 1511. TRANSPORTATION PROJECT DEVELOPMENT**
8 **PROCESS.**

9 (a) *IN GENERAL.*—*Chapter 3 of title 23, United States*
10 *Code (as amended by section 1203(a)), is amended by in-*
11 *serting after section 325 the following:*

12 **“§ 326. Transportation project development process**

13 “(a) *DEFINITIONS.*—*In this section:*

14 “(1) *AGENCY.*—*The term ‘agency’ means any*
15 *agency, department, or other unit of Federal, State,*
16 *local, or tribal government.*

17 “(2) *ENVIRONMENTAL IMPACT STATEMENT.*—*The*
18 *term ‘environmental impact statement’ means a de-*
19 *tailed statement of the environmental impacts of a*
20 *project required to be prepared under the National*
21 *Environmental Policy Act of 1969 (42 U.S.C. 4321 et*
22 *seq.).*

23 “(3) *ENVIRONMENTAL REVIEW PROCESS.*—

1 “(A) *IN GENERAL.*—*The term ‘environ-*
2 *mental review process’ means the process for pre-*
3 *paring, for a project—*

4 “(i) *an environmental impact state-*
5 *ment; or*

6 “(ii) *any other document or analysis*
7 *required to be prepared under the National*
8 *Environmental Policy Act of 1969 (42*
9 *U.S.C. 4321 et seq.)*

10 “(B) *INCLUSIONS.*—*The term ‘environ-*
11 *mental review process’ includes the process for*
12 *and completion of any environmental permit,*
13 *approval, review, or study required for a project*
14 *under any Federal law other than the National*
15 *Environmental Policy Act of 1969 (42 U.S.C.*
16 *4321 et seq.).*

17 “(4) *PROJECT.*—*The term ‘project’ means any*
18 *highway or transit project that requires the approval*
19 *of the Secretary.*

20 “(5) *PROJECT SPONSOR.*—*The term ‘project*
21 *sponsor’ means an agency or other entity (including*
22 *any private or public-private entity), that seeks ap-*
23 *proval of the Secretary for a project.*

24 “(6) *STATE TRANSPORTATION DEPARTMENT.*—
25 *The term ‘State transportation department’ means*

1 *any statewide agency of a State with responsibility*
2 *for transportation.*

3 “(b) *PROCESS.—*

4 “(1) *LEAD AGENCY.—*

5 “(A) *IN GENERAL.—The Department of*
6 *Transportation shall be the lead Federal agency*
7 *in the environmental review process for a project.*

8 “(B) *JOINT LEAD AGENCIES.—Nothing in*
9 *this section precludes another agency from being*
10 *a joint lead agency in accordance with regula-*
11 *tions under the National Environmental Policy*
12 *Act of 1969 (42 U.S.C. 4321 et seq.).*

13 “(C) *CONCURRENCE OF PROJECT SPON-*
14 *SOR.—The lead agency may carry out the envi-*
15 *ronmental review process in accordance with this*
16 *section only with the concurrence of the project*
17 *sponsor.*

18 “(2) *REQUEST FOR PROCESS.—*

19 “(A) *IN GENERAL.—A project sponsor may*
20 *request that the lead agency carry out the envi-*
21 *ronmental review process for a project or group*
22 *of projects in accordance with this section.*

23 “(B) *GRANT OF REQUEST; PUBLIC NO-*
24 *TICE.—The lead agency shall—*

1 “(i) grant a request under subpara-
2 graph (A); and

3 “(ii) provide public notice of the re-
4 quest.

5 “(3) *EFFECTIVE DATE.*—*The environmental re-*
6 *view process described in this section may be applied*
7 *to a project only after the date on which public notice*
8 *is provided under subparagraph (B)(ii).*

9 “(c) *ROLES AND RESPONSIBILITY OF LEAD AGENCY.*—
10 *With respect to the environmental review process for any*
11 *project, the lead agency shall have authority and responsi-*
12 *bility to—*

13 “(A) identify and invite cooperating agen-
14 cies in accordance with subsection (d);

15 “(B) develop an agency coordination plan
16 with review, schedule, and timelines in accord-
17 ance with subsection (e);

18 “(C) determine the purpose and need for the
19 project in accordance with subsection (f);

20 “(D) determine the range of alternatives to
21 be considered in accordance with subsection (g);

22 “(E) convene dispute-avoidance and deci-
23 sion resolution meetings and related efforts in
24 accordance with subsection (h);

1 “(F) take such other actions as are nec-
2 essary and proper, within the authority of the
3 lead agency, to facilitate the expeditious resolu-
4 tion of the environmental review process for the
5 project; and

6 “(G) prepare or ensure that any required
7 environmental impact statement or other docu-
8 ment required to be completed under the Na-
9 tional Environmental Policy Act of 1969 (42
10 U.S.C. 4321 et seq.) is completed in accordance
11 with this section and applicable Federal law.

12 “(d) *ROLES AND RESPONSIBILITIES OF COOPERATING*
13 *AGENCIES.*—

14 “(1) *IN GENERAL.*—With respect to a project,
15 each Federal agency shall carry out any obligations
16 of the Federal agency in the environmental review
17 process in accordance with this section and applicable
18 Federal law.

19 “(2) *INVITATION.*—

20 “(A) *IN GENERAL.*—The lead agency
21 shall—

22 “(i) identify, as early as practicable in
23 the environmental review process for a
24 project, any other agencies that may have
25 an interest in the project, including—

1 “(I) agencies with jurisdiction
2 over environmentally-related matters
3 that may affect the project or may be
4 required by law to conduct an environ-
5 mental-related independent review or
6 analysis of the project or determine
7 whether to issue an environmental-re-
8 lated permit, license, or approval for
9 the project; and

10 “(II) agencies with special exper-
11 tise relevant to the project;

12 “(ii) invite the agencies identified in
13 clause (i) to become participating agencies
14 in the environmental review process for that
15 project; and

16 “(iii) grant requests to become cooper-
17 ating agencies from agencies not originally
18 invited.

19 “(B) RESPONSES.—The deadline for receipt
20 of a response from an agency that receives an in-
21 vitation under subparagraph (A)(ii)—

22 “(i) shall be 30 days after the date of
23 receipt by the agency of the invitation; but

24 “(ii) may be extended by the lead agen-
25 cy for good cause.

1 “(3) *DECLINING OF INVITATIONS.*—A Federal
2 agency that is invited by the lead agency to partici-
3 pate in the environmental review process for a project
4 shall be designated as a cooperating agency by the
5 lead agency, unless the invited agency informs the
6 lead agency in writing, by the deadline specified in
7 the invitation, that the invited agency—

8 “(A) has no jurisdiction or authority with
9 respect to the project;

10 “(B) has no expertise or information rel-
11 evant to the project; and

12 “(C) does not intend to submit comments on
13 the project.

14 “(4) *EFFECT OF DESIGNATION.*—Designation as
15 a cooperating agency under this subsection shall not
16 imply that the cooperating agency—

17 “(A) supports a proposed project; or

18 “(B) has any jurisdiction over, or special
19 expertise with respect to evaluation of, the
20 project.

21 “(5) *DESIGNATIONS FOR CATEGORIES OF*
22 *PROJECTS.*—

23 “(A) *IN GENERAL.*—The Secretary may in-
24 vite other agencies to become cooperating agen-
25 cies for a category of projects.

1 “(B) *DESIGNATION.*—An agency may be
2 designated as a cooperating agency for a cat-
3 egory of projects only with the consent of the
4 agency.

5 “(6) *CONCURRENT REVIEWS.*—Each Federal
6 agency shall, to the maximum extent practicable—

7 “(A) carry out obligations of the Federal
8 agency under other applicable law concurrently,
9 and in conjunction, with the review required
10 under the National Environmental Policy Act of
11 1969 (42 U.S.C. 4321 et seq.), unless doing so
12 would impair the ability of the Federal agency
13 to carry out those obligations; and

14 “(B) formulate and implement administra-
15 tive, policy, and procedural mechanisms to en-
16 able the agency to ensure completion of the envi-
17 ronmental review process in a timely, coordi-
18 nated, and environmentally responsible manner.

19 “(e) *DEVELOPMENT OF FLEXIBLE PROCESS AND*
20 *TIMELINE.*—

21 “(1) *COORDINATION PLAN.*—

22 “(A) *IN GENERAL.*—The lead agency shall
23 establish a coordination plan, which may be in-
24 corporated into a memorandum of under-
25 standing, to coordinate agency and public par-

1 *icipation in and comment on the environmental*
2 *review process for a project or category of*
3 *projects.*

4 *“(B) WORKPLAN.—*

5 *“(i) IN GENERAL.—The lead agency*
6 *shall develop, as part of the coordination*
7 *plan, a workplan for completing the collec-*
8 *tion, analysis, and evaluation of baseline*
9 *data and future impacts modeling necessary*
10 *to complete the environmental review proc-*
11 *ess, including any data, analyses, and mod-*
12 *eling necessary for related permits, approv-*
13 *als, reviews, or studies required for the*
14 *project under other laws.*

15 *“(ii) CONSULTATION.—In developing*
16 *the workplan under clause (i), the lead*
17 *agency shall consult with—*

18 *“(I) each cooperating agency for*
19 *the project;*

20 *“(II) the State in which the*
21 *project is located; and*

22 *“(III) if the State is not the*
23 *project sponsor, the project sponsor.*

24 *“(C) SCHEDULE.—*

1 “(i) *IN GENERAL.*—*The lead agency*
2 *shall establish as part of the coordination*
3 *plan, after consultation with each cooper-*
4 *ating agency for the project and with the*
5 *State in which the project is located (and,*
6 *if the State is not the project sponsor, with*
7 *the project sponsor), a schedule for comple-*
8 *tion of the environmental review process for*
9 *the project.*

10 “(ii) *FACTORS FOR CONSIDERATION.*—
11 *In establishing the schedule, the lead agency*
12 *shall consider factors such as—*

13 “(I) *the responsibilities of cooper-*
14 *ating agencies under applicable laws;*

15 “(II) *resources available to the co-*
16 *operating agencies;*

17 “(III) *overall size and complexity*
18 *of a project;*

19 “(IV) *the overall schedule for and*
20 *cost of a project; and*

21 “(V) *the sensitivity of the natural*
22 *and historic resources that could be af-*
23 *fected by the project.*

24 “(D) *CONSISTENCY WITH OTHER TIME PE-*
25 *RIODS.*—*A schedule under subparagraph (C)*

1 *shall be consistent with any other relevant time*
2 *periods established under Federal law.*

3 “(E) *MODIFICATION.—The lead agency*
4 *may—*

5 “(i) *lengthen a schedule established*
6 *under subparagraph (C) for good cause; and*

7 “(ii) *shorten a schedule only with the*
8 *concurrence of the affected cooperating agen-*
9 *cies.*

10 “(F) *DISSEMINATION.—A copy of a schedule*
11 *under subparagraph (C), and of any modifica-*
12 *tions to the schedule, shall be—*

13 “(i) *provided to all cooperating agen-*
14 *cies and to the State transportation depart-*
15 *ment of the State in which the project is lo-*
16 *cated (and, if the State is not the project*
17 *sponsor, to the project sponsor); and*

18 “(ii) *made available to the public.*

19 “(2) *COMMENTS AND TIMELINES.—*

20 “(A) *IN GENERAL.—A schedule established*
21 *under paragraph (1)(C) shall include—*

22 “(i) *opportunities for comment, dead-*
23 *line for receipt of any comments submitted,*
24 *deadline for lead agency response to com-*
25 *ments; and*

5–25

1 “(ii) *except as otherwise provided*
2 *under paragraph (1)—*

3 “(I) *an opportunity to comment*
4 *by agencies and the public on a draft*
5 *or final environmental impact state-*
6 *ment for a period of not more than 60*
7 *days longer than the minimum period*
8 *required under the National Environ-*
9 *mental Policy Act of 1969 (42 U.S.C.*
10 *4321 et seq.); and*

11 “(II) *for all other comment peri-*
12 *ods established by the lead agency for*
13 *agency or public comments in the envi-*
14 *ronmental review process, a period of*
15 *not more than the longer of—*

16 “(aa) *30 days after the final*
17 *day of the minimum period re-*
18 *quired under Federal law (includ-*
19 *ing regulations), if available; or*

20 “(bb) *if a minimum period*
21 *is not required under Federal law*
22 *(including regulations), 30 days.*

23 “(B) *EXTENSION OF COMMENT PERIODS.—*
24 *The lead agency may extend a period of com-*

1 *ment established under this paragraph for good*
2 *cause.*

3 *“(C) LATE COMMENTS.—A comment con-*
4 *cerning a project submitted under this para-*
5 *graph after the date of termination of the appli-*
6 *cable comment period or extension of a comment*
7 *period shall not be eligible for consideration by*
8 *the lead agency unless the lead agency or project*
9 *sponsor determines there was good cause for the*
10 *delay or the lead agency is required to consider*
11 *significant new circumstances or information in*
12 *accordance with sections 1501.7 and 1502.9 of*
13 *title 40, Code of Federal Regulations.*

14 *“(D) DEADLINES FOR DECISIONS UNDER*
15 *OTHER LAWS.—In any case in which a decision*
16 *under any Federal law relating to a project (in-*
17 *cluding the issuance or denial of a permit or li-*
18 *cence) is required to be made by the later of the*
19 *date that is 180 days after the date on which the*
20 *Secretary made all final decisions of the lead*
21 *agency with respect to the project, or 180 days*
22 *after the date on which an application was sub-*
23 *mitted for the permit or license, the Secretary*
24 *shall submit to the Committee on Environment*
25 *and Public Works of the Senate and the Com-*

1 *mittee on Transportation and Infrastructure of*
2 *the House of Representatives—*

3 *“(i) as soon as practicable after the*
4 *180-day period, an initial notice of the fail-*
5 *ure of the Federal agency to make the deci-*
6 *sion; and*

7 *“(ii) every 60 day thereafter until such*
8 *date as all decisions of the Federal agency*
9 *relating to the project have been made by*
10 *the Federal agency, an additional notice*
11 *that describes the number of decisions of the*
12 *Federal agency that remain outstanding as*
13 *of the date of the additional notice.*

14 *“(3) INVOLVEMENT OF THE PUBLIC.—Nothing in*
15 *this subsection shall reduce any time period provided*
16 *for public comment in the environmental review proc-*
17 *ess under existing Federal law (including a regula-*
18 *tion).*

19 *“(f) DEVELOPMENT OF PROJECT PURPOSE AND NEED*
20 *STATEMENT.—*

21 *“(1) IN GENERAL.—With respect to the environ-*
22 *mental review process for a project, the purpose and*
23 *need for the project shall be defined in accordance*
24 *with this subsection.*

1 “(2) *AUTHORITY.*—*The lead agency shall define*
2 *the purpose and need for a project, including the*
3 *transportation objectives and any other objectives in-*
4 *tended to be achieved by the project.*

5 “(3) *INVOLVEMENT OF COOPERATING AGENCIES*
6 *AND THE PUBLIC.*—*Before determining the purpose*
7 *and need for a project, the lead agency shall solicit*
8 *for 30 days, and consider, any relevant comments on*
9 *the draft statement of purpose and need for a pro-*
10 *posed project received from the public and cooperating*
11 *agencies.*

12 “(4) *EFFECT ON OTHER REVIEWS.*—*For the pur-*
13 *pose of compliance with the National Environmental*
14 *Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any*
15 *other law requiring an agency that is not the lead*
16 *agency to determine or consider a project purpose or*
17 *project need, such an agency acting, permitting, or*
18 *approving under, or otherwise applying, Federal law*
19 *with respect to a project shall adopt the determina-*
20 *tion of purpose and need for the project made by the*
21 *lead agency.*

22 “(5) *SAVINGS.*—*Nothing in this subsection pre-*
23 *empts or interferes with any power, jurisdiction, re-*
24 *sponsibility, or authority of an agency under applica-*

1 *ble law (including regulations) with respect to a*
2 *project.*

3 “(6) *CONTENTS.—*

4 “(A) *IN GENERAL.—The statement of pur-*
5 *pose and need shall include a clear statement of*
6 *the objectives that the proposed project is in-*
7 *tended to achieve.*

8 “(B) *EFFECT ON EXISTING STANDARDS.—*
9 *Nothing in this subsection shall alter existing*
10 *standards for defining the purpose and need of*
11 *a project.*

12 “(7) *FACTORS TO CONSIDER.—The lead agency*
13 *may determine that any of the following factors and*
14 *documents are appropriate for consideration in deter-*
15 *mining the purpose of and need for a project:*

16 “(A) *Transportation plans and related*
17 *planning documents developed through the state-*
18 *wide and metropolitan transportation planning*
19 *process under sections 134 and 135.*

20 “(B) *Land use plans adopted by units of*
21 *State, local, or tribal government (or, in the case*
22 *of Federal land, by the applicable Federal land*
23 *management agencies).*

24 “(C) *Economic development plans adopted*
25 *by—*

5–30

1 “(i) units of State, local, or tribal gov-
2 ernment; or

3 “(ii) established economic development
4 planning organizations or authorities.

5 “(D) Environmental protection plans, in-
6 cluding plans for the protection or treatment
7 of—

8 “(i) air quality;

9 “(ii) water quality and runoff;

10 “(iii) habitat needs of plants and ani-
11 mals;

12 “(iv) threatened and endangered spe-
13 cies;

14 “(v) invasive species;

15 “(vi) historic properties; and

16 “(vii) other environmental resources.

17 “(E) Any publicly available plans or poli-
18 cies relating to the national defense, national se-
19 curity, or foreign policy of the United States.

20 “(g) DEVELOPMENT OF PROJECT ALTERNATIVES.—

21 “(1) IN GENERAL.—With respect to the environ-
22 mental review process for a project, the alternatives
23 shall be determined in accordance with this sub-
24 section.

1 “(2) *AUTHORITY.*—*The lead agency shall deter-*
2 *mine the alternatives to be considered for a project.*

3 “(3) *INVOLVEMENT OF COOPERATING AGENCIES*
4 *AND THE PUBLIC.*—

5 “(A) *IN GENERAL.*—*Before determining the*
6 *alternatives for a project, the lead agency shall*
7 *solicit for 30 days and consider any relevant*
8 *comments on the proposed alternatives received*
9 *from the public and cooperating agencies.*

10 “(B) *ALTERNATIVES.*—*The lead agency*
11 *shall consider—*

12 “(i) *alternatives that meet the purpose*
13 *and need of the project; and*

14 “(ii) *the alternative of no action.*

15 “(C) *EFFECT ON EXISTING STANDARDS.*—
16 *Nothing in this subsection shall alter the existing*
17 *standards for determining the range of alter-*
18 *natives.*

19 “(4) *EFFECT ON OTHER REVIEWS.*—*Any other*
20 *agency acting under or applying Federal law with re-*
21 *spect to a project shall consider only the alternatives*
22 *determined by the lead agency.*

23 “(5) *SAVINGS.*—*Nothing in this subsection pre-*
24 *empts or interferes with any power, jurisdiction, re-*
25 *sponsibility, or authority of an agency under applica-*

1 *ble law (including regulations) with respect to a*
2 *project.*

3 *“(6) FACTORS TO CONSIDER.—The lead agency*
4 *may determine that any of the following factors and*
5 *documents are appropriate for consideration in deter-*
6 *mining the alternatives for a project:*

7 *“(A) The overall size and complexity of the*
8 *proposed action.*

9 *“(B) The sensitivity of the potentially af-*
10 *ected resources.*

11 *“(C) The overall schedule and cost of the*
12 *project.*

13 *“(D) Transportation plans and related*
14 *planning documents developed through the state-*
15 *wide and metropolitan transportation planning*
16 *process under sections 134 and 135 of title 23 of*
17 *the United States Code.*

18 *“(E) Land use plans adopted by units of*
19 *State, local, or tribal government (or, in the case*
20 *of Federal land, by the applicable Federal land*
21 *management agencies).*

22 *“(F) Economic development plans adopted*
23 *by—*

24 *“(i) units of State, local, or tribal gov-*
25 *ernment; or*

1 “(ii) established economic development
2 planning organizations or authorities.

3 “(G) environmental protection plans, in-
4 cluding plans for the protection or treatment
5 of—

6 “(i) air quality;

7 “(ii) water quality and runoff;

8 “(iii) habitat needs of plants and ani-
9 mals;

10 “(iv) threatened and endangered spe-
11 cies;

12 “(v) invasive species;

13 “(vi) historic properties; and

14 “(vii) other environmental resources.

15 “(H) Any publicly available plans or poli-
16 cies relating to the national defense, national se-
17 curity, or foreign policy of the United States.

18 “(h) PROMPT ISSUE IDENTIFICATION AND RESOLU-
19 TION PROCESS.—

20 “(1) IN GENERAL.—The lead agency, the project
21 sponsor, and the cooperating agencies shall work co-
22 operatively, in accordance with this section, to iden-
23 tify and resolve issues that could—

24 “(A) delay completion of the environmental
25 review process; or

1 “(B) result in denial of any approvals re-
2 quired for the project under applicable laws.

3 “(2) LEAD AGENCY RESPONSIBILITIES.—

4 “(A) IN GENERAL.—The lead agency, with
5 the assistance of the project sponsor, shall make
6 information available to the cooperating agen-
7 cies, as early as practicable in the environmental
8 review process, regarding—

9 “(i) the environmental and socio-
10 economic resources located within the
11 project area; and

12 “(ii) the general locations of the alter-
13 natives under consideration.

14 “(B) BASIS FOR INFORMATION.—Informa-
15 tion about resources in the project area may be
16 based on existing data sources, including geo-
17 graphic information systems mapping.

18 “(3) COOPERATING AGENCY RESPONSIBIL-
19 ITIES.—

20 “(A) IN GENERAL.—Based on information
21 received from the lead agency, cooperating agen-
22 cies shall promptly identify to the lead agency
23 any major issues of concern regarding the poten-
24 tial environmental or socioeconomic impacts of a
25 project.

1 “(B) *MAJOR ISSUES OF CONCERN.*—A
2 *major issue of concern referred to in subpara-*
3 *graph (A) may include any issue that could sub-*
4 *stantially delay or prevent an agency from*
5 *granting a permit or other approval that is*
6 *needed for a project, as determined by a cooper-*
7 *ating agency.*

8 “(4) *ISSUE RESOLUTION.*—*On identification of a*
9 *major issue of concern under paragraph (3), or at*
10 *any time upon the request of a project sponsor or the*
11 *Governor of a State, the lead agency shall promptly*
12 *convene a meeting with representatives of each of the*
13 *relevant cooperating agencies, the project sponsor, and*
14 *the Governor to address and resolve the issue.*

15 “(5) *NOTIFICATION.*—*If a resolution of a major*
16 *issue of concern under paragraph (4) cannot be*
17 *achieved by the date that is 30 days after the date on*
18 *which a meeting under that paragraph is convened,*
19 *the lead agency shall provide notification of the fail-*
20 *ure to resolve the major issue of concern to—*

21 “(A) *the heads of all cooperating agencies;*

22 “(B) *the project sponsor;*

23 “(C) *the Governor involved;*

24 “(D) *the Committee on Environment and*
25 *Public Works of the Senate; and*

1 “(E) the Committee on Transportation and
2 Infrastructure of the House of Representatives.

3 “(i) PERFORMANCE MEASUREMENT.—

4 “(1) PROGRESS REPORTS.—The Secretary shall
5 establish a program to measure and report on
6 progress toward improving and expediting the plan-
7 ning and environmental review process.

8 “(2) MINIMUM REQUIREMENTS.—The program
9 shall include, at a minimum—

10 “(A) the establishment of criteria for meas-
11 uring consideration of—

12 “(i) State and metropolitan planning,
13 project planning, and design criteria; and

14 “(ii) environmental processing times
15 and costs;

16 “(B) the collection of data to assess perform-
17 ance based on the established criteria; and

18 “(C) the annual reporting of the results of
19 the performance measurement studies.

20 “(3) INVOLVEMENT OF THE PUBLIC AND COOPER-
21 ATING AGENCIES.—

22 “(A) IN GENERAL.—The Secretary shall bi-
23 ennially conduct a survey of agencies partici-
24 pating in the environmental review process
25 under this section to assess the expectations and

1 *experiences of each surveyed agency with regard*
2 *to the planning and environmental review proc-*
3 *ess for projects reviewed under this section.*

4 *“(B) PUBLIC PARTICIPATION.—In con-*
5 *ducting the survey, the Secretary shall solicit*
6 *comments from the public.*

7 *“(j) ASSISTANCE TO AFFECTED FEDERAL AND STATE*
8 *AGENCIES.—*

9 *“(1) IN GENERAL.—The Secretary may approve*
10 *a request by a State or recipient to provide funds, for*
11 *a highway project made available under this title, or*
12 *for a mass transit project made available under chap-*
13 *ter 53 of title 49 to the State or recipient for the*
14 *project, subject to the coordinated environmental re-*
15 *view process established under this section, to affected*
16 *Federal and State agencies to provide the resources*
17 *necessary to meet any time limits established under*
18 *this section.*

19 *“(2) AMOUNTS.—Such requests under paragraph*
20 *(1) shall be approved only—*

21 *“(A) for such additional amounts as the*
22 *Secretary determines are necessary for the af-*
23 *ected Federal and State agencies to meet the*
24 *time limits for environmental review; and*

1 “(B) if those time limits are less than the
2 customary time necessary for that review.”.

3 (b) *CONFORMING AMENDMENTS.*—

4 (1) *The analysis for chapter 3 of title 23, United*
5 *States Code, is amended by inserting after the item*
6 *relating to section 325 (as added by section 1203(f))*
7 *the following:*

 “326. *Transportation project development process.*”.

8 (2) *Section 1309 of the Transportation Equity*
9 *Act for the 21st Century (112 Stat. 232) is*
10 *amended—*

11 (A) *by striking subsections (a), (b), (c), (d),*
12 *and (e);*

13 (B) *by redesignating subsections (f) and (g)*
14 *as subsections (b) and (a), respectively, and mov-*
15 *ing the subsections so as to appear in alphabet-*
16 *ical order; and*

17 (C) *in subsection (a) (as redesignated by*
18 *subparagraph (B)), in the subsection heading, by*
19 *striking “FEDERAL AGENCY DEFINED.—” and*
20 *inserting “DEFINITION OF FEDERAL AGENCY.—*
21 *”.*

1 **SEC. 1512. ASSUMPTION OF RESPONSIBILITY FOR CAT-**
2 **EGORICAL EXCLUSIONS.**

3 (a) *IN GENERAL.*—Chapter 3 of title 23, United States
4 Code (as amended by section 1511(a)), is amended by in-
5 serting after section 326 the following:

6 **“§ 327. Assumption of responsibility for categorical ex-**
7 **clusions**

8 “(a) *CATEGORICAL EXCLUSION DETERMINATIONS.*—

9 “(1) *IN GENERAL.*—The Secretary may assign,
10 and a State may assume, responsibility for deter-
11 mining whether certain designated activities are in-
12 cluded within classes of action identified in regula-
13 tion by the Secretary that are categorically excluded
14 from requirements for environmental assessments or
15 environmental impact statements pursuant to regula-
16 tions promulgated by the Council on Environmental
17 Quality under part 1500 of title 40, Code of Federal
18 Regulations (as in effect on October 1, 2003).

19 “(2) *SCOPE OF AUTHORITY.*—A determination
20 described in paragraph (1) shall be made by a State
21 in accordance with criteria established by the Sec-
22 retary and only for types of activities specifically des-
23 ignated by the Secretary.

24 “(3) *CRITERIA.*—The criteria under paragraph
25 (2) shall include provisions for public availability of
26 information consistent with section 552 of title 5 and

1 *the National Environmental Policy Act of 1969 (42*
2 *U.S.C. 4321 et seq.).*

3 “(b) *OTHER APPLICABLE FEDERAL LAWS.—*

4 *“(1) IN GENERAL.—If a State assumes responsi-*
5 *bility under subsection (a), the Secretary may also*
6 *assign and the State may assume all or part of the*
7 *responsibilities of the Secretary for environmental re-*
8 *view, consultation, or other related actions required*
9 *under any Federal law applicable to activities that*
10 *are classified by the Secretary as categorical exclu-*
11 *sions, with the exception of government-to-government*
12 *consultation with Indian tribes, subject to the same*
13 *procedural and substantive requirements as would be*
14 *required if that responsibility were carried out by the*
15 *Secretary.*

16 *“(2) SOLE RESPONSIBILITY.—A State that as-*
17 *sumes responsibility under paragraph (1) with re-*
18 *spect to a Federal law shall be solely responsible and*
19 *solely liable for complying with and carrying out that*
20 *law, and the Secretary shall have no such responsi-*
21 *bility or liability.*

22 “(c) *MEMORANDA OF UNDERSTANDING.—*

23 *“(1) IN GENERAL.—The Secretary and the State,*
24 *after providing public notice and opportunity for*
25 *comment, shall enter into a memorandum of under-*

1 *standing setting forth the responsibilities to be as-*
2 *signed under this section and the terms and condi-*
3 *tions under which the assignments are made, includ-*
4 *ing establishment of the circumstances under which*
5 *the Secretary would reassume responsibility for cat-*
6 *egorical exclusion determinations.*

7 “(2) *TERM.—A memorandum of*
8 *understanding—*

9 “(A) *shall have term of not more than 3*
10 *years; and*

11 “(B) *shall be renewable.*

12 “(3) *ACCEPTANCE OF JURISDICTION.—In a*
13 *memorandum of understanding, the State shall con-*
14 *sent to accept the jurisdiction of the Federal courts for*
15 *the compliance, discharge, and enforcement of any re-*
16 *sponsibility of the Secretary that the State assumes.*

17 “(4) *MONITORING.—The Secretary shall—*

18 “(A) *monitor compliance by the State with*
19 *the memorandum of understanding and the pro-*
20 *vision by the State of financial resources to*
21 *carry out the memorandum of understanding;*
22 *and*

23 “(B) *take into account the performance by*
24 *the State when considering renewal of the memo-*
25 *randum of understanding.*

1 “(d) *TERMINATION.*—*The Secretary may terminate*
2 *any assumption of responsibility under a memorandum of*
3 *understanding on a determination that the State is not ade-*
4 *quately carrying out the responsibilities assigned to the*
5 *State.*

6 “(e) *STATE AGENCY DEEMED TO BE FEDERAL AGEN-*
7 *CY.*—*A State agency that is assigned a responsibility under*
8 *a memorandum of understanding shall be deemed to be a*
9 *Federal agency for the purposes of the Federal law under*
10 *which the responsibility is exercised.”.*

11 “(b) *CONFORMING AMENDMENT.*—*The analysis for*
12 *chapter 3 of title 23, United States Code (as amended by*
13 *section 1511(b)), is amended by inserting after the item re-*
14 *lating to section 326 the following:*

 “327. *Assumption of responsibility for categorical exclusions.”.*

15 **SEC. 1513. SURFACE TRANSPORTATION PROJECT DELIVERY**
16 **PILOT PROGRAM.**

17 “(a) *IN GENERAL.*—*Chapter 3 of title 23, United States*
18 *Code (as amended by section 1512(a)), is amended by in-*
19 *serting after section 327 the following:*

20 **“§ 328. Surface transportation project delivery pilot**
21 **program**

22 “(a) *ESTABLISHMENT.*—

23 “(1) *IN GENERAL.*—*The Secretary shall carry*
24 *out a surface transportation project delivery pilot*
25 *program (referred to in this section as the ‘program’).*

1 “(2) *ASSUMPTION OF RESPONSIBILITY.*—

2 “(A) *IN GENERAL.*—Subject to the other
3 provisions of this section, with the written agree-
4 ment of the Secretary and a State, which may
5 be in the form of a memorandum of under-
6 standing, the Secretary may assign, and the
7 State may assume, the responsibilities of the Sec-
8 retary with respect to 1 or more highway
9 projects within the State under the National En-
10 vironmental Policy Act of 1969 (42 U.S.C. 4321
11 et seq.).

12 “(B) *ADDITIONAL RESPONSIBILITY.*—If a
13 State assumes responsibility under subparagraph
14 (A)—

15 “(i) the Secretary may assign to the
16 State, and the State may assume, all or
17 part of the responsibilities of the Secretary
18 for environmental review, consultation, or
19 other action required under any Federal en-
20 vironmental law pertaining to the review or
21 approval of a specific project; but

22 “(ii) the Secretary may not assign—

23 “(I) responsibility for any con-
24 formity determination required under

1 *section 176 of the Clean Air Act (42*
2 *U.S.C. 7506); or*

3 *“(II) any responsibility imposed*
4 *on the Secretary by section 134 or 135.*

5 *“(C) PROCEDURAL AND SUBSTANTIVE RE-*
6 *QUIREMENTS.—A State shall assume responsi-*
7 *bility under this section subject to the same pro-*
8 *cedural and substantive requirements as would*
9 *apply if that responsibility were carried out by*
10 *the Secretary.*

11 *“(D) FEDERAL RESPONSIBILITY.—Any re-*
12 *sponsibility of the Secretary not explicitly as-*
13 *sumed by the State by written agreement under*
14 *this section shall remain the responsibility of the*
15 *Secretary.*

16 *“(E) NO EFFECT ON AUTHORITY.—Nothing*
17 *in this section preempts or interferes with any*
18 *power, jurisdiction, responsibility, or authority*
19 *of an agency, other than the Department of*
20 *Transportation, under applicable law (including*
21 *regulations) with respect to a project.*

22 *“(b) STATE PARTICIPATION.—*

23 *“(1) NUMBER OF PARTICIPATING STATES.—The*
24 *Secretary may permit not more than 5 States (in-*

1 *cluding the State of Oklahoma) to participate in the*
2 *program.*

3 “(2) *APPLICATION.—Not later than 270 days*
4 *after the date of enactment of this section, the Sec-*
5 *retary shall promulgate regulations that establish re-*
6 *quirements relating to information required to be con-*
7 *tained in any application of a State to participate*
8 *in the program, including, at a minimum—*

9 “(A) *the projects or classes of projects for*
10 *which the State anticipates exercising the au-*
11 *thority that may be granted under the program;*

12 “(B) *verification of the financial resources*
13 *necessary to carry out the authority that may be*
14 *granted under the program; and*

15 “(C) *evidence of the notice and solicitation*
16 *of public comment by the State relating to par-*
17 *ticipation of the State in the program, including*
18 *copies of comments received from that solici-*
19 *tation.*

20 “(3) *PUBLIC NOTICE.—*

21 “(A) *IN GENERAL.—Each State that sub-*
22 *mits an application under this subsection shall*
23 *give notice of the intent of the State to partici-*
24 *pate in the program not later than 30 days be-*
25 *fore the date of submission of the application.*

1 “(B) *METHOD OF NOTICE AND SOLICITA-*
2 *TION.—The State shall provide notice and solicit*
3 *public comment under this paragraph by pub-*
4 *lishing the complete application of the State in*
5 *accordance with the appropriate public notice*
6 *law of the State.*

7 “(4) *SELECTION CRITERIA.—The Secretary may*
8 *approve the application of a State under this section*
9 *only if—*

10 “(A) *the regulatory requirements under*
11 *paragraph (2) have been met;*

12 “(B) *the Secretary determines that the State*
13 *has the capability, including financial and per-*
14 *sonnel, to assume the responsibility; and*

15 “(C) *the head of the State agency having*
16 *primary jurisdiction over highway matters en-*
17 *ters into a written agreement with the Secretary*
18 *described in subsection (c).*

19 “(5) *OTHER FEDERAL AGENCY VIEWS.—If a*
20 *State applies to assume a responsibility of the Sec-*
21 *retary that would have required the Secretary to con-*
22 *sult with another Federal agency, the Secretary shall*
23 *solicit the views of the Federal agency before approv-*
24 *ing the application.*

1 “(c) *WRITTEN AGREEMENT.*—*A written agreement*
2 *under this section shall—*

3 “(1) *be executed by the Governor or the top-rank-*
4 *ing transportation official in the State who is charged*
5 *with responsibility for highway construction;*

6 “(2) *be in such form as the Secretary may pre-*
7 *scribe;*

8 “(3) *provide that the State—*

9 “(A) *agrees to assume all or part of the re-*
10 *sponsibilities of the Secretary described in sub-*
11 *section (a);*

12 “(B) *expressly consents, on behalf of the*
13 *State, to accept the jurisdiction of the Federal*
14 *courts for the compliance, discharge, and enforce-*
15 *ment of any responsibility of the Secretary as-*
16 *sumed by the State;*

17 “(C) *certifies that State laws (including*
18 *regulations) are in effect that—*

19 “(i) *authorize the State to take the ac-*
20 *tions necessary to carry out the responsibil-*
21 *ities being assumed; and*

22 “(ii) *are comparable to section 552 of*
23 *title 5, including providing that any deci-*
24 *sion regarding the public availability of a*
25 *document under those State laws is review-*

1 able by a court of competent jurisdiction;
2 and

3 “(D) agrees to maintain the financial re-
4 sources necessary to carry out the responsibilities
5 being assumed.

6 “(d) JURISDICTION.—

7 “(1) IN GENERAL.—The United States district
8 courts shall have exclusive jurisdiction over any civil
9 action against a State for failure to carry out any re-
10 sponsibility of the State under this section.

11 “(2) LEGAL STANDARDS AND REQUIREMENTS.—
12 A civil action under paragraph (1) shall be governed
13 by the legal standards and requirements that would
14 apply in such a civil action against the Secretary
15 had the Secretary taken the actions in question.

16 “(3) INTERVENTION.—The Secretary shall have
17 the right to intervene in any action described in
18 paragraph (1).

19 “(e) EFFECT OF ASSUMPTION OF RESPONSIBILITY.—
20 A State that assumes responsibility under subsection (a)(2)
21 shall be solely responsible and solely liable for carrying out,
22 in lieu of the Secretary, the responsibilities assumed under
23 subsection (a)(2), until the program is terminated as pro-
24 vided in subsection (i).

1 “(f) *LIMITATIONS ON AGREEMENTS.*—*Nothing in this*
2 *section permits a State to assume any rulemaking author-*
3 *ity of the Secretary under any Federal law.*

4 “(g) *AUDITS.*—

5 “(1) *IN GENERAL.*—*To ensure compliance by a*
6 *State with any agreement of the State under sub-*
7 *section (c)(1) (including compliance by the State with*
8 *all Federal laws for which responsibility is assumed*
9 *under subsection (a)(2)), for each State participating*
10 *in the program under this section, the Secretary shall*
11 *conduct—*

12 “(A) *semiannual audits during each of the*
13 *first 2 years of State participation; and*

14 “(B) *annual audits during each subsequent*
15 *year of State participation.*

16 “(2) *PUBLIC AVAILABILITY AND COMMENT.*—

17 “(A) *IN GENERAL.*—*An audit conducted*
18 *under paragraph (1) shall be provided to the*
19 *public for comment.*

20 “(B) *RESPONSE.*—*Not later than 60 days*
21 *after the date on which the period for public*
22 *comment ends, the Secretary shall respond to*
23 *public comments received under subparagraph*
24 *(A).*

1 “(h) *REPORT TO CONGRESS.*—*The Secretary shall sub-*
2 *mit to Congress an annual report that describes the admin-*
3 *istration of the program.*

4 “(i) *TERMINATION.*—

5 “(1) *IN GENERAL.*—*Except as provided in para-*
6 *graph (2), the program shall terminate on the date*
7 *that is 6 years after the date of enactment of this sec-*
8 *tion.*

9 “(2) *TERMINATION BY SECRETARY.*—*The Sec-*
10 *retary may terminate the participation of any State*
11 *in the program if—*

12 “(A) *the Secretary determines that the State*
13 *is not adequately carrying out the responsibil-*
14 *ities assigned to the State;*

15 “(B) *the Secretary provides to the State—*

16 “(i) *notification of the determination*
17 *of noncompliance; and*

18 “(ii) *a period of at least 30 days dur-*
19 *ing which to take such corrective action as*
20 *the Secretary determines is necessary to*
21 *comply with the applicable agreement; and*

22 “(C) *the State, after the notification and*
23 *period provided under subparagraph (B), fails to*
24 *take satisfactory corrective action, as determined*
25 *by Secretary.”.*

1 (b) *CONFORMING AMENDMENT.*—*The analysis for*
2 *chapter 3 of title 23, United States Code (as amended by*
3 *section 1512(b)), is amended by inserting after the item re-*
4 *lating to section 327 the following:*

“328. *Surface transportation project delivery pilot program.*”.

5 **SEC. 1514. REGULATIONS.**

6 *Except as provided in section 1513, not later than 1*
7 *year after the date of enactment of this Act, the Secretary*
8 *shall promulgate regulations necessary to implement the*
9 *amendments made by chapter 1 and this chapter.*

10 **CHAPTER 3—MISCELLANEOUS**

11 **SEC. 1521. CRITICAL REAL PROPERTY ACQUISITION.**

12 *Section 108 of title 23, United States Code, is amended*
13 *by adding at the end the following:*

14 “(d) **CRITICAL REAL PROPERTY ACQUISITION.**—

15 “(1) *IN GENERAL.*—*Subject to paragraph (2),*
16 *funds apportioned to a State under this title may be*
17 *used to pay the costs of acquiring any real property*
18 *that is determined to be critical under paragraph (2)*
19 *for a project proposed for funding under this title.*

20 “(2) *REIMBURSEMENT.*—*The Federal share of*
21 *the costs referred to in paragraph (1) shall be eligible*
22 *for reimbursement out of funds apportioned to a State*
23 *under this title if, before the date of acquisition, the*
24 *Secretary determines that—*

1 “(A) the property is offered for sale on the
2 open market;

3 “(B) in acquiring the property, the State
4 will comply with the Uniform Relocation Assist-
5 ance and Real Property Acquisition Policies Act
6 of 1970 (42 U.S.C. 4601 et seq.); and

7 “(C) immediate acquisition of the property
8 is critical because—

9 “(i) based on an appraisal of the prop-
10 erty, the value of the property is increasing
11 significantly;

12 “(ii) there is an imminent threat of de-
13 velopment or redevelopment of the property;
14 and

15 “(iii) the property is necessary for the
16 implementation of the goals stated in the
17 proposal for the project.

18 “(3) *APPLICABLE LAW.*—An acquisition of real
19 property under this section shall be considered to be
20 an exempt project under section 176 of the Clean Air
21 Act (42 U.S.C. 7506).

22 “(4) *ENVIRONMENTAL REVIEW.*—

23 “(A) *IN GENERAL.*—A project proposed to
24 be conducted under this title shall not be con-
25 ducted on property acquired under paragraph

1 (1) until any required environmental reviews for
2 the project have been completed.

3 “(B) *EFFECT ON CONSIDERATION OF*
4 *PROJECT ALTERNATIVES.*—The number of crit-
5 ical acquisitions of real property associated with
6 a project shall not affect the consideration of
7 project alternatives during the environmental re-
8 view process.

9 “(5) *PROCEEDS FROM THE SALE OR LEASE OF*
10 *REAL PROPERTY.*—Section 156(c) shall not apply to
11 the sale, use, or lease of any real property acquired
12 under paragraph (1).”.

13 **SEC. 1522. PLANNING CAPACITY BUILDING INITIATIVE.**

14 Section 104 of title 23, United States Code, is amended
15 by adding at the end the following:

16 “(m) *PLANNING CAPACITY BUILDING INITIATIVE.*—

17 “(1) *IN GENERAL.*—The Secretary shall carry
18 out a planning capacity building initiative to sup-
19 port enhancements in transportation planning to—

20 “(A) strengthen the processes and products
21 of metropolitan and statewide transportation
22 planning under this title;

23 “(B) enhance tribal capacity to conduct
24 joint transportation planning under chapter 2;

1 “(C) participate in the metropolitan and
2 statewide transportation planning programs
3 under this title; and

4 “(D) increase the knowledge and skill level
5 of participants in metropolitan and statewide
6 transportation.

7 “(2) PRIORITY.—The Secretary shall give pri-
8 ority to planning practices and processes that
9 support—

10 “(A) the transportation elements of home-
11 land security planning, including—

12 “(i) training and best practices relat-
13 ing to emergency evacuation;

14 “(ii) developing materials to assist
15 areas in coordinating emergency manage-
16 ment and transportation officials; and

17 “(iii) developing training on how
18 planning organizations may examine secu-
19 rity issues;

20 “(B) performance-based planning,
21 including—

22 “(i) data and data analysis tech-
23 nologies to be shared with States, metropoli-
24 tan planning organizations, local govern-

1 *ments, and nongovernmental organizations*
2 *that—*

3 *“(I) participate in transportation*
4 *planning;*

5 *“(II) use the data and data anal-*
6 *ysis to engage in metropolitan, tribal,*
7 *or statewide transportation planning;*

8 *“(III) involve the public in the de-*
9 *velopment of transportation plans,*
10 *projects, and alternative scenarios; and*

11 *“(IV) develop strategies to avoid,*
12 *minimize, and mitigate the impacts of*
13 *transportation facilities and projects;*
14 *and*

15 *“(ii) improvement of the quality of*
16 *congestion management systems, including*
17 *the development of—*

18 *“(I) a measure of congestion;*

19 *“(II) a measure of transportation*
20 *system reliability; and*

21 *“(III) a measure of induced de-*
22 *mand;*

23 *“(C) safety planning, including—*

24 *“(i) development of State strategic*
25 *safety plans consistent with section 148;*

1 “(ii) incorporation of work zone safety
2 into planning; and

3 “(iii) training in the development of
4 data systems relating to highway safety;

5 “(D) operations planning, including—

6 “(i) developing training of the integra-
7 tion of transportation system operations
8 and management into the transportation
9 planning process; and

10 “(ii) training and best practices relat-
11 ing to regional concepts of operations;

12 “(E) freight planning, including—

13 “(i) modeling of freight at a regional
14 and statewide level; and

15 “(ii) techniques for engaging the
16 freight community with the planning proc-
17 ess;

18 “(F) air quality planning, including—

19 “(i) assisting new and existing non-
20 attainment and maintenance areas in de-
21 veloping the technical capacity to perform
22 air quality conformity analysis;

23 “(ii) providing training on areas such
24 as modeling and data collection to support
25 air quality planning and analysis;

1 “(iii) developing concepts and tech-
2 niques to assist areas in meeting air quality
3 performance timeframes; and

4 “(iv) developing materials to explain
5 air quality issues to decisionmakers and the
6 public; and

7 “(G) integration of environment and plan-
8 ning.

9 “(3) USE OF FUNDS.—The Secretary shall use
10 amounts made available under paragraph (4) to
11 make grants to, or enter into contracts, cooperative
12 agreements, and other transactions with, a Federal
13 agency, State agency, local agency, federally recog-
14 nized Indian tribal government or tribal consortium,
15 authority, association, nonprofit or for-profit corpora-
16 tion, or institution of higher education for research,
17 program development, information collection and dis-
18 semination, and technical assistance.

19 “(4) SET-ASIDE.—

20 “(A) IN GENERAL.—On October 1 of each
21 fiscal year, of the funds made available under
22 subsection (a), the Secretary shall set aside
23 \$4,000,000 to carry out this subsection.

24 “(B) FEDERAL SHARE.—The Federal share
25 of the cost of an activity carried out using funds

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1 *made available under subparagraph (A) shall be*
2 *100 percent.*

3 “(C) *AVAILABILITY.—Funds made available*
4 *under subparagraph (A) shall remain available*
5 *until expended.”.*

6-1

1 ***Subtitle F—Environment***

2 ***SEC. 1601. ENVIRONMENTAL RESTORATION AND POLLU-***
3 ***TION ABATEMENT; CONTROL OF INVASIVE***
4 ***PLANT SPECIES AND ESTABLISHMENT OF NA-***
5 ***TIVE SPECIES.***

6 (a) *MODIFICATION TO NHS/STP FOR ENVIRON-*
7 *MENTAL RESTORATION, POLLUTION ABATEMENT, AND*
8 *INVASIVE SPECIES.—*

9 (1) *MODIFICATIONS TO NATIONAL HIGHWAY SYS-*
10 *TEM.—Section 103(b)(6) of title 23, United States*
11 *Code, is amended by adding at the end the following:*

12 “(Q) *Environmental restoration and pollu-*
13 *tion abatement in accordance with section 165.*”

14 “(R) *Control of invasive plant species and*
15 *establishment of native species in accordance*
16 *with section 166.”.*

17 (2) *MODIFICATIONS TO SURFACE TRANSPOR-*
18 *TATION PROGRAM.—Section 133(b) of title 23, is*
19 *amended by striking paragraph (14) and inserting*
20 *the following:*

21 “(14) *Environmental restoration and pollution*
22 *abatement in accordance with section 165.*”

23 “(15) *Control of invasive plant species and es-*
24 *tablishment of native species in accordance with sec-*
25 *tion 166.”.*

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1 (b) *ELIGIBLE ACTIVITIES.*—Subchapter I of chapter 1
2 of title 23, United States Code, is amended by adding at
3 the end the following:

4 **“§ 165. Eligibility for environmental restoration and**
5 **pollution abatement**

6 “(a) *IN GENERAL.*—Subject to subsection (b), environ-
7 mental restoration and pollution abatement to minimize or
8 mitigate the impacts of any transportation project funded
9 under this title (including retrofitting and construction of
10 storm water treatment systems to meet Federal and State
11 requirements under sections 401 and 402 of the Federal
12 Water Pollution Control Act (33 U.S.C. 1341, 1342)) may
13 be carried out to address water pollution or environmental
14 degradation caused wholly or partially by a transportation
15 facility.

16 “(b) *MAXIMUM EXPENDITURE.*—In a case in which a
17 transportation facility is undergoing reconstruction, reha-
18 bilitation, resurfacing, or restoration, the expenditure of
19 funds under this section for environmental restoration or
20 pollution abatement described in subsection (a) shall not
21 exceed 20 percent of the total cost of the reconstruction, re-
22 habilitation, resurfacing, or restoration of the facility.

23 **“§ 166. Control of invasive plant species and establish-**
24 **ment of native species**

25 “(a) *DEFINITIONS.*—In this section:

1 “(1) *INVASIVE PLANT SPECIES*—The term
2 ‘invasive plant species’ means a nonindigenous spe-
3 cies the introduction of which causes or is likely to
4 cause economic or environmental harm or harm to
5 human health.

6 “(2) *NATIVE PLANT SPECIES*.—The term ‘native
7 plant species’ means, with respect to a particular eco-
8 system, a species that, other than as result of an in-
9 troduction, historically occurred or currently occurs
10 in that ecosystem.

11 “(b) *CONTROL OF SPECIES*.—

12 “(1) *IN GENERAL*.—In accordance with all ap-
13 plicable Federal law (including regulations), funds
14 made available to carry out this section may be used
15 for—

16 “(A) participation in the control of invasive
17 plant species; and

18 “(B) the establishment of native species.

19 “(2) *INCLUDED ACTIVITIES*.—The participation
20 and establishment under paragraph (1) may
21 include—

22 “(A) participation in statewide inventories
23 of invasive plant species and desirable plant spe-
24 cies;

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1 “(B) regional native plant habitat conserva-
2 tion and mitigation;

3 “(C) native revegetation; and

4 “(D) training.

5 “(3) CONTRIBUTIONS.—

6 “(A) IN GENERAL.—Subject to subpara-
7 graph (B), an activity described in paragraph
8 (1) may be carried out concurrently with, in ad-
9 vance of, or following the construction of a
10 project funded under this title.

11 “(B) CONDITION FOR ACTIVITIES CON-
12 DUCTED IN ADVANCE OF PROJECT CONSTRUC-
13 TION.—An activity described in paragraph (1)
14 may be carried out in advance of construction of
15 a project only if the activity is carried out in ac-
16 cordance with all applicable requirements of
17 Federal law (including regulations) and State
18 transportation planning processes.”.

19 (c) CONFORMING AMENDMENT.—The analysis for sub-
20 chapter I of chapter 1 of title 23, United States Code (as
21 amended by section 1406(b)), is amended by adding at the
22 end the following:

 “165. Eligibility for environmental restoration and pollution abatement.”.

 “166. Control of invasive plant species and establishment of native species.”.

6-5

1 **SEC. 1602. NATIONAL SCENIC BYWAYS PROGRAM.**

2 (a) *IN GENERAL.*—Section 162 of title 23, United
3 States Code, is amended—

4 (1) in subsection (a)(1), by striking “the roads
5 as” and all that follows and inserting “the roads as—

6 “(A) National Scenic Byways;

7 “(B) All-American Roads; or

8 “(C) America’s Byways.”;

9 (2) in subsection (b)—

10 (A) in paragraph (1)(A), by striking “des-
11 ignated as” and all that follows and inserting

12 “designated as—

13 “(i) National Scenic Byways;

14 “(ii) All-American Roads; or

15 “(iii) America’s Byways; and”;

16 (B) in paragraph (2)—

17 (i) in subparagraph (A), by striking

18 “Byway or All-American Road” and insert-

19 ing “Byway, All-American Road, or 1 of
20 America’s Byways”; and

21 (ii) in subparagraph (B), by striking

22 “designation as a” and all that follows and
23 inserting “designation as—

24 “(i) a National Scenic Byway;

25 “(ii) an All-American Road; or

1 “(iii) 1 of America’s Byways; and”;

2 and

3 (3) in subsection (c)(4), by striking “passing
4 lane,”.

5 (b) RESEARCH, TECHNICAL ASSISTANCE, MARKETING,
6 AND PROMOTION.—Section 162 of title 23, United States
7 Code, is amended—

8 (1) by redesignating subsections (d), (e), and (f)
9 as subsections (e), (f), and (g), respectively;

10 (2) by inserting after subsection (c) the fol-
11 lowing:

12 “(d) RESEARCH, TECHNICAL ASSISTANCE, MAR-
13 KETING, AND PROMOTION.—

14 “(1) IN GENERAL.—The Secretary may carry out
15 technical assistance, marketing, market research, and
16 promotion with respect to State Scenic Byways, Na-
17 tional Scenic Byways, All-American Roads, and
18 America’s Byways.

19 “(2) COOPERATION, GRANTS, AND CONTRACTS.—
20 The Secretary may make grants to, or enter into con-
21 tracts, cooperative agreements, and other transactions
22 with, any Federal agency, State agency, authority,
23 association, institution, for-profit or nonprofit cor-
24 poration, organization, or person, to carry out
25 projects and activities under this subsection.

1 “(3) *FUNDS.*—*The Secretary may use not more*
2 *than \$2,000,000 for each fiscal year of funds made*
3 *available for the National Scenic Byways Program to*
4 *carry out projects and activities under this sub-*
5 *section.*

6 “(4) *PRIORITY.*—*The Secretary shall give pri-*
7 *ority under this subsection to partnerships that lever-*
8 *age Federal funds for research, technical assistance,*
9 *marketing and promotion.”; and*

10 (3) *in subsection (g) (as redesignated by para-*
11 *graph (1)), by striking “80 percent” and inserting*
12 *“the share applicable under section 120(b), as ad-*
13 *justed under subsection (d) of that section”.*

14 **SEC. 1603. RECREATIONAL TRAILS PROGRAM.**

15 (a) *RECREATIONAL TRAILS PROGRAM FORMULA.*—
16 *Section 104(h)(1) of title 23, United States Code, is*
17 *amended—*

18 (1) *by striking “Whenever” and inserting the fol-*
19 *lowing:*

20 “(A) *IN GENERAL.*—*In any case in which”;*

21 (2) *by striking “research and technical assist-*
22 *ance under the recreational trails program and for*
23 *the administration of the National Recreational*
24 *Trails Advisory Committee” and inserting “research,*

6–8

1 *technical assistance, and training under the rec-*
2 *reational trails program”;* and

3 *(3) by striking “The Secretary” and inserting*
4 *the following:*

5 *“(B) CONTRACTS AND AGREEMENTS.—The*
6 *Secretary”.*

7 *(b) RECREATIONAL TRAILS PROGRAM ADMINISTRA-*
8 *TION.—Section 206 of title 23, United States Code, is*
9 *amended—*

10 *(1) in subsection (c)—*

11 *(A) by redesignating paragraphs (1) and*
12 *(2) as subparagraphs (A) and (B), respectively,*
13 *and indenting appropriately;*

14 *(B) by striking “To be eligible for appor-*
15 *tionments under this section” and inserting the*
16 *following:*

17 *“(1) IN GENERAL.—To be eligible for appor-*
18 *tionments under this section”;* and

19 *(C) by adding at the end the following:*

20 *“(2) OBLIGATION REQUIREMENT.—If a State*
21 *does not meet the requirements under paragraph (1)*
22 *within a fiscal year, the State shall not be eligible for*
23 *an apportionment in the following fiscal year.”;*

24 *(2) in subsection (d)—*

6–9

1 (A) by striking paragraph (2) and inserting
2 the following:

3 “(2) *PERMISSIBLE USES.*—*Permissible uses of*
4 *funds apportioned to a State for a fiscal year to carry*
5 *out this section include—*

6 “(A) *maintenance and restoration of rec-*
7 *reational trails;*

8 “(B) *development and rehabilitation of*
9 *trailside and trailhead facilities and trail link-*
10 *ages for recreational trails;*

11 “(C) *purchase and lease of recreational trail*
12 *construction and maintenance equipment;*

13 “(D) *construction of new recreational trails,*
14 *except that, in the case of new recreational trails*
15 *crossing Federal land, construction of the trails*
16 *shall be—*

17 “(i) *permissible under other law;*

18 “(ii) *necessary and recommended by a*
19 *statewide comprehensive outdoor recreation*
20 *plan that is—*

21 “(I) *required under the Land and*
22 *Water Conservation Fund Act of 1965*
23 *(16 U.S.C. 460l–4 et seq.); and*

24 “(II) *in effect;*

6–10

1 “(iii) approved by the administering
2 agency of the State designated under sub-
3 section (c)(1)(A); and

4 “(iv) approved by each Federal agency
5 having jurisdiction over the affected land,
6 under such terms and conditions as the
7 head of the Federal agency determines to be
8 appropriate, except that the approval shall
9 be contingent on compliance by the Federal
10 agency with all applicable laws,
11 including—

12 “(I) the National Environmental
13 Policy Act of 1969 (42 U.S.C. 4321 et.
14 seq.);

15 “(II) the Forest and Rangeland
16 Renewable Resources Planning Act of
17 1974 (16 U.S.C. 1600 et. seq.); and

18 “(III) the Federal Land Policy
19 and Management Act of 1976 (43
20 U.S.C. 1701 et. seq.);

21 “(E) acquisition of easements and fee sim-
22 ple title to property for recreational trails or rec-
23 reational trail corridors;

24 “(F) assessment of trail conditions for ac-
25 cessibility and maintenance;

6–11

1 “(G) use of trail crews, youth conservation
2 or service corps, or other appropriate means to
3 carry out activities under this section;

4 “(H) development and dissemination of
5 publications and operation of educational pro-
6 grams to promote safety and environmental pro-
7 tection, as those objectives relate to the use of rec-
8 reational trails, supporting non-law enforcement
9 trail safety and trail use monitoring patrol pro-
10 grams, and providing trail-related training, but
11 in an amount not to exceed 5 percent of the ap-
12 portionment made to the State for the fiscal
13 year; and

14 “(I) payment of costs to the State incurred
15 in administering the program, but in an amount
16 not to exceed 7 percent of the apportionment
17 made to the State for the fiscal year to carry out
18 this section.”; and

19 (B) in paragraph (3)—

20 (i) in subparagraph (D), by striking
21 “(2)(F)” and inserting “(2)(I)”; and

22 (ii) by adding at the end the following:

23 “(E) USE OF YOUTH CONSERVATION OR
24 SERVICE CORPS.—A State shall make available
25 not less than 10 percent of the apportionments of

6-12

1 *the State to provide grants to, or to enter into*
2 *cooperative agreements or contracts with, quali-*
3 *fied youth conservation or service corps to per-*
4 *form recreational trails program activities.”;*
5 *and*

6 *(3) in subsection (f)—*

7 *(A) in paragraph (1)—*

8 *(i) by inserting “and the Federal share*
9 *of the administrative costs of a State” after*
10 *“project”; and*

11 *(ii) by striking “not exceed 80 percent”*
12 *and inserting in its place “be determined in*
13 *accordance with section 120(b)”;*

14 *(B) in paragraph (2)—*

15 *(i) in subparagraph (A), by striking*
16 *“80 percent of” and inserting “the amount*
17 *determined in accordance with section*
18 *120(b) for”; and*

19 *(ii) in subparagraph (B), by inserting*
20 *“sponsoring the project” after “Federal*
21 *agency”;*

22 *(C) by striking paragraph (5);*

23 *(D) by redesignating paragraph (4) as*
24 *paragraph (5);*

6-13

1 (E) by inserting after paragraph (3) the fol-
2 lowing:

3 “(4) *USE OF RECREATIONAL TRAILS PROGRAM*
4 *FUNDS TO MATCH OTHER FEDERAL PROGRAM*
5 *FUNDS.—Notwithstanding any other provision of law,*
6 *funds made available under this section may be used*
7 *to pay the non-Federal matching share for other Fed-*
8 *eral program funds that are—*

9 “(A) *expended in accordance with the re-*
10 *quirements of the Federal program relating to*
11 *activities funded and populations served; and*

12 “(B) *expended on a project that is eligible*
13 *for assistance under this section.”; and*

14 (F) *in paragraph (5) (as redesignated by*
15 *subparagraph (D)), by striking “80 percent” and*
16 *inserting “the Federal share as determined in ac-*
17 *cordance with section 120(b)”;* and

18 (4) *in subsection (h)—*

19 (A) *in paragraph (1), by inserting after*
20 *subparagraph (B) the following:*

21 “(C) *PLANNING AND ENVIRONMENTAL AS-*
22 *SESSMENT COSTS INCURRED PRIOR TO PROJECT*
23 *APPROVAL.—A project funded under any of sub-*
24 *paragraphs (A) through (H) of subsection (d)(2)*
25 *may permit preapproval planning and environ-*

6-14

1 *mental compliance costs incurred not more than*
2 *18 months before project approval to be credited*
3 *toward the non-Federal share in accordance with*
4 *subsection (f).”; and*

5 *(B) by striking paragraph (2) and inserting*
6 *the following:*

7 “(2) *WAIVER OF HIGHWAY PROGRAM REQUIRE-*
8 *MENTS.—A project funded under this section—*

9 *“(A) is intended to enhance recreational op-*
10 *portunity;*

11 *“(B) is not considered to be a highway*
12 *project; and*

13 *“(C) is not subject to—*

14 *“(i) section 112, 114, 116, 134, 135,*
15 *138, 217, or 301 of this title; or*

16 *“(ii) section 303 of title 49.”.*

17 **SEC. 1604. EXEMPTION OF INTERSTATE SYSTEM.**

18 *Subsection 103(c) of title 23, United States Code, is*
19 *amended by adding at the end the following:*

20 “(5) *EXEMPTION OF INTERSTATE SYSTEM.—*

21 *“(A) IN GENERAL.—Except as provided in*
22 *subparagraph (B), the Interstate System shall*
23 *not be considered to be a historic site under sec-*
24 *tion 303 of title 49 or section 138 of this title,*
25 *regardless of whether the Interstate System or*

1 portions of the Interstate System are listed on, or
2 eligible for listing on, the National Register of
3 Historic Places.

4 “(B) *INDIVIDUAL ELEMENTS.*—A portion of
5 the Interstate System that possesses an inde-
6 pendent feature of historic significance, such as
7 a historic bridge or a highly significant engi-
8 neering feature, that would qualify independ-
9 ently for listing on the National Register of His-
10 toric Places, shall be considered to be a historic
11 site under section 303 of title 49 or section 138
12 of this title, as applicable.”.

13 **SEC. 1605. STANDARDS.**

14 (a) *IN GENERAL.*—Section 109(a) of title 23, United
15 States Code, is amended—

16 (1) in paragraph (1), by striking “and” at the
17 end;

18 (2) in paragraph (2), by striking the period at
19 the end and inserting “; and”; and

20 (3) by adding at the end the following:

21 “(3) consider the preservation, historic, scenic,
22 natural environmental, and community values.”.

23 (b) *CONTEXT SENSITIVE DESIGN.*—Section 109 of title
24 23, United States Code, is amended by striking subsection
25 (p) and inserting the following:

1 “(p) *CONTEXT SENSITIVE DESIGN.*—

2 “(1) *IN GENERAL.*—*The Secretary shall encour-*
3 *age States to design projects funded under this title*
4 *that—*

5 “(A) *allow for the preservation of environ-*
6 *mental, scenic, or historic values;*

7 “(B) *ensure the safe use of the facility;*

8 “(C) *provide for consideration of the context*
9 *of the locality;*

10 “(D) *encourage access for other modes of*
11 *transportation; and*

12 “(E) *comply with subsection (a).*

13 “(2) *APPROVAL BY SECRETARY.*—*Notwith-*
14 *standing subsections (b) and (c), the Secretary may*
15 *approve a project described in paragraph (1) for the*
16 *National Highway System if the project is designed*
17 *to achieve the criteria specified in that paragraph.”.*

18 **SEC. 1606. USE OF HIGH OCCUPANCY VEHICLE LANES.**

19 *Section 102 of title 23, United States Code, is amended*
20 *by striking subsection (a) and inserting the following:*

21 “(a) *HIGH OCCUPANCY VEHICLE LANE PASSENGER*
22 *REQUIREMENTS.*—

23 “(1) *DEFINITIONS.*—*In this subsection:*

24 “(A) *RESPONSIBLE AGENCY.*—*The term ‘re-*
25 *sponsible agency’ means—*

6-17

1 “(i) a State transportation depart-
2 ment; and

3 “(ii) a local agency in a State that is
4 responsible for transportation matters.

5 “(B) *SERIOUSLY DEGRADED.*—The term ‘se-
6 riously degraded’, with respect to a high occu-
7 pancy vehicle lane, means, in the case of a high
8 occupancy vehicle lane, the minimum average
9 operating speed, performance threshold, and as-
10 sociated time period of the high occupancy vehi-
11 cle lane, calculated and determined jointly by all
12 applicable responsible agencies and based on con-
13 ditions unique to the roadway, are unsatisfac-
14 tory.

15 “(2) *REQUIREMENTS.*—

16 “(A) *IN GENERAL.*—Subject to subpara-
17 graph (B), for each State, 1 or more responsible
18 agencies shall establish the occupancy require-
19 ments of vehicles operating on high occupancy
20 vehicle lanes.

21 “(B) *MINIMUM NUMBER OF OCCUPANTS.*—
22 Except as provided in paragraph (3), an occu-
23 pancy requirement established under subpara-
24 graph (A) shall—

6-18

1 “(i) require at least 2 occupants per
2 vehicle for a vehicle operating on a high oc-
3 cupancy vehicle lane; and

4 “(ii) in the case of a high occupancy
5 vehicle lane that traverses an adjacent
6 State, be established in consultation with
7 the adjacent State.

8 “(3) EXCEPTIONS TO HOV OCCUPANCY REQUIRE-
9 MENTS.—

10 “(A) MOTORCYCLES.—For the purpose of
11 this subsection, a motorcycle—

12 “(i) shall not be considered to be a sin-
13 gle occupant vehicle; and

14 “(ii) shall be allowed to use a high oc-
15 cupancy vehicle lane unless a responsible
16 agency—

17 “(I) certifies to the Secretary the
18 use of a high occupancy vehicle lane by
19 a motorcycle would create a safety haz-
20 ard; and

21 “(II) restricts that the use of the
22 high occupancy vehicle lane by motor-
23 cycles.

24 “(B) LOW EMISSION AND ENERGY-EFFI-
25 CIENT VEHICLES.—

6–19

1 “(i) *DEFINITION OF LOW EMISSION*
2 *AND ENERGY-EFFICIENT VEHICLE.*—*In this*
3 *subparagraph, the term ‘low emission and*
4 *energy-efficient vehicle’ means a vehicle that*
5 *has been certified by the Administrator of*
6 *the Environmental Protection Agency—*

7 “(I)(aa) *to have a 45-mile per*
8 *gallon or greater fuel economy highway*
9 *rating; or*

10 “(bb) *to qualify as an alternative*
11 *fueled vehicle under section 301 of the*
12 *Energy Policy Act of 1992 (42 U.S.C.*
13 *13211); and*

14 “(II) *as meeting Tier II emission*
15 *level established in regulations promul-*
16 *gated by the Administrator of the En-*
17 *vironmental Protection Agency under*
18 *section 202(i) of the Clean Air Act (42*
19 *U.S.C. 7521(i)) for that make and*
20 *model year vehicle.*

21 “(ii) *EXEMPTION FOR LOW EMISSION*
22 *AND ENERGY-EFFICIENT VEHICLES.*—*A re-*
23 *sponsible agency may permit qualifying low*
24 *emission and energy-efficient vehicles that*
25 *do not meet applicable occupancy require-*

6–20

1 ments (as determined by the responsible
2 agency) to use high occupancy vehicle lanes
3 if the responsible agency—

4 “(I) establishes a program that
5 addresses how those qualifying low
6 emission and energy-efficient vehicles
7 are selected and certified;

8 “(II) establishes requirements for
9 labeling qualifying low emission and
10 energy-efficient vehicles (including pro-
11 cedures for enforcing those require-
12 ments);

13 “(III) continuously monitors,
14 evaluates, and reports to the Secretary
15 on performance; and

16 “(IV) imposes such restrictions on
17 the use on high occupancy vehicle lanes
18 by vehicles that do not satisfy estab-
19 lished occupancy requirements as are
20 necessary to ensure that the perform-
21 ance of individual high occupancy ve-
22 hicle lanes, and the entire high occu-
23 pancy vehicle lane system, will not be-
24 come seriously degraded.

25 “(C) TOLLING OF VEHICLES.—

6–21

1 “(i) *IN GENERAL.*—A responsible agen-
2 cy may permit vehicles, in addition to the
3 vehicles described in paragraphs (A), (B),
4 and (D) that do not satisfy established occu-
5 pancy requirements, to use a high occu-
6 pancy vehicle lane only if the responsible
7 agency charges those vehicles a toll.

8 “(ii) *APPLICABLE AUTHORITY.*—In im-
9 posing a toll under clause (i), a responsible
10 agency shall—

11 “(I) be subject to section 129;

12 “(II) establish a toll program that
13 addresses ways in which motorists may
14 enroll and participate in the program;

15 “(III) develop, manage, and
16 maintain a system that will automati-
17 cally collect the tolls from covered vehi-
18 cles;

19 “(IV) continuously monitor,
20 evaluate, and report on performance of
21 the system;

22 “(V) establish such policies and
23 procedures as are necessary—

24 “(aa) to vary the toll charged
25 in order to manage the demand

6–22

1 *for use of high occupancy vehicle*
2 *lanes; and*

3 *“(bb) to enforce violations;*
4 *and*

5 *“(VI) establish procedures to im-*
6 *pose such restrictions on the use of high*
7 *occupancy vehicle lanes by vehicles that*
8 *do not satisfy established occupancy re-*
9 *quirements as are necessary to ensure*
10 *that the performance of individual*
11 *high occupancy vehicle lanes, and the*
12 *entire high occupancy vehicle lane sys-*
13 *tem, will not become seriously de-*
14 *graded.*

15 *“(D) DESIGNATED PUBLIC TRANSPOR-*
16 *TATION VEHICLES.—*

17 *“(i) DEFINITION OF DESIGNATED PUB-*
18 *LIC TRANSPORTATION VEHICLE.—In this*
19 *subparagraph, the term ‘designated public*
20 *transportation vehicle’ means a vehicle*
21 *that—*

22 *“(I) provides designated public*
23 *transportation (as defined in section*
24 *221 of the Americans with Disabilities*
25 *Act of 1990 (42 U.S.C. 12141)); and*

6-23

1 “(II)(aa) is owned or operated by
2 a public entity; or

3 “(bb) is operated under a contract
4 with a public entity.

5 “(ii) USE OF HIGH OCCUPANCY VEHI-
6 CLE LANES.—A responsible agency may
7 permit designated public transportation ve-
8 hicles that do not satisfy established occu-
9 pancy requirements to use high occupancy
10 vehicle lanes if the responsible agency—

11 “(I) requires the clear and identi-
12 fiable labeling of each designated pub-
13 lic transportation vehicle operating
14 under a contract with a public entity
15 with the name of the public entity on
16 all sides of the vehicle;

17 “(II) continuously monitors, eval-
18 uates, and reports on performance of
19 those designated public transportation
20 vehicles; and

21 “(III) imposes such restrictions on
22 the use of high occupancy vehicle lanes
23 by designated public transportation ve-
24 hicles as are necessary to ensure that
25 the performance of individual high oc-

6-24

1 *cupancy vehicle lanes, and the entire*
2 *high occupancy vehicle lane system,*
3 *will not become seriously degraded.*

4 *“(E) HOV LANE MANAGEMENT, OPERATION,*
5 *AND MONITORING.—*

6 *“(i) IN GENERAL.—A responsible agen-*
7 *cy that permits any of the exceptions speci-*
8 *fied in this paragraph shall comply with*
9 *clauses (ii) and (iii).*

10 *“(ii) PERFORMANCE MONITORING,*
11 *EVALUATION, AND REPORTING.—A respon-*
12 *sible agency described in clause (i) shall es-*
13 *tablish, manage, and support a performance*
14 *monitoring, evaluation, and reporting pro-*
15 *gram under which the responsible agency*
16 *continuously monitors, assesses, and reports*
17 *on the effects that any vehicle permitted to*
18 *use a high occupancy vehicle lane under an*
19 *exception under this paragraph may have*
20 *on the operation of—*

21 *“(I) individual high occupancy*
22 *vehicle lanes; and*

23 *“(II) the entire high occupancy*
24 *vehicle lane system.*

6–25

1 “(iii) OPERATION OF HOV LANE OR
2 SYSTEM.—A responsible agency described in
3 clause (i) shall limit use of, or cease to use,
4 any of the exceptions specified in this para-
5 graph if the presence of any vehicle per-
6 mitted to use a high occupancy vehicle lane
7 under an exception under this paragraph
8 seriously degrades the operation of—

9 “(I) individual high occupancy
10 vehicle lanes; and

11 “(II) the entire high occupancy
12 vehicle lane system.”.

13 **SEC. 1607. BICYCLE TRANSPORTATION AND PEDESTRIAN**
14 **WALKWAYS.**

15 (a) *IN GENERAL.*—Section 217 of title 23, United
16 States Code, is amended—

17 (1) in subsection (a), by inserting “pedestrian
18 and” after “safe”;

19 (2) in subsection (e), by striking “bicycles” each
20 place it appears and inserting “pedestrians or
21 bicyclists”;

22 (3) by striking subsection (f) and inserting the
23 following:

24 “(f) *FEDERAL SHARE.*—The Federal share of the con-
25 struction of bicycle transportation facilities and pedestrian

1 *walkways, and for carrying out nonconstruction projects re-*
2 *lating to safe pedestrian and bicycle use, shall be deter-*
3 *mined in accordance with section 120(b).”;*

4 *(4) by redesignating subsection (j) as subsection*
5 *(l);*

6 *(5) by inserting after subsection (i) the following:*

7 *“(j) BICYCLE AND PEDESTRIAN SAFETY GRANTS.—*

8 *“(1) IN GENERAL.—The Secretary shall select*
9 *and make grants to a national, nonprofit organiza-*
10 *tion engaged in promoting bicycle and pedestrian*
11 *safety—*

12 *“(A) to operate a national bicycle and pe-*
13 *destrian clearinghouse;*

14 *“(B) to develop information and edu-*
15 *cational programs regarding walking and bicy-*
16 *cling; and*

17 *“(C) to disseminate techniques and strate-*
18 *gies for improving bicycle and pedestrian safety.*

19 *“(2) FUNDING.—The Secretary may use funds*
20 *apportioned under section 104(n) to carry out this*
21 *subsection.*

22 *“(3) APPLICABILITY OF TITLE 23.—Funds au-*
23 *thorized to be appropriated to carry out this sub-*
24 *section shall be available for obligation in the same*
25 *manner as if the funds were apportioned under sec-*

1 *tion 104, except that the funds shall remain available*
2 *until expended.*

3 “(k) *FUNDS FOR BICYCLE AND PEDESTRIAN SAFE-*
4 *TY.—A State shall allocate for bicycle and pedestrian im-*
5 *provements in the State a percentage of the funds remain-*
6 *ing after implementation of sections 130(e) and 150, in an*
7 *amount that is equal to or greater than the percentage of*
8 *all fatal crashes in the States involving bicyclists and pedes-*
9 *trians.”; and*

10 (6) *in subsection (l) (as redesignated by para-*
11 *graph (4))—*

12 (A) *by redesignating paragraph (4) as*
13 *paragraph (5); and*

14 (B) *by inserting after paragraph (3) the fol-*
15 *lowing:*

16 “(4) *SHARED USE PATH.—The term ‘shared use*
17 *path’ means a multiuse trail or other path that is—*

18 (A) *physically separated from motorized*
19 *vehicular traffic by an open space or barrier, ei-*
20 *ther within a highway right-of-way or within an*
21 *independent right-of-way; and*

22 (B) *usable for transportation purposes (in-*
23 *cluding by pedestrians, bicyclists, skaters, eques-*
24 *trians, and other nonmotorized users).”.*

1 **(b) RESERVATION OF FUNDS.**—Section 104 of title 23,
2 *United States Code (as amended by section 1601(b)), is*
3 *amended by adding at the end the following:*

4 “(n) **BICYCLE AND PEDESTRIAN SAFETY GRANTS.**—
5 *On October 1 of each of fiscal years 2004 through 2009,*
6 *the Secretary, after making the deductions authorized by*
7 *subsections (a) and (f), shall set aside \$500,000 of the re-*
8 *maining funds apportioned under subsection (b)(3) for use*
9 *in carrying out the bicycle and pedestrian safety grant pro-*
10 *gram under section 217.”.*

11 **SEC. 1608. IDLING REDUCTION FACILITIES IN INTERSTATE**
12 **RIGHTS-OF-WAY.**

13 Section 111 of title 23, *United States Code, is amended*
14 *by adding at the end the following:*

15 “(d) **IDLING REDUCTION FACILITIES IN INTERSTATE**
16 **RIGHTS-OF-WAY.**—

17 “(1) **IN GENERAL.**—Notwithstanding subsection
18 (a), a State may—

19 “(A) permit electrification or other idling
20 reduction facilities and equipment, for use by
21 motor vehicles used for commercial purposes, to
22 be placed in rest and recreation areas, and in
23 safety rest areas, constructed or located on
24 rights-of-way of the Interstate System in the
25 State; and

6–29

1 “(B) may charge, or permit charges, for the
2 use of those facilities.

3 “(2) *PURPOSE.*—*The exclusive purpose of the fa-*
4 *ilities described in paragraph (1) (or similar tech-*
5 *nologies) shall be to enable operators of motor vehicles*
6 *used for commercial purposes—*

7 “(A) to turn off their engines while parked;
8 and

9 “(B) to have heating, air conditioning, elec-
10 *tricity, and communication services in the vehi-*
11 *cle without use of the engine.”.*

12 **SEC. 1609. TOLL PROGRAMS.**

13 (a) *INTERSTATE SYSTEM RECONSTRUCTION AND RE-*
14 *HABILITATION PILOT PROGRAM.*—*Section 1216(b) of the*
15 *Transportation Equity Act for the 21st Century (23 U.S.C.*
16 *129 note; 112 Stat. 212)—*

17 (1) *is amended—*

18 (A) *in paragraph (1)—*

19 (i) *by striking “The Secretary” and*
20 *inserting “Notwithstanding section 301, the*
21 *Secretary”; and*

22 (ii) *by striking “that could not other-*
23 *wise be adequately maintained or function-*
24 *ally improved without the collection of*
25 *tolls”;*

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1 (B) in paragraph (3), by striking subpara-
2 graph (C) and inserting the following:

3 “(C) An analysis demonstrating that fi-
4 nancing the reconstruction or rehabilitation of
5 the facility with the collection of tolls under this
6 pilot program is the most efficient, economical,
7 or expeditious way to advance the project.”;

8 (C) in paragraph (4)—

9 (i) by striking subparagraph (A) and
10 inserting the following:

11 “(A) the State’s analysis showing that fi-
12 nancing the reconstruction or rehabilitation of a
13 facility with the collection of tolls under the pilot
14 program is the most efficient, economical, or ex-
15 peditious way to advance the project;”;

16 (ii) by striking subparagraph (B) and
17 inserting the following:

18 “(B) the facility needs reconstruction or re-
19 habilitation, including major work that may re-
20 quire replacing sections of the existing facility on
21 new alignment;”;

22 (iii) by striking subparagraph (C);
23 and

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1 (iv) by redesignating subparagraphs
2 (D) and (E) as subparagraphs (C) and (D),
3 respectively;

4 (2) is redesignated as subsection (d) of section
5 129 of title 23, United States Code, and moved to ap-
6 pear at the end of that section; and

7 (3) by striking “of title 23, United States Code”
8 each place it appears.

9 (b) VARIABLE TOLL PRICING PROGRAM.—Section 129
10 of title 23, United States Code (as amended by subsection
11 (a)(2)), is amended by adding at the end the following:

12 “(e) VARIABLE TOLL PRICING PROGRAM.—

13 “(1) DEFINITIONS.—In this subsection:

14 “(A) ELIGIBLE TOLL FACILITY.—The term
15 ‘eligible toll facility’ includes—

16 “(i) a facility in existence on the date
17 of enactment of this subsection that collects
18 tolls;

19 “(ii) a facility in existence on the date
20 of enactment of this subsection that serves
21 high occupancy vehicle lanes; and

22 “(iii) a facility modified or constructed
23 after the date of enactment of this subsection
24 to create additional tolled capacity (includ-

1 *ing a facility constructed by a private enti-*
2 *ty or using private funds).*

3 “(B) *NONATTAINMENT AREA.*—*The term*
4 *‘nonattainment area’ has the meaning given the*
5 *term in section 171 of the Clean Air Act (42*
6 *U.S.C. 7501).*

7 “(2) *ESTABLISHMENT.*—*Notwithstanding sec-*
8 *tions 129 and 301, the Secretary may permit a State,*
9 *public authority, or a public or private entity des-*
10 *ignated by a State, to collect a toll from motor vehi-*
11 *cles at an eligible toll facility for any highway,*
12 *bridge, or tunnel, including facilities on the Interstate*
13 *System—*

14 “(A) *to manage high levels of congestion; or*

15 “(B) *to reduce emissions in a nonattain-*
16 *ment area or maintenance area.*

17 “(3) *LIMITATION ON USE OF REVENUES.*—

18 “(A) *IN GENERAL.*—*All toll revenues re-*
19 *ceived under paragraph (2) shall be used by a*
20 *State or public authority for—*

21 “(i) *debt service;*

22 “(ii) *a reasonable return on investment*
23 *of any private financing; and*

24 “(iii) *the costs necessary for proper op-*
25 *eration and maintenance of any facilities*

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1 under paragraph (2) (including reconstruc-
2 tion, resurfacing, restoration, and rehabili-
3 tation); and

4 “(iv) projects eligible for Federal as-
5 sistance under this title.

6 “(B) REQUIREMENTS.—

7 “(i) VARIABLE PRICE REQUIREMENT.—
8 The Secretary shall require, for each facility
9 that charges tolls under this subsection, that
10 the tolls vary in price according to time of
11 day, as appropriate to manage congestion
12 or improve air quality.

13 “(ii) HOV PASSENGER REQUIRE-
14 MENTS.—In addition to the exceptions to
15 the high occupancy vehicle passenger re-
16 quirements established under section
17 102(a)(2), a State may permit motor vehi-
18 cles with fewer than 2 occupants to operate
19 in high occupancy vehicle lanes as part of
20 a variable toll pricing program established
21 under this subsection.

22 “(C) AGREEMENT.—

23 “(i) IN GENERAL.—Before the Sec-
24 retary may permit a facility to charge tolls
25 under this subsection, the Secretary and the

1 *applicable State or public authority shall*
2 *enter into an agreement for each facility in-*
3 *corporating the conditions described in sub-*
4 *paragraphs (A) and (B).*

5 “(ii) *TERMINATION.*—*An agreement*
6 *under clause (i) shall terminate with respect*
7 *to a facility upon the decision of the State*
8 *or public authority to discontinue the vari-*
9 *able tolling program under this subsection*
10 *for the facility.*

11 “(iii) *DEBT.*—*If there is any debt out-*
12 *standing on a facility at the time at which*
13 *the decision is made to discontinue the pro-*
14 *gram under this subsection with respect to*
15 *the facility, the facility may continue to*
16 *charge tolls in accordance with the terms of*
17 *the agreement until such time as the debt is*
18 *retired.*

19 “(D) *LIMITATION ON FEDERAL SHARE.*—
20 *The Federal share of the cost of a project on a*
21 *facility tolled under this subsection, including a*
22 *project to install the toll collection facility shall*
23 *be a percentage, not to exceed 80 percent, deter-*
24 *mined by the applicable State.*

1 “(4) *ELIGIBILITY.*—*To be eligible to participate*
2 *in the program under this subsection, a State or pub-*
3 *lic authority shall provide to the Secretary—*

4 “(A) *a description of the congestion or air*
5 *quality problems sought to be addressed under*
6 *the program;*

7 “(B) *a description of—*

8 “(i) *the goals sought to be achieved*
9 *under the program; and*

10 “(ii) *the performance measures that*
11 *would be used to gauge the success made to-*
12 *ward reaching those goals; and*

13 “(C) *such other information as the Sec-*
14 *retary may require.*

15 “(f) *AUTOMATION.*—*A facility created or modified*
16 *under this section shall use an electronic toll collection sys-*
17 *tem that uses a transponder or other means to specify an*
18 *account for the purposes of collecting a toll as a vehicle*
19 *passes through the collection facility.*

20 “(g) *INTEROPERABILITY.*—

21 “(1) *RULE.*—

22 “(A) *IN GENERAL.*—*Not later than 180*
23 *days after the date of enactment of this sub-*
24 *section, the Secretary shall promulgate a final*
25 *rule specifying requirements, standards, or per-*

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1 *formance specifications for automated toll collec-*
2 *tion systems implemented under this section.*

3 “(B) *DEVELOPMENT.*—*In developing that*
4 *rule, which shall be designed to maximize the*
5 *interoperability of electronic collection systems,*
6 *the Secretary shall, to the maximum extent*
7 *practicable—*

8 “(i) *seek to accelerate progress toward*
9 *the national goal of achieving a nationwide*
10 *interoperable electronic toll collection sys-*
11 *tem;*

12 “(ii) *take into account the use of tran-*
13 *sponders currently deployed within an ap-*
14 *propriate geographical area of travel and*
15 *the transponders likely to be in use within*
16 *the next 5 years; and*

17 “(iii) *seek to minimize additional costs*
18 *and maximize convenience to users of toll*
19 *facility and to the toll facility owner or op-*
20 *erator.*

21 “(2) *FUTURE MODIFICATIONS.*—*As the state of*
22 *technology progresses, the Secretary shall modify the*
23 *rule promulgated under paragraph (1)(A), as appro-*
24 *priate.”.*

25 (c) *CONFORMING AMENDMENTS.*—

1 (1) *IN GENERAL.*—Section 1012 of the Inter-
2 modal Surface Transportation Efficiency Act (23
3 U.S.C. 149 note; 105 Stat. 1938; 112 Stat. 211) is
4 amended by striking subsection (b).

5 (2) *CONTINUATION OF PROGRAM.*—Notwith-
6 standing the amendment made by paragraph (1), the
7 Secretary shall monitor and allow any value pricing
8 program established under a cooperative agreement in
9 effect on the day before the date of enactment of this
10 Act to continue.

11 **SEC. 1610. FEDERAL REFERENCE METHOD.**

12 (a) *IN GENERAL.*—Section 6102 of the Transportation
13 Equity Act for the 21st Century (42 U.S.C. 7407 note; 112
14 Stat. 464) is amended by striking subsection (e) and insert-
15 ing the following:

16 “(e) *FIELD STUDY.*—Not later than 2 years after the
17 date of enactment of the Safe, Accountable, Flexible, and
18 Efficient Transportation Equity Act of 2003, the Adminis-
19 trator shall—

20 “(1) conduct a field study of the ability of the
21 PM_{2.5} Federal Reference Method to differentiate those
22 particles that are larger than 2.5 micrometers in di-
23 ameter;

24 “(2) develop a Federal reference method to meas-
25 ure directly particles that are larger than 2.5 mi-

1 *rometers in diameter without reliance on subtracting*
2 *from coarse particle measurements those particles that*
3 *are equal to or smaller than 2.5 micrometers in di-*
4 *ameter;*

5 *“(3) develop a method of measuring the composi-*
6 *tion of coarse particles; and*

7 *“(4) submit a report on the study and respon-*
8 *sibilities of the Administrator under paragraphs (1)*
9 *through (3) to—*

10 *“(A) the Committee on Commerce of the*
11 *House of Representatives; and*

12 *“(B) the Committee on Environment and*
13 *Public Works of the Senate.”.*

14 **SEC. 1611. ADDITION OF PARTICULATE MATTER AREAS TO**
15 **CMAQ.**

16 *Section 104(b)(2) of title 23, United States Code, is*
17 *amended—*

18 *(1) in subparagraph B—*

19 *(A) in the matter preceding clause (i), by*
20 *striking “ozone or carbon monoxide” and insert-*
21 *ing “ozone, carbon monoxide, or fine particulate*
22 *matter (PM_{2.5})”;*

23 *(B) by striking clause (i) and inserting the*
24 *following:*

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1 “(i) 1.0, if at the time of apportion-
2 ment, the area is a maintenance area;”;

3 (C) in clause (vi), by striking “or” after the
4 semicolon; and

5 (D) in clause (vii), by striking “area as de-
6 scribed in section 149(b) for ozone,” and insert-
7 ing “area for ozone (as described in section
8 149(b)) or for PM–2.5”;

9 (2) by adding at the end the following:

10 “(viii) 1.0 if, at the time of apportion-
11 ment, any county that is not designated as
12 a nonattainment or maintenance area
13 under the 1-hour ozone standard is des-
14 ignated as nonattainment under the 8-hour
15 ozone standard;

16 “(ix) 1.2 if, at the time of apportion-
17 ment, the area is not a nonattainment or
18 maintenance area as described in section
19 149(b) for ozone or carbon monoxide, but is
20 an area designated nonattainment under
21 the PM–2.5 standard.”;

22 (3) by striking subparagraph (C) and inserting
23 the following:

24 “(C) *ADDITIONAL ADJUSTMENT FOR CAR-*
25 *BON MONOXIDE AREAS.—If, in addition to being*

1 *designated as a nonattainment or maintenance*
2 *area for ozone as described in section 149(b), any*
3 *county within the area was also classified under*
4 *subpart 3 of part D of title I of the Clean Air*
5 *Act (42 U.S.C. 7512 et seq.) as a nonattainment*
6 *or maintenance area described in section 149(b)*
7 *for carbon monoxide, the weighted nonattain-*
8 *ment or maintenance area population of the*
9 *county, as determined under clauses (i) through*
10 *(vi) or clause (viii) of subparagraph (B), shall be*
11 *further multiplied by a factor of 1.2.”;*

12 *(4) by redesignating subparagraph (D) and (E)*
13 *as subparagraphs (E) and (F) respectively; and*

14 *(5) by inserting after subparagraph (C) the fol-*
15 *lowing:*

16 “(D) *ADDITIONAL ADJUSTMENT FOR PM 2.5*
17 *AREAS.—If, in addition to being designated as a*
18 *nonattainment or maintenance area for ozone or*
19 *carbon monoxide, or both as described in section*
20 *149(b), any county within the area was also des-*
21 *ignated under the PM-2.5 standard as a non-*
22 *attainment or maintenance area, the weighted*
23 *nonattainment or maintenance area population*
24 *of those counties shall be further multiplied by a*
25 *factor of 1.2.”.*

1 **SEC. 1612. ADDITION TO CMAQ-ELIGIBLE PROJECTS.**

2 (a) *ELIGIBLE PROJECTS.*—Section 149(b) of title 23,
3 *United States Code*, is amended—

4 (1) in paragraph (4), by striking “or” at the
5 end;

6 (2) in paragraph (5), by striking the period at
7 the end and inserting “; or”; and

8 (3) by adding at the end the following:

9 “(6) if the project or program is for the purchase
10 of alternative fuel (as defined in section 301 of the
11 *Energy Policy Act of 1992* (42 U.S.C. 13211)) or bio-
12 diesel.”.

13 (b) *STATES RECEIVING MINIMUM APPORTIONMENT.*—
14 Section 149(c) of title 23, *United States Code*, is amended—

15 (1) in paragraph (1), by striking “for any
16 project eligible under the surface transportation pro-
17 gram under section 133.” and inserting the following:
18 “for any project in the State that—

19 “(A) would otherwise be eligible under this
20 section as if the project were carried out in a
21 nonattainment or maintenance area; or

22 “(B) is eligible under the surface transpor-
23 tation program under section 133.”; and

24 (2) in paragraph (2), by striking “for any
25 project in the State eligible under section 133.” and

1 *inserting the following: “for any project in the State*
2 *that—*

3 *“(A) would otherwise be eligible under this*
4 *section as if the project were carried out in a*
5 *nonattainment or maintenance area; or*

6 *“(B) is eligible under the surface transpor-*
7 *tation program under section 133.”.*

8 **SEC. 1613. IMPROVED INTERAGENCY CONSULTATION.**

9 *Section 149 of title 23, United States Code, is amended*
10 *by adding at the end the following:*

11 *“(g) INTERAGENCY CONSULTATION.—The Secretary*
12 *shall encourage States and metropolitan planning organi-*
13 *zations to consult with State and local air quality agencies*
14 *in nonattainment and maintenance areas on the estimated*
15 *emission reductions from proposed congestion mitigation*
16 *and air quality improvement programs and projects.”.*

17 **SEC. 1614. EVALUATION AND ASSESSMENT OF CMAQ**
18 **PROJECTS.**

19 *Section 149 of title 23, United States Code, is amended*
20 *by adding at the end the following:*

21 *“(h) EVALUATION AND ASSESSMENT OF PROJECTS.—*

22 *“(1) IN GENERAL.—The Secretary, in consulta-*
23 *tion with the Administrator of the Environmental*
24 *Protection Agency, shall evaluate and assess a rep-*

1 *representative sample of projects funded under the con-*
2 *gestion mitigation and air quality program to—*

3 *“(A) determine the direct and indirect im-*
4 *pect of the projects on air quality and congestion*
5 *levels; and*

6 *“(B) ensure the effective implementation of*
7 *the program.*

8 *“(2) DATABASE.—Using appropriate assessments*
9 *of projects funded under the congestion mitigation*
10 *and air quality program and results from other re-*
11 *search, the Secretary shall maintain and disseminate*
12 *a cumulative database describing the impacts of the*
13 *projects.*

14 *“(3) CONSIDERATION.—The Secretary, in con-*
15 *sultation with the Administrator of the Environ-*
16 *mental Protection Agency, shall consider the rec-*
17 *ommendations and findings of the report submitted to*
18 *Congress under section 1110(e) of the Transportation*
19 *Equity Act for the 21st Century (112 Stat. 144), in-*
20 *cluding recommendations and findings that would*
21 *improve the operation and evaluation of the conges-*
22 *tion mitigation and air quality improvement pro-*
23 *gram under section 149.”.*

1 **SEC. 1615. SYNCHRONIZED PLANNING AND CONFORMITY**
2 **TIMELINES, REQUIREMENTS, AND HORIZON.**

3 (a) *METROPOLITAN PLANNING.*—

4 (1) *DEVELOPMENT OF LONG-RANGE TRANSPORTATION PLAN.*—Section 134(g)(1) of title 23, United
5 States Code, is amended by striking “periodically, ac-
6 cording to a schedule that the Secretary determines to
7 be appropriate,” and inserting “every 4 years in
8 areas designated as nonattainment, as defined in sec-
9 tion 107(d) of the Clean Air Act (42 U.S.C. 7407(d)),
10 and in areas that were nonattainment that have been
11 redesignated to attainment in accordance with section
12 107(d)(3) of that Act (42 U.S.C. 7407(d)(3)), with a
13 maintenance plan under section 175A of that Act (42
14 U.S.C. 7505a), or every 5 years in areas designated
15 as attainment (as defined in section 107(d) of that
16 Act (42 U.S.C. 7407(d))),”.

18 (2) *METROPOLITAN TRANSPORTATION IMPROVE-
19 MENT PROGRAM.*—Section 134(h) of title 23, United
20 States Code, is amended—

21 (A) in paragraph (1)(D), by striking “2
22 years” and inserting “4 years”; and

23 (B) in paragraph (2)(A), by striking “3-
24 year” and inserting “4-year”.

25 (3) *STATEWIDE TRANSPORTATION IMPROVEMENT
26 PROGRAM.*—Section 135(f)(1)(A) of title 23, United

1 *States Code, is amended by inserting after “program”*
2 *the following: “(which program shall cover a period*
3 *of 4 years and be updated every 4 years)”.*

4 (4) *FINAL REGULATIONS.—Not later than 18*
5 *months after the date of enactment of the Safe, Ac-*
6 *countable, Flexible, and Efficient Transportation Eq-*
7 *uity Act of 2003, the Secretary shall promulgate regu-*
8 *lations that are consistent with the amendments made*
9 *by this subsection.*

10 (b) *SYNCHRONIZED CONFORMITY DETERMINATION.—*
11 *Section 176(c) of the Clean Air Act (42 U.S.C. 7506(c))*
12 *is amended—*

13 (1) *in paragraph (2)—*

14 (A) *by striking “(2) Any transportation*
15 *plan” and inserting the following:*

16 “(2) *TRANSPORTATION PLANS AND PROGRAMS.—*
17 *Any transportation plan”;*

18 (B) *in subparagraph (C)(iii), by striking*
19 *the period at the end and inserting a semicolon;*

20 (C) *in subparagraph (D)—*

21 (i) *by striking “Any project” and in-*
22 *serting “any transportation project”; and*

23 (ii) *by striking the period at the end*
24 *and inserting “; and”; and*

25 (D) *by adding at the end the following:*

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1 “(E) the appropriate metropolitan planning
2 organization shall redetermine conformity of ex-
3 isting transportation plans and programs not
4 later than 2 years after the date on which the
5 Administrator—

6 “(i) finds a motor vehicle emissions
7 budget to be adequate in accordance with
8 section 93.118(e)(4) of title 40, Code of Fed-
9 eral Regulations (as in effect on October 1,
10 2003);

11 “(ii) approves an implementation plan
12 that establishes a motor vehicle emissions
13 budget, if that budget has not yet been used
14 in a conformity determination prior to ap-
15 proval; or

16 “(iii) promulgates an implementation
17 plan that establishes or revises a motor ve-
18 hicle emissions budget.”;

19 (2) in paragraph (4)(B)(ii), by striking “but in
20 no case shall such determinations for transportation
21 plans and programs be less frequent than every 3
22 years; and” and inserting “but the frequency for mak-
23 ing conformity determinations on updated transpor-
24 tation plans and programs shall be every 4 years, ex-
25 cept in a case in which—

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1 “(I) the metropolitan planning
2 organization elects to update a trans-
3 portation plan or program more fre-
4 quently; or

5 “(II) the metropolitan planning
6 organization is required to determine
7 conformity in accordance with para-
8 graph (2)(E); and”;

9 (3) in paragraph (4)(B)—

10 (A) in clause (ii), by striking “and” at the
11 end;

12 (B) in clause (iii), by striking the period at
13 the end and inserting “; and”; and

14 (C) by adding at the end the following:

15 “(iv) address the effects of the most re-
16 cent population, economic, employment,
17 travel, transit ridership, congestion, and in-
18 duced travel demand information in the de-
19 velopment and application of the latest
20 travel and emissions models.”;

21 (4) by adding at the end the following:

22 “(7) CONFORMITY HORIZON FOR TRANSPOR-
23 TATION PLANS.—

24 “(A) IN GENERAL.—For the purposes of this
25 section, a transportation plan in a nonattain-

1 *ment or maintenance area shall be considered to*
2 *be a transportation plan or a portion of a trans-*
3 *portation plan that extends for the longest of the*
4 *following periods:*

5 *“(i) The first 10-year period of any*
6 *such transportation plan.*

7 *“(ii) The latest year in the implemen-*
8 *tation plan applicable to the area that con-*
9 *tains a motor vehicle emission budget.*

10 *“(iii) The year after the completion*
11 *date of a regionally significant project, if*
12 *the project requires approval before the sub-*
13 *sequent conformity determination.*

14 *“(B) EXCEPTION.—In a case in which an*
15 *area has a revision to an implementation plan*
16 *under section 175A(b) and the Administrator*
17 *has found the motor vehicle emissions budgets*
18 *from that revision to be adequate in accordance*
19 *with section 93.118(e)(4) of title 40, Code of Fed-*
20 *eral Regulations (as in effect on October 1,*
21 *2003), or has approved the revision, the trans-*
22 *portation plan shall be considered to be a trans-*
23 *portation plan or portion of a transportation*
24 *plan that extends through the last year of the im-*

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1 *plementation plan required under section*
2 *175A(b).*

3 “(8) *DEFINITIONS.—In this subsection:*

4 “(A) *REGIONALLY SIGNIFICANT PROJECT.—*

5 “(i) *IN GENERAL.—The term ‘region-*
6 *ally significant project’ means a transpor-*
7 *tation project that is on a facility that*
8 *serves a regional transportation need,*
9 *including—*

10 “(I) *access to and from the area*
11 *outside of the region;*

12 “(II) *access to and from major*
13 *planned developments, including new*
14 *retail malls, sports complexes, or trans-*
15 *portation terminals; and*

16 “(III) *most transportation termi-*
17 *nals.*

18 “(ii) *PRINCIPAL ARTERIALS AND FIXED*
19 *GUIDEWAYS.—The term ‘regionally signifi-*
20 *cant project’ includes, at a minimum—*

21 “(I) *all principal arterial high-*
22 *ways; and*

23 “(II) *all fixed guideway transit*
24 *facilities that offer an alternative to re-*
25 *gional highway travel.*

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1 “(iii) *ADDITIONAL PROJECTS.*—*The*
2 *interagency consultation process and proce-*
3 *dures described in section 93.105(c) of title*
4 *40, Code of Federal Regulations (as in effect*
5 *on October 1, 2003), shall be used to make*
6 *determinations as to whether minor arterial*
7 *highways and other transportation projects*
8 *should be considered ‘regionally significant*
9 *projects’.*

10 “(iv) *EXCLUSIONS.*—*The term ‘region-*
11 *ally significant project’ does not include*
12 *any project of a type listed in sections*
13 *93.126 or 127 of title 40, Code of Federal*
14 *Regulations (as in effect on October 1,*
15 *2003).*

16 “(B) *SIGNIFICANT REVISION.*—*The term*
17 *‘significant revision’ means—*

18 “(i) *with respect to a regionally sig-*
19 *nificant project, a significant change in de-*
20 *sign concept or scope to the project; and*

21 “(ii) *with respect to any other kind of*
22 *project, a change that converts a project*
23 *that is not a regionally significant project*
24 *into a regionally significant project.*

1 “(C) *TRANSPORTATION PROJECT.*—*The term*
2 *‘transportation project’ includes only a project*
3 *that is—*

4 “(i) *a regionally significant project; or*
5 “(ii) *a project that makes a significant*
6 *revision to an existing project.’; and*

7 (5) *in the matter following paragraph (3)(B), by*
8 *inserting “transportation” before “project” each place*
9 *it appears.*

10 **SEC. 1616. TRANSITION TO NEW AIR QUALITY STANDARDS.**

11 *Section 176(c) of the Clean Air Act (42 U.S.C.*
12 *7506(c)) is amended by striking paragraph (3) and insert-*
13 *ing the following:*

14 “(3) *METHODS OF CONFORMITY DETERMINATION*
15 *BEFORE BUDGET IS AVAILABLE.—*

16 “(A) *IN GENERAL.*—*Until such time as a*
17 *motor vehicle emission budget from an imple-*
18 *mentation plan submitted for a national ambi-*
19 *ent air quality standard is determined to be ade-*
20 *quate in accordance with section 93.118(e)(4) of*
21 *title 40, Code of Federal Regulations (as in effect*
22 *on October 1, 2003), or the submitted implemen-*
23 *tation plan is approved, conformity of such a*
24 *plan, program, or project shall be demonstrated,*

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1 as selected through the consultation process re-
2 quired under paragraph (4)(B)(i), with—

3 “(i) a motor vehicle emission budget
4 that has been found adequate in accordance
5 with section 93.118(e)(4) of title 40, Code of
6 Federal Regulations (as in effect on October
7 1, 2003), or that has been approved, from
8 an implementation plan for the most recent
9 prior applicable national ambient air qual-
10 ity standard addressing the same pollutant;
11 or

12 “(ii) other such tests as the Adminis-
13 trator shall determine to ensure that—

14 “(I) the transportation plan or
15 program—

16 “(aa) is consistent with the
17 most recent estimates of mobile
18 source emissions;

19 “(bb) provides for the expedi-
20 tious implementation of transpor-
21 tation control measures in the ap-
22 plicable implementation plan;
23 and

24 “(cc) with respect to an ozone
25 or carbon monoxide nonattain-

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1 *ment area, contributes to annual*
2 *emissions reductions consistent*
3 *with sections 182(b)(1) and*
4 *187(a)(7); and*

5 *“(II) the transportation project—*

6 *“(aa) comes from a con-*
7 *forming transportation plan and*
8 *program described in this sub-*
9 *paragraph; and*

10 *“(bb) in a carbon monoxide*
11 *nonattainment area, eliminates or*
12 *reduces the severity and number*
13 *of violations of the carbon mon-*
14 *oxide standards in the area sub-*
15 *stantially affected by the project.*

16 *“(B) DETERMINATION FOR A TRANSPOR-*
17 *TATION PROJECT IN A CARBON MONOXIDE NON-*
18 *ATTAINMENT AREA.—A determination under sub-*
19 *paragraph (A)(ii)(II)(bb) may be made as part*
20 *of either the conformity determination for the*
21 *transportation program or for the individual*
22 *project taken as a whole during the environ-*
23 *mental review phase of project development.*

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1 **SEC. 1617. REDUCED BARRIERS TO AIR QUALITY IMPROVE-**
2 **MENTS.**

3 *Section 176(c) of the Clean Air Act (42 U.S.C.*
4 *7506(c)) is amended—*

5 *(1) by redesignating paragraph (9) as para-*
6 *graph (10); and*

7 *(2) by inserting after paragraph (8) the fol-*
8 *lowing:*

9 *“(9) SUBSTITUTION FOR TRANSPORTATION CON-*
10 *TROL MEASURES.—*

11 *“(A) IN GENERAL.—Transportation control*
12 *measures that are specified in an implementa-*
13 *tion plan may be replaced or added to the imple-*
14 *mentation plan with alternate or additional*
15 *transportation control measures if—*

16 *“(i) the substitute measures achieve*
17 *equivalent or greater emissions reductions*
18 *than the control measure to be replaced, as*
19 *demonstrated with an analysis that is con-*
20 *sistent with the current methodology used*
21 *for evaluating the replaced control measure*
22 *in the implementation plan;*

23 *“(ii) the substitute control measures*
24 *are implemented—*

25 *“(I) in accordance with a schedule*
26 *that is consistent with the schedule*

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1 *provided for control measures in the*
2 *implementation plan; or*

3 *“(II) if the implementation plan*
4 *date for implementation of the control*
5 *measure to be replaced has passed, as*
6 *soon as practicable after the implemen-*
7 *tation plan date but not later than the*
8 *date on which emission reductions are*
9 *necessary to achieve the purpose of the*
10 *implementation plan;*

11 *“(iii) the substitute and additional*
12 *control measures are accompanied with evi-*
13 *dence of adequate personnel, funding, and*
14 *authority under State or local law to imple-*
15 *ment, monitor, and enforce the control*
16 *measures;*

17 *“(iv) the substitute and additional con-*
18 *trol measures were developed through a col-*
19 *laborative process that included—*

20 *“(I) participation by representa-*
21 *tives of all affected jurisdictions (in-*
22 *cluding local air pollution control*
23 *agencies, the State air pollution control*
24 *agency, and State and local transpor-*
25 *tation agencies);*

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1 “(II) consultation with the Ad-
2 ministrators; and

3 “(III) reasonable public notice
4 and opportunity for comment; and

5 “(v) the metropolitan planning organi-
6 zation, State air pollution control agency,
7 and the Administrator concur with the
8 equivalency of the substitute or additional
9 control measures.

10 “(B) ADOPTION.—After carrying out sub-
11 paragraph (A), a State shall adopt the substitute
12 or additional transportation control measure in
13 the applicable implementation plan.

14 “(C) NO REQUIREMENT FOR EXPRESS PER-
15 MISSION.—The substitution or addition of a
16 transportation control measure in accordance
17 with this paragraph shall not be contingent on
18 there being any provision in the implementation
19 plan that expressly permits such a substitution
20 or addition.

21 “(D) NO REQUIREMENT FOR NEW CON-
22 FORMITY DETERMINATION.—The substitution or
23 addition of a transportation control measure in
24 accordance with this paragraph shall not
25 require—

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1 “(i) a new conformity determination
2 for the transportation plan; or

3 “(ii) a revision of the implementation
4 plan.

5 “(E) CONTINUATION OF CONTROL MEASURE
6 BEING REPLACED.—A control measure that is
7 being replaced by a substitute control measure
8 under this paragraph shall remain in effect until
9 the substitute control measure is approved.

10 “(F) EFFECT OF ADOPTION.—Adoption of a
11 substitute control measure shall constitute rescis-
12 sion of the previously applicable control meas-
13 ure.”.

14 **SEC. 1618. AIR QUALITY MONITORING DATA INFLUENCED**
15 **BY EXCEPTIONAL EVENTS.**

16 (a) *IN GENERAL.*—Section 319 of the Clean Air Act
17 (42 U.S.C.7619) is amended—

18 (1) by striking the section heading and all that
19 follows through “after notice and opportunity for pub-
20 lic hearing” and inserting the following:

21 **“SEC. 319. AIR QUALITY MONITORING.**

22 “(a) *IN GENERAL.*—After notice and opportunity for
23 public hearing”; and

24 (2) by adding at the end the following:

1 “(b) *AIR QUALITY MONITORING DATA INFLUENCED BY*
2 *EXCEPTIONAL EVENTS.*—

3 “(1) *DEFINITION OF EXCEPTIONAL EVENT.*—*In*
4 *this section:*

5 “(A) *IN GENERAL.*—*The term ‘exceptional*
6 *event’ means an event that—*

7 “(i) *affects air quality;*

8 “(ii) *is not reasonably controllable or*
9 *preventable;*

10 “(iii) *is—*

11 “(I) *a natural event; or*

12 “(II) *an event caused by human*
13 *activity that is unlikely to recur at a*
14 *particular location; and*

15 “(iv) *is determined by the Adminis-*
16 *trator through the process established in the*
17 *regulations promulgated under paragraph*
18 *(2) to be an exceptional event.*

19 “(B) *EXCLUSIONS.*—*The term ‘exceptional*
20 *event’ does not include—*

21 “(i) *stagnation of air masses or mete-*
22 *orological inversions;*

23 “(ii) *a meteorological event involving*
24 *high temperatures or lack of precipitation;*

25 *or*

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1 “(iii) air pollution relating to source
2 noncompliance.

3 “(2) REGULATIONS.—

4 “(A) PROPOSED REGULATIONS.—Not later
5 than March 1, 2005, after consultation with Fed-
6 eral land managers and State air pollution con-
7 trol agencies, the Administrator shall publish in
8 the Federal Register proposed regulations gov-
9 erning the review and handling of air quality
10 monitoring data influenced by exceptional
11 events.

12 “(B) FINAL REGULATIONS.—Not later than
13 1 year after the date on which the Administrator
14 publishes proposed regulations under subpara-
15 graph (A), and after providing an opportunity
16 for interested persons to make oral presentations
17 of views, data, and arguments regarding the pro-
18 posed regulations, the Administrator shall pro-
19 mulgate final regulations governing the review
20 and handling or air quality monitoring data in-
21 fluenced by an exceptional event that are con-
22 sistent with paragraph (3).

23 “(3) PRINCIPLES AND REQUIREMENTS.—

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1 “(A) *PRINCIPLES.*—*In promulgating regu-*
2 *lations under this section, the Administrator*
3 *shall follow—*

4 “(i) *the principle that protection of*
5 *public health is the highest priority;*

6 “(ii) *the principle that timely informa-*
7 *tion should be provided to the public in any*
8 *case in which the air quality is unhealthy;*

9 “(iii) *the principle that all ambient*
10 *air quality data should be included in a*
11 *timely manner, an appropriate Federal air*
12 *quality database that is accessible to the*
13 *public;*

14 “(iv) *the principle that each State*
15 *must take necessary measures to safeguard*
16 *public health regardless of the source of the*
17 *air pollution; and*

18 “(v) *the principle that air quality data*
19 *should be carefully screened to ensure that*
20 *events not likely to recur are represented ac-*
21 *curately in all monitoring data and anal-*
22 *yses.*

23 “(B) *REQUIREMENTS.*—*Regulations pro-*
24 *mulgated under this section shall, at a min-*
25 *imum, provide that—*

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1 “(i) the occurrence of an exceptional
2 event must be demonstrated by reliable, ac-
3 curate data that is promptly produced and
4 provided by Federal, State, or local govern-
5 ment agencies;

6 “(ii) a clear causal relationship must
7 exist between the measured exceedances of a
8 national ambient air quality standard and
9 the exceptional event to demonstrate that
10 the exceptional event caused a specific air
11 pollution concentration at a particular air
12 quality monitoring location;

13 “(iii) there is a public process for de-
14 termining whether an event is exceptional;
15 and

16 “(iv) there are criteria and procedures
17 for the Governor of a State to petition the
18 Administrator to exclude air quality moni-
19 toring data that is directly due to excep-
20 tional events from use in determinations by
21 the Environmental Protection Agency with
22 respect to exceedances or violations of the
23 national ambient air quality standards.

24 “(4) INTERIM PROVISION.—Until the effective
25 date of a regulation promulgated under paragraph

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1 (2), the following guidance issued by the Adminis-
2 trator shall continue to apply:

3 “(A) Guidance on the identification and use
4 of air quality data affected by exceptional events
5 (July 1986).

6 “(B) Areas affected by PM-10 natural
7 events, May 30, 1996.

8 “(C) Appendices I, K, and N to part 50 of
9 title 40, Code of Federal Regulations.”.

10 **SEC. 1619. CONFORMING AMENDMENTS.**

11 Section 176(c)(4) of the Clean Air Act (42 U.S.C.
12 7506(c)(4) is amended—

13 (1) by redesignating subparagraph (C) as sub-
14 paragraph (D);

15 (2) by striking “(4)(A) No later than one year
16 after the date of enactment of the Clean Air Act
17 Amendments of 1990, the Administrator shall pro-
18 mulgate” and inserting the following:

19 “(4) CRITERIA AND PROCEDURES FOR DETER-
20 MINING CONFORMITY.—

21 “(A) IN GENERAL.—The Administrator
22 shall promulgate, and periodically update,”;

23 (3) in subparagraph (A)—

24 (A) in the second sentence, by striking “No
25 later than one year after such date of enactment,

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1 *the Administrator, with the concurrence of the*
2 *Secretary of Transportation, shall promulgate”*
3 *and inserting the following:*

4 “(B) *TRANSPORTATION PLANS, PROGRAMS,*
5 *AND PROJECTS.—The Administrator, with the*
6 *concurrence of the Secretary of Transportation,*
7 *shall promulgate, and periodically update,”; and*

8 *(B) in the third sentence, by striking “A*
9 *suit” and inserting the following:*

10 “(C) *CIVIL ACTION TO COMPEL PROMULGA-*
11 *TION.—A civil action”;* and

12 *(4) by striking subparagraph (D) (as redesign-*
13 *ated by paragraph (1)) and inserting the following:*

14 “(D) *INCLUSION OF CRITERIA AND PROCE-*
15 *DURES IN SIP.—Not later than 2 years after the*
16 *date of enactment of the Safe, Accountable, Flexi-*
17 *ble, and Efficient Transportation Equity Act of*
18 *2003, the procedures under subparagraph (A)*
19 *shall include a requirement that each State in-*
20 *clude in the State implementation plan criteria*
21 *and procedures for consultation in accordance*
22 *with the Administrator’s criteria and procedures*
23 *for consultation required by subparagraph*
24 *(B)(i).”.*

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1 **SEC. 1620. HIGHWAY STORMWATER DISCHARGE MITIGA-**
2 **TION PROGRAM.**

3 (a) *HIGHWAY STORMWATER MITIGATION PROJECTS.*—
4 *Section 133(d) of title 23, United States Code, is amended*
5 *by adding at the end the following:*

6 “(6) *HIGHWAY STORMWATER DISCHARGE MITI-*
7 *GATION PROJECTS.*—*Of the amount apportioned to a*
8 *State under section 104(b)(3) for a fiscal year, 2 per-*
9 *cent shall be available only for projects and activities*
10 *carried out under section 167.”.*

11 (b) *HIGHWAY STORMWATER DISCHARGE MITIGATION*
12 *PROGRAM.*—*Subchapter I of chapter 1 of title 23, United*
13 *States Code (as amended by section 1601(a)), is amended*
14 *by adding at the end the following:*

15 “**§ 167. Highway stormwater discharge mitigation pro-**
16 **gram**

17 “(a) *DEFINITIONS.*—*In this section:*

18 “(1) *ADMINISTRATOR.*—*The term ‘Adminis-*
19 *trator’ means the Administrator of the Environ-*
20 *mental Protection Agency.*

21 “(2) *ELIGIBLE MITIGATION PROJECT.*—*The term*
22 *‘eligible mitigation project’ means a practice or tech-*
23 *nique that—*

24 “(A) *improves stormwater discharge water*
25 *quality;*

26 “(B) *attains preconstruction hydrology;*

1 “(C) promotes infiltration of stormwater
2 into groundwater;

3 “(D) recharges groundwater;

4 “(E) minimizes stream bank erosion;

5 “(F) promotes natural filters;

6 “(G) otherwise mitigates water quality im-
7 pacts of highway stormwater discharges, im-
8 proves surface water quality, or enhances
9 groundwater recharge; or

10 “(H) reduces flooding caused by highway
11 stormwater discharge.

12 “(3) *FEDERAL-AID HIGHWAY AND ASSOCIATED*
13 *FACILITY.*—The term ‘Federal-aid highway and asso-
14 ciated facility’ means—

15 “(A) a Federal-aid highway; or

16 “(B) a facility or land owned by a State (or
17 political subdivision of a State) that is directly
18 associated with the Federal-aid highway.

19 “(4) *HIGHWAY STORMWATER DISCHARGE.*—The
20 term ‘highway stormwater discharge’ means
21 stormwater discharge from a Federal-aid highway, or
22 a Federal-aid highway and associated facility, that
23 was constructed before the date of enactment of this
24 section.

1 “(5) *HIGHWAY STORMWATER DISCHARGE MITI-*
2 *GATION.—The term ‘highway stormwater discharge*
3 *mitigation’ means—*

4 “(A) *the reduction of water quality impacts*
5 *of stormwater discharges from Federal-aid high-*
6 *ways or Federal-aid highways and associated fa-*
7 *cilities; or*

8 “(B) *the enhancement of groundwater re-*
9 *charge from stormwater discharges from Federal-*
10 *aid highways or Federal-aid highways and asso-*
11 *ciated facilities.*

12 “(6) *PROGRAM.—The term ‘program’ means the*
13 *highway stormwater discharge mitigation program*
14 *established under subsection (b).*

15 “(b) *ESTABLISHMENT.—The Secretary shall establish*
16 *a highway stormwater discharge mitigation program—*

17 “(1) *to improve the quality of stormwater dis-*
18 *charge from Federal-aid highways or Federal-aid*
19 *highways and associated facilities; and*

20 “(2) *to enhance groundwater recharge.*

21 “(c) *PRIORITY OF PROJECTS.—For projects funded*
22 *from the allocation under section 133(d)(6), a State shall*
23 *give priority to projects sponsored by a State or local gov-*
24 *ernment that assist the State or local government in com-*

1 *plying with the Federal Water Pollution Control Act (33*
2 *U.S.C. 1251 et seq.).*

3 “(d) *GUIDANCE.*—

4 “(1) *IN GENERAL.*—*Not later than 180 days*
5 *after the date of enactment of this section, the Sec-*
6 *retary, in consultation with the Administrator, shall*
7 *issue guidance to assist States in carrying out this*
8 *section.*

9 “(2) *REQUIREMENTS FOR GUIDANCE.*—*The guid-*
10 *ance issued under paragraph (1) shall include infor-*
11 *mation concerning innovative technologies and non-*
12 *structural best management practices to mitigate*
13 *highway stormwater discharges.”.*

14 (c) *CONFORMING AMENDMENT.*—*The analysis for sub-*
15 *chapter I of chapter 1 of title 23, United States Code (as*
16 *amended by section 1601(b), is amended by inserting after*
17 *the item relating to section 166 the following:*

“167. *Highway stormwater discharge mitigation program.*”.

1 ***Subtitle G—Operations***

2 ***SEC. 1701. TRANSPORTATION SYSTEMS MANAGEMENT AND***
3 ***OPERATIONS.***

4 (a) *SURFACE TRANSPORTATION PROGRAM ELIGI-*
5 *BILITY.—Section 133(b) of title 23, United States Code (as*
6 *amended by section 1601(a)(2)), is amended by adding at*
7 *the end the following:*

8 “(16) *Regional transportation operations col-*
9 *laboration and coordination activities that are associ-*
10 *ated with regional improvements, such as traffic inci-*
11 *dent management, technology deployment, emergency*
12 *management and response, traveler information, and*
13 *regional congestion relief.*

14 “(17) *RUSH HOUR CONGESTION RELIEF.—*

15 “(A) *IN GENERAL.—Subject to subpara-*
16 *graph (B), a State may spend not more than 2*
17 *percent of the funds apportioned under this sec-*
18 *tion to reduce traffic delays caused by motor ve-*
19 *hicle accidents and breakdowns on highways*
20 *during peak driving times.*

21 “(B) *USE OF FUNDS.—A State, metropoli-*
22 *tan planning organization, or local government*
23 *may use the funds under subparagraph (A)—*

7-2

1 “(i) to develop a region-wide coordi-
2 nated plan to mitigate traffic delays caused
3 by motor vehicle accidents and breakdowns;

4 “(ii) to purchase or lease telecommuni-
5 cations equipment for first responders;

6 “(iii) to purchase or lease towing and
7 recovery services;

8 “(iv) to pay contractors for towing and
9 recovery;

10 “(v) to rent vehicle storage areas adja-
11 cent to roadways;

12 “(vi) to fund service patrols, equip-
13 ment, and operations;

14 “(vii) to purchase incident detection
15 equipment;

16 “(viii) to carry out training.”.

17 (b) CONGESTION MITIGATION AND AIR QUALITY IM-
18 PROVEMENT PROGRAM ELIGIBILITY.—Section 149(b)(5) of
19 title 23, United States Code, is amended by inserting “im-
20 prove transportation systems management and operations,”
21 after “intersections,”.

22 (c) TRANSPORTATION SYSTEMS MANAGEMENT AND OP-
23 ERATIONS.—

24 (1) IN GENERAL.—Subchapter I of chapter 1 of
25 title 23, United States Code (as amended by section

1 1620(b)), is amended by adding at the end the fol-
2 lowing:

3 **“§ 168. Transportation systems management and oper-**
4 **ations**

5 “(a) *IN GENERAL.*—The Secretary shall carry out a
6 transportation systems management and operations pro-
7 gram to—

8 “(1) *ensure efficient and effective transportation*
9 *systems management and operations on Federal-aid*
10 *highways through collaboration, coordination, and*
11 *real-time information sharing at a regional and*
12 *Statewide level among—*

13 “(A) *managers and operators of major*
14 *modes of transportation;*

15 “(B) *public safety officials; and*

16 “(C) *the general public; and*

17 “(2) *manage and operate Federal-aid highways*
18 *in a coordinated manner to preserve the capacity and*
19 *maximize the performance of highway and transit fa-*
20 *cilities for travelers and carriers.*

21 “(b) *AUTHORIZED ACTIVITIES.*—

22 “(1) *IN GENERAL.*—In carrying out the program
23 under subsection (a), the Secretary may carry out ac-
24 tivities to—

7-4

1 “(A) encourage managers and operators of
2 major modes of transportation, public safety offi-
3 cials, and transportation planners in urbanized
4 areas that are responsible for conducting the
5 day-to-day management, operations, public safe-
6 ty, and planning of transportation facilities and
7 services to collaborate on and coordinate, on a
8 regional level and in a continuous and sustained
9 manner, improved transportation systems man-
10 agement and operations; and

11 “(B) encourage States to—

12 “(i) establish a system of basic real-
13 time monitoring for the surface transpor-
14 tation system; and

15 “(ii) provide the means to share the
16 data gathered under clause (i) among—

17 “(I) highway, transit, and public
18 safety agencies;

19 “(II) jurisdictions (including
20 States, cities, counties, and metropoli-
21 tan planning organizations);

22 “(III) private-sector entities; and

23 “(IV) the general public.

24 “(2) *ACTIVITIES*.—Activities to be carried out
25 under paragraph (1) include—

1 “(A) *developing a regional concept of oper-*
2 *ations that defines a regional strategy shared by*
3 *all transportation and public safety participants*
4 *with respect to the manner in which the trans-*
5 *portation systems of the region should be man-*
6 *aged, operated, and measured;*

7 “(B) *the sharing of information among op-*
8 *erators, service providers, public safety officials,*
9 *and the general public; and*

10 “(C) *guiding, in a regionally-coordinated*
11 *manner and in a manner consistent with and*
12 *integrated into the metropolitan and statewide*
13 *transportation planning processes and regional*
14 *intelligent transportation system architecture,*
15 *the implementation of regional transportation*
16 *system management and operations initiatives,*
17 *including—*

18 “(i) *emergency evacuation and re-*
19 *sponse;*

20 “(ii) *traffic incident management;*

21 “(iii) *technology deployment; and*

22 “(iv) *traveler information systems de-*
23 *livery.*

24 “(c) *COOPERATION.—In carrying out the program*
25 *under subsection (a), the Secretary may assist and cooper-*

1 *ate with other Federal agencies, State and local govern-*
2 *ments, metropolitan planning organizations, private indus-*
3 *try, and other interested parties to improve regional col-*
4 *laboration and real-time information sharing between man-*
5 *agers and operators of major modes of transportation, pub-*
6 *lic safety officials, emergency managers, and the general*
7 *public to increase the security, safety, and reliability of*
8 *Federal-aid highways.*

9 “(d) *GUIDANCE; REGULATIONS.*—

10 “(1) *IN GENERAL.*—*In carrying out the program*
11 *under subsection (a), the Secretary may issue guid-*
12 *ance or promulgate regulations for the procurement of*
13 *transportation system management and operations*
14 *facilities, equipment, and services, including—*

15 “(A) *equipment procured in preparation for*
16 *natural disasters, disasters caused by human ac-*
17 *tivity, and emergencies;*

18 “(B) *system hardware;*

19 “(C) *software; and*

20 “(D) *software integration services.*

21 “(2) *CONSIDERATIONS.*—*In developing the guid-*
22 *ance or regulations under paragraph (1), the Sec-*
23 *retary may consider innovative procurement methods*
24 *that support the timely and streamlined execution of*

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1 *transportation system management and operations*
2 *programs and projects.*

3 “(3) *FINANCIAL ASSISTANCE.—The Secretary*
4 *may authorize the use of funds made available under*
5 *section 104(b)(3) to provide assistance for regional*
6 *operations collaboration and coordination activities*
7 *that are associated with regional improvements, such*
8 *as—*

9 “(A) *traffic incident management;*
10 “(B) *technology deployment;*
11 “(C) *emergency management and response;*
12 “(D) *traveler information; and*
13 “(E) *congestion relief.*”.

14 (2) *CONFORMING AMENDMENT.—The analysis for*
15 *subchapter I of chapter 1 of title 23, United States*
16 *Code (as amended by section 1620(c)), is amended by*
17 *adding at the end:*

 “168. *Transportation systems management and operations.*”.

18 **SEC. 1702. REAL-TIME SYSTEM MANAGEMENT INFORMA-**
19 **TION PROGRAM.**

20 (a) *IN GENERAL.—Subchapter I of chapter 1 of title*
21 *23, United States Code (as amended by section 1701(c)(1)),*
22 *is amended by adding at the end the following:*

1 **“§ 169. Real-time system management information**
2 **program**

3 “(a) *IN GENERAL.*—*The Secretary shall carry out a*
4 *real-time system management information program to—*

5 “(1) *provide a nationwide system of basic real-*
6 *time information for managing and operating the*
7 *surface transportation system;*

8 “(2)(A) *identify long-range real-time highway*
9 *and transit monitoring needs; and*

10 “(B) *develop plans and strategies for meeting*
11 *those needs;*

12 “(3) *provide the capability and means to share*
13 *the basic real-time information with State and local*
14 *governments and the traveling public; and*

15 “(4) *provide the nationwide capability to mon-*
16 *itor, in real-time, the traffic and travel conditions of*
17 *major highways in the United States, and to share*
18 *that information with State and local governments*
19 *and the traveling public, to—*

20 “(A) *improve the security of the surface*
21 *transportation system;*

22 “(B) *address congestion problems;*

23 “(C) *support improved response to weather*
24 *events; and*

25 “(D) *facilitate the distribution of national*
26 *and regional traveler information.*

1 “(b) *DATA EXCHANGE FORMATS.*—Not later than 1
2 year after the date of enactment of this section, the Sec-
3 retary shall establish data exchange formats to ensure that
4 the data provided by highway and transit monitoring sys-
5 tems (including statewide incident reporting systems) can
6 readily be exchanged between jurisdictions to facilitate the
7 nationwide availability of information on traffic and travel
8 conditions.

9 “(c) *STATEWIDE INCIDENT REPORTING SYSTEM.*—Not
10 later than 2 years after the date of enactment of this section,
11 or not later than 5 years after the date of enactment of this
12 section if the Secretary determines that adequate real-time
13 communications capability will not be available within 2
14 years after the date of enactment of this section, each State
15 shall establish a statewide incident reporting system to fa-
16 cilitate the real-time electronic reporting of highway and
17 transit incidents to a central location for use in—

18 “(1) monitoring an incident;

19 “(2) providing accurate traveler information on
20 the incident; and

21 “(3) responding to the incident as appropriate.

22 “(d) *REGIONAL ITS ARCHITECTURE.*—

23 “(1) *IN GENERAL.*—In developing or updating
24 regional intelligent transportation system architec-
25 tures under section 940.9 of title 23, Code of Federal

1 *Regulations (or any successor regulation), States and*
2 *local governments shall address—*

3 “(A) *the real-time highway and transit in-*
4 *formation needs of the State or local government,*
5 *including coverage, monitoring systems, data fu-*
6 *sion and archiving, and methods of exchanging*
7 *or sharing information; and*

8 “(B) *the systems needed to meet those needs.*

9 “(2) *DATA EXCHANGE FORMATS.—In developing*
10 *or updating regional intelligent transportation system*
11 *architectures, States and local governments are en-*
12 *couraged to incorporate the data exchange formats de-*
13 *veloped by the Secretary under subsection (b) to en-*
14 *sure that the data provided by highway and transit*
15 *monitoring systems can readily be—*

16 “(A) *exchanged between jurisdictions; and*

17 “(B) *shared with the traveling public.*

18 “(e) *ELIGIBLE FUNDING.—Subject to project approval*
19 *by the Secretary, a State may—*

20 “(1) *use funds apportioned to the State under*
21 *section 505(a) to carry out activities relating to the*
22 *planning of real-time monitoring elements; and*

23 “(2) *use funds apportioned to the State under*
24 *paragraphs (1) and (3) of section 104(b) to carry out*

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1 *activities relating to the planning and deployment of*
2 *real-time monitoring elements.*

3 *(b) CONFORMING AMENDMENT.—The analysis for sub-*
4 *chapter I of chapter 1 of title 23, United States Code (as*
5 *amended by section 1701(c)(2)), is amended adding at the*
6 *end the following:*

“169. Real-time system management information program.”.

1 ***Subtitle H—Federal-Aid***
2 ***Stewardship***

3 **SEC. 1801. FUTURE INTERSTATE SYSTEM ROUTES.**

4 *Section 103(c)(4)(B) of title 23, United States Code,*
5 *is amended—*

6 (1) *in clause (i), by striking “12” and inserting*
7 *“25”; and*

8 (2) *in clause (iii)—*

9 (A) *in subclause (I), by striking “in the*
10 *agreement between the Secretary and the State*
11 *or States”; and*

12 (B) *by adding at the end the following:*

13 “(III) *EXISTING AGREEMENTS.—*

14 *An agreement described in clause (i)*
15 *that is entered into before the date of*
16 *enactment of this subparagraph shall*
17 *be deemed to include the 25-year time*
18 *limitation described in that clause, re-*
19 *gardless of any earlier construction*
20 *completion date in the agreement.”.*

21 **SEC. 1802. STEWARDSHIP AND OVERSIGHT.**

22 (a) *IN GENERAL.—Section 106 of title 23, United*
23 *States Code, is amended—*

24 (1) *by striking subsection (e) and inserting the*
25 *following:*

1 “(e) *VALUE ENGINEERING ANALYSIS.*—

2 “(1) *DEFINITION OF VALUE ENGINEERING ANAL-*
3 *YSIS.*—

4 “(A) *IN GENERAL.*—*In this subsection, the*
5 *term ‘value engineering analysis’ means a sys-*
6 *tematic process of review and analysis of a*
7 *project, during the design phase, by a multidis-*
8 *ciplined team of persons not involved in the*
9 *project, that is conducted to provide rec-*
10 *ommendations such as recommendations de-*
11 *scribed in subparagraph (B) for—*

12 “(i) *reducing the total cost of the*
13 *project; and*

14 “(ii) *improving the quality of the*
15 *project.*

16 “(B) *INCLUSIONS.*—*The recommendations*
17 *referred to in subparagraph (A) include, with re-*
18 *spect to a project—*

19 “(i) *combining or eliminating other-*
20 *wise inefficient use of expensive parts of the*
21 *original proposal design for the project; and*

22 “(ii) *completely redesigning the project*
23 *using different technologies, materials, or*
24 *methods so as to accomplish the original*
25 *purpose of the project.*

1 “(2) *ANALYSIS.*—*The State shall provide a value*
2 *engineering analysis or other cost-reduction analysis*
3 *for—*

4 “(A) *each project on the Federal-Aid System*
5 *with an estimated total cost of \$25,000,000 or*
6 *more;*

7 “(B) *a bridge project with an estimated*
8 *total cost of \$20,000,000 or more; and*

9 “(C) *any other project the Secretary deter-*
10 *mines to be appropriate.*

11 “(3) *MAJOR PROJECTS.*—*The Secretary may re-*
12 *quire more than 1 analysis described in paragraph*
13 *(2) for a major project described in subsection (h).*

14 “(4) *REQUIREMENTS.*—*Analyses described in*
15 *paragraph (1) for a bridge project shall—*

16 “(A) *include bridge substructure require-*
17 *ments based on construction material; and*

18 “(B) *be evaluated—*

19 “(i) *on engineering and economic*
20 *bases, taking into consideration acceptable*
21 *designs for bridges; and*

22 “(ii) *using an analysis of life-cycle*
23 *costs and duration of project construction.”;*
24 *and*

1 (2) *by striking subsections (g) and (h) and in-*
2 *serting the following:*

3 “(g) *OVERSIGHT PROGRAM.—*

4 “(1) *PROGRAM.—*

5 “(A) *IN GENERAL.—The Secretary shall es-*
6 *tablish an oversight program to monitor the ef-*
7 *fective and efficient use of funds made available*
8 *under this title.*

9 “(B) *MINIMUM REQUIREMENTS.—At a min-*
10 *imum, the program shall monitor and respond to*
11 *all areas relating to financial integrity and*
12 *project delivery.*

13 “(2) *FINANCIAL INTEGRITY.—*

14 “(A) *FINANCIAL MANAGEMENT SYSTEMS.—*

15 “(i) *IN GENERAL.—The Secretary shall*
16 *perform annual reviews of the financial*
17 *management systems of State transpor-*
18 *tation departments that affect projects ap-*
19 *proved under subsection (a).*

20 “(ii) *REVIEW AREAS.—In carrying out*
21 *clause (i), the Secretary shall use risk as-*
22 *essment procedures to identify areas to be*
23 *reviewed.*

24 “(B) *PROJECT COSTS.—The Secretary*
25 *shall—*

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1 “(i) develop minimum standards for
2 estimating project costs; and

3 “(ii) periodically evaluate practices of
4 the States for—

5 “(I) estimating project costs;

6 “(II) awarding contracts; and

7 “(III) reducing project costs.

8 “(C) RESPONSIBILITY OF THE STATES.—

9 “(i) IN GENERAL.—Each State shall be
10 responsible for ensuring that subrecipients
11 of Federal funds within the State under this
12 section have—

13 “(I) sufficient accounting controls
14 to properly manage the Federal funds;
15 and

16 “(II) adequate project delivery
17 systems for projects approved under
18 this section.

19 “(ii) REVIEW BY SECRETARY.—The
20 Secretary shall periodically review moni-
21 toring by the States of those subrecipients.

22 “(3) PROJECT DELIVERY.—The Secretary shall—

23 “(A) perform annual reviews of the project
24 delivery system of each State, including analysis

8-6

1 *of 1 or more activities that are involved in the*
2 *life cycle of a project; and*

3 *“(B) employ risk assessment procedures to*
4 *identify areas to be reviewed.*

5 *“(4) SPECIFIC OVERSIGHT RESPONSIBILITIES.—*
6 *Nothing in this section discharges or otherwise affects*
7 *any oversight responsibility of the Secretary—*

8 *“(A) specifically provided for under this*
9 *title or other Federal law; or*

10 *“(B) for the design and construction of all*
11 *Appalachian development highways under sec-*
12 *tion 14501 of title 40 or section 170 of this title.*

13 *“(h) MAJOR PROJECTS.—*

14 *“(1) IN GENERAL.—Notwithstanding any other*
15 *provision of this section, a recipient of Federal finan-*
16 *cial assistance for a project under this title with an*
17 *estimated total cost of \$1,000,000,000 or more, and*
18 *recipients for such other projects as may be identified*
19 *by the Secretary, shall submit to the Secretary for*
20 *each project—*

21 *“(A) a project management plan; and*

22 *“(B) an annual financial plan.*

23 *“(2) PROJECT MANAGEMENT PLAN.—A project*
24 *management plan shall document—*

1 “(A) the procedures and processes that are
2 in effect to provide timely information to the
3 project decisionmakers to effectively manage the
4 scope, costs, schedules, and quality of, and the
5 Federal requirements applicable to, the project;
6 and

7 “(B) the role of the agency leadership and
8 management team in the delivery of the project.

9 “(3) *FINANCIAL PLAN*.—A financial plan shall—

10 “(A) be based on detailed estimates of the
11 cost to complete the project; and

12 “(B) provide for the annual submission of
13 updates to the Secretary that are based on rea-
14 sonable assumptions, as determined by the Sec-
15 retary, of future increases in the cost to complete
16 the project.

17 “(i) *OTHER PROJECTS*.—A recipient of Federal finan-
18 cial assistance for a project under this title that receives
19 \$100,000,000 or more in Federal assistance for the project,
20 and that is not covered by subsection (h), shall prepare, and
21 make available to the Secretary at the request of the Sec-
22 retary, an annual financial plan for the project.”.

23 (b) *CONFORMING AMENDMENTS*.—

24 (1) Section 114(a) of title 23, United States
25 Code, is amended—

1 (A) *in the first sentence by striking “high-*
2 *ways or portions of highways located on a Fed-*
3 *eral-aid system” and inserting “Federal-aid*
4 *highway or a portion of a Federal-aid highway”;*
5 *and*

6 (B) *by striking the second sentence and in-*
7 *serting “The Secretary shall have the right to*
8 *conduct such inspections and take such corrective*
9 *action as the Secretary determines to be appro-*
10 *priate.”.*

11 (2) *Section 117 of title 23, United States Code,*
12 *is amended—*

13 (A) *by striking subsection (d); and*

14 (B) *by redesignating subsections (e) through*
15 *(h) as subsections (d) through (g), respectively.*

16 (c) *CONTRACTOR SUSPENSION AND DEBARMENT POL-*
17 *ICY; SHARING FRAUD MONETARY RECOVERIES.—*

18 (1) *IN GENERAL.—Section 307 of title 49,*
19 *United States Code, is amended to read as follows:*

20 **“§ 307. Contractor suspension and debarment policy;**
21 **sharing fraud monetary recoveries**

22 **“(a) MANDATORY ENFORCEMENT POLICY.—**

23 **“(1) IN GENERAL.—Notwithstanding any other**
24 **provision of law, the Secretary—**

1 “(A) shall debar any contractor or subcon-
2 tractor convicted of a criminal or civil offense
3 involving fraud relating to a project receiving
4 Federal highway or transit funds for such period
5 as the Secretary determines to be appropriate;
6 and

7 “(B) subject to approval by the Attorney
8 General—

9 “(i) except as provided in paragraph
10 (2), shall suspend any contractor or subcon-
11 tractor upon indictment for criminal or
12 civil offenses involving fraud; and

13 “(ii) may exclude nonaffiliated sub-
14 sidiaries of a debarred business entity.

15 “(2) NATIONAL SECURITY EXCEPTION.—If the
16 Secretary finds that mandatory debarment or suspen-
17 sion of a contractor or subcontractor under paragraph
18 (1) would be contrary to the national security of the
19 United States, the Secretary—

20 “(A) may waive the debarment or suspen-
21 sion; and

22 “(B) in the instance of each waiver, shall
23 provide notification to Congress of the waiver
24 with appropriate details.

25 “(b) SHARING OF MONETARY RECOVERIES.—

1 “(1) *IN GENERAL.*—*Notwithstanding any other*
2 *provision of law—*

3 “(A) *monetary judgments accruing to the*
4 *Federal Government from judgments in Federal*
5 *criminal prosecutions and civil judgments per-*
6 *taining to fraud in highway and transit pro-*
7 *grams shall be shared with the State or local*
8 *transit agency involved; and*

9 “(B) *the State or local transit agency shall*
10 *use the funds for transportation infrastructure*
11 *and oversight activities relating to programs au-*
12 *thorized under title 23 and this title.*

13 “(2) *AMOUNT.*—*The amount of recovered funds*
14 *to be shared with an affected State or local transit*
15 *agency shall be—*

16 “(A) *determined by the Attorney General,*
17 *in consultation with the Secretary; and*

18 “(B) *considered to be Federal funds to be*
19 *used in compliance with other relevant Federal*
20 *transportation laws (including regulations).*

21 “(3) *FRAUDULENT ACTIVITY.*—*Paragraph (1)*
22 *shall not apply in any case in which a State or local*
23 *transit agency is found by the Attorney General, in*
24 *consultation with the Secretary, to have been involved*
25 *or negligent with respect to the fraudulent activities.”.*

1 (2) *CONFORMING AMENDMENT.*—*The analysis for*
2 *chapter 3 of title 49, United States Code, is amended*
3 *by striking the item relating to section 307 and in-*
4 *serting the following:*

 “307. *Contractor suspension and debarment policy; sharing fraud monetary recoveries.*”.

5 **SEC. 1803. DESIGN-BUILD CONTRACTING.**

6 *Section 112(b)(3) of title 23, United States Code, is*
7 *amended by striking subparagraph (C) and inserting the*
8 *following:*

9 “(C) *QUALIFIED PROJECTS.*—*A qualified*
10 *project referred to in subparagraph (A) is a*
11 *project under this chapter (including intermodal*
12 *facilities) for which the Secretary has approved*
13 *the use of design-build contracting under criteria*
14 *specified in regulations promulgated by the Sec-*
15 *retary.*”.

16 **SEC. 1804. PROGRAM EFFICIENCIES—FINANCE.**

17 *(a) ADVANCE CONSTRUCTION.*—*Section 115 of title 23,*
18 *United States Code, is amended—*

19 (1) *by redesignating subsection (c) as subsection*
20 *(d);*

21 (2) *by redesignating subsections (a)(2),*
22 *(a)(2)(A), and (a)(2)(B) as subsections (c), (c)(1),*
23 *and (c)(2), respectively, and indenting appropriately;*

1 (3) by striking “(a) CONGESTION.—” and all
2 that follows through subsection (a)(1)(B);

3 (4) by striking subsection (b); and

4 (5) by inserting after the section heading the fol-
5 lowing:

6 “(a) *IN GENERAL.*—The Secretary may authorize a
7 State to proceed with a project authorized under this title—

8 “(1) without the use of Federal funds; and

9 “(2) in accordance with all procedures and re-
10 quirements applicable to the project other than those
11 procedures and requirements that limit the State to
12 implementation of a project—

13 “(A) with the aid of Federal funds pre-
14 viously apportioned or allocated to the State; or

15 “(B) with obligation authority previously
16 allocated to the State.

17 “(b) *OBLIGATION OF FEDERAL SHARE.*—The Sec-
18 retary, on the request of a State and execution of a project
19 agreement, may obligate all or a portion of the Federal
20 share of the project authorized under this section from any
21 category of funds for which the project is eligible.”.

22 (b) *OBLIGATION AND RELEASE OF FUNDS.*—Section
23 118 of title 23, United States Code, is amended by striking
24 subsection (d) and inserting the following:

25 “(d) *OBLIGATION AND RELEASE OF FUNDS.*—

1 “(1) *IN GENERAL.*—Funds apportioned or allo-
2 cated to a State for a particular purpose for any fis-
3 cal year shall be considered to be obligated if a sum
4 equal to the total of the funds apportioned or allo-
5 cated to the State for that purpose for that fiscal year
6 and previous fiscal years is obligated.

7 “(2) *RELEASED FUNDS.*—Any funds released by
8 the final payment for a project, or by modifying the
9 project agreement for a project, shall be—

10 “(A) credited to the same class of funds pre-
11 viously apportioned or allocated to the State;
12 and

13 “(B) immediately available for obligation.

14 “(3) *NET OBLIGATIONS.*—Notwithstanding any
15 other provision of law (including a regulation), obli-
16 gations recorded against funds made available under
17 this section shall be recorded and reported as net obli-
18 gations.”.

19 **SEC. 1805. SET-ASIDES FOR INTERSTATE DISCRETIONARY**
20 **PROJECTS.**

21 Section 118(c)(1) of title 23, United States Code, is
22 amended—

23 (1) by striking “\$50,000,000” and all that
24 follows through “2003” and inserting

1 “\$100,000,000 for each of fiscal years 2004
2 through 2009”; and

3 (2) by striking “Transportation Equity Act
4 for the 21st Century” and inserting “Safe, Ac-
5 countable, Flexible, and Efficient Transportation
6 Equity Act of 2003”.

7 **SEC. 1806. FEDERAL LANDS HIGHWAYS PROGRAM.**

8 (a) *FEDERAL SHARE PAYABLE.*—

9 (1) *IN GENERAL.*—Section 120(k) of title 23,
10 United States Code, is amended—

11 (A) by striking “Federal-aid highway”; and

12 (B) by striking “section 104” and inserting
13 “this title or chapter 53 of title 49”.

14 (2) *TECHNICAL REFERENCES.*—Section 120(l) of
15 title 23, United States Code, is amended by striking
16 “section 104” and inserting “this title or chapter 53
17 of title 49”.

18 (b) *PAYMENTS TO FEDERAL AGENCIES FOR FEDERAL-*
19 *AID PROJECTS.*—Section 132 of title 23, United States
20 Code, is amended—

21 (1) by striking the first 2 sentences and inserting
22 the following:

23 “(a) *IN GENERAL.*—In a case in which a proposed
24 Federal-aid project is to be undertaken by a Federal agency

1 *in accordance with an agreement between a State and the*
2 *Federal agency, the State may—*

3 “(1) *direct the Secretary to transfer the funds for*
4 *the Federal share of the project directly to the Federal*
5 *agency; or*

6 “(2) *make such deposit with, or payment to, the*
7 *Federal agency as is required to meet the obligation*
8 *of the State under the agreement for the work under-*
9 *taken or to be undertaken by the Federal agency.*

10 “(b) *REIMBURSEMENT.—On execution of a project*
11 *agreement with a State described in subsection (a), the Sec-*
12 *retary may reimburse the State, using any available funds,*
13 *for the estimated Federal share under this title of the obliga-*
14 *tion of the State deposited or paid under subsection*
15 *(a)(2).”;* and

16 (2) *in the last sentence, by striking “Any sums”*
17 *and inserting the following:*

18 “(c) *RECOVERY AND CREDITING OF FUNDS.—Any*
19 *sums”.*

20 (c) *ALLOCATIONS.—Section 202 of title 23, United*
21 *States Code, is amended—*

22 (1) *in subsection (a), by striking “(a) On Octo-*
23 *ber 1” and all that follows through “Such allocation”*
24 *and inserting the following:*

25 “(a) *ALLOCATION BASED ON NEED.—*

1 “(1) *IN GENERAL.*—On October 1 of each fiscal
2 year, the Secretary shall allocate sums authorized to
3 be appropriated for the fiscal year for forest develop-
4 ment roads and trails according to the relative needs
5 of the various national forests and grassland.

6 “(2) *PLANNING.*—The allocation under para-
7 graph (1)”;

8 (2) by striking subsection (b) and inserting the
9 following:

10 “(b) *ALLOCATION FOR PUBLIC LANDS HIGHWAYS.*—

11 “(1) *PUBLIC LANDS HIGHWAYS.*—

12 “(A) *IN GENERAL.*—On October 1 of each
13 fiscal year, the Secretary shall allocate $33\frac{1}{3}$ per-
14 cent of the sums authorized to be appropriated
15 for that fiscal year for public lands highways
16 among those States having unappropriated or
17 unreserved public lands, or nontaxable Indian
18 lands or other Federal reservations, on the basis
19 of need in the States, respectively, as determined
20 by the Secretary, on application of the State
21 transportation departments of the respective
22 States.

23 “(B) *PREFERENCE.*—In making the alloca-
24 tion under subparagraph (A), the Secretary shall
25 give preference to those projects that are signifi-

1 *cantly impacted by Federal land and resource*
2 *management activities that are proposed by a*
3 *State that contains at least 3 percent of the total*
4 *public land in the United States.*

5 *“(2) NATIONAL FOREST SYSTEM.—*

6 *“(A) IN GENERAL.—On October 1 of each*
7 *fiscal year, the Secretary shall allocate 66²/₃ per-*
8 *cent of the funds authorized to be appropriated*
9 *for public lands highways for forest highways in*
10 *accordance with section 134 of the Federal-Aid*
11 *Highway Act of 1987 (23 U.S.C. 202 note; 101*
12 *Stat. 173).*

13 *“(B) PUBLIC ACCESS TO AND WITHIN NA-*
14 *TIONAL FOREST SYSTEM.—In making the alloca-*
15 *tion under subparagraph (A), the Secretary shall*
16 *give equal consideration to projects that provide*
17 *access to and within the National Forest System,*
18 *as identified by the Secretary of Agriculture*
19 *through—*

20 *“(i) renewable resource and land use*
21 *planning; and*

22 *“(ii) assessments of the impact of that*
23 *planning on transportation facilities.”;*

24 *(3) in subsection (c)—*

1 (A) by striking “(c) On” and inserting the
2 *following:*

3 “(c) *PARK ROADS AND PARKWAYS.—*

4 “(1) *IN GENERAL.—On*”; and

5 (B) by adding at the end the following:

6 “(2) *PRIORITY.—*

7 “(A) *DEFINITION OF QUALIFYING NATIONAL*
8 *PARK.—In this paragraph, the term “qualifying*
9 *national park” means a National Park that is*
10 *used more than 1,000,000 recreational visitor*
11 *days per year, based on an average of the 3 most*
12 *recent years of available data from the National*
13 *Park Service.*

14 “(B) *PRIORITY.—Notwithstanding any*
15 *other provision of law, with respect to funds au-*
16 *thorized for park roads and parkways, the Sec-*
17 *retary shall give priority in the allocation of*
18 *funds to projects for highways that—*

19 “(i) *are located in, or provide access*
20 *to, a qualifying National Park; and*

21 “(ii) *were initially constructed before*
22 *1940.*

23 “(C) *PRIORITY CONFLICTS.—If there is a*
24 *conflict between projects described in subpara-*

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1 *graph (B), the Secretary shall give highest pri-*
2 *ority to projects that—*

3 *“(i) are in, or that provide access to,*
4 *parks that are adjacent to a National Park*
5 *of a foreign country; or*

6 *“(ii) are located in more than 1*
7 *State;”;*

8 *(4) in subsection (d)—*

9 *(A) in paragraph (1)—*

10 *(i) in the paragraph heading, by strik-*
11 *ing “1999” and inserting “2005”; and*

12 *(ii) by striking “1999” and inserting*
13 *“2005”;*

14 *(B) in paragraph (2)—*

15 *(i) in the paragraph heading, by strik-*
16 *ing “2000” and inserting “2005”;*

17 *(ii) in subparagraphs (A), (B), and*
18 *(D), by striking “2000” each place it ap-*
19 *pears and inserting “2005”;*

20 *(iii) in subparagraph (B), by striking*
21 *“1999” each place it appears and inserting*
22 *“2004”; and*

23 *(iv) by adding at the end the following:*

24 *“(E) TRANSFERRED FUNDS.—*

8–20

1 “(i) *IN GENERAL.*—Not later than 30
2 days after the date on which funds are
3 made available to the Secretary of the Inte-
4 rior under this paragraph, the funds shall
5 be distributed to, and available for imme-
6 diate use by, the eligible Indian tribes, in
7 accordance with the formula applicable for
8 each fiscal year.

9 “(ii) *FORMULA.*—If the Secretary of
10 the Interior has not promulgated final regu-
11 lations for the distribution of funds under
12 clause (i) for a fiscal year by the date on
13 which the funds for the fiscal year are re-
14 quired to be distributed under that clause,
15 the Secretary of the Interior shall distribute
16 the funds under clause (i) in accordance
17 with the applicable funding formula for the
18 preceding year.”;

19 (C) in paragraph (3)(A)—

20 (i) by striking “under this title” and
21 inserting “under this chapter and section
22 125(e)”; and

23 (ii) by inserting “and the approved In-
24 dian reservation road transportation im-

8–21

1 *provement program” before the period at*
2 *the end; and*

3 *(D) in paragraph (4)—*

4 *(i) in subparagraph (B)—*

5 *(I) by striking “(B) RESERVA-*
6 *TION.—Of the amounts” and all that*
7 *follows through “to replace,” and in-*
8 *serting the following:*

9 *“(B) FUNDING.—*

10 *“(i) RESERVATION OF FUNDS.—Of the*
11 *amounts authorized to be appropriated for*
12 *Indian reservation roads for each fiscal*
13 *year, the Secretary, in cooperation with the*
14 *Secretary of the Interior, shall reserve not*
15 *less than \$15,000,000 for each of fiscal*
16 *years 2004 through 2009 to carry out plan-*
17 *ning, design, engineering, preconstruction,*
18 *construction, and inspection of projects to*
19 *replace,”; and*

20 *(II) by adding at the end the fol-*
21 *lowing:*

22 *“(ii) AVAILABILITY.—Funds made*
23 *available to carry out this subparagraph*
24 *shall be available for obligation in the same*

8-22

1 *manner as if the funds were apportioned*
2 *under chapter 1.”; and*

3 *(ii) by striking subparagraph (D) and*
4 *inserting the following:*

5 “(D) *APPROVAL REQUIREMENT.—*

6 *“(i) IN GENERAL.—Subject to clause*
7 *(ii), on request by an Indian tribe or the*
8 *Secretary of the Interior, the Secretary may*
9 *make funds available under this subsection*
10 *for preliminary engineering for Indian res-*
11 *ervation road bridge projects.*

12 “(ii) *CONSTRUCTION AND CONSTRUC-*
13 *TION ENGINEERING.—The Secretary may*
14 *make funds available under clause (i) for*
15 *construction and construction engineering*
16 *only after approval by the Secretary of ap-*
17 *plicable plans, specifications, and esti-*
18 *mates.”; and*

19 (5) *by adding at the end the following:*

20 “(f) *ADMINISTRATION OF INDIAN RESERVATION*
21 *ROADS.—Notwithstanding any other provision of law, for*
22 *any fiscal year not more than 6 percent of the contract au-*
23 *thority amounts made available from the Highway Trust*
24 *Fund to the Bureau of Indian Affairs under this title shall*
25 *be used to pay the expenses incurred by the Bureau in ad-*

1 *ministering the Indian reservation roads program (includ-*
2 *ing the administrative expenses relating to individual*
3 *projects associated with the Indian reservation roads pro-*
4 *gram).”.*

5 *(d) PLANNING AND AGENCY COORDINATION.—Section*
6 *204 of title 23, United States Code, is amended—*

7 *(1) in subsection (a)(1), by inserting “refuge*
8 *roads,” after “parkways,”;*

9 *(2) by striking subsection (b) and inserting the*
10 *following:*

11 *“(b) USE OF FUNDS.—*

12 *“(1) IN GENERAL.—Funds available for public*
13 *lands highways, recreation roads, park roads and*
14 *parkways, forest highways, and Indian reservation*
15 *roads shall be used by the Secretary and the Secretary*
16 *of the appropriate Federal land management agency*
17 *to pay the cost of transportation planning, research,*
18 *engineering, operation and maintenance of transit fa-*
19 *cilities, and construction of the highways, roads,*
20 *parkways, forest highways, and transit facilities lo-*
21 *cated on public land, national parks, and Indian res-*
22 *ervations.*

23 *“(2) CONTRACT.—In connection with an activity*
24 *described in paragraph (1), the Secretary and the*
25 *Secretary of the appropriate Federal land manage-*

1 *ment agency may enter into a construction contract*
2 *or other appropriate agreement with—*

3 *“(A) a State (including a political subdivi-*
4 *sion of a State); or*

5 *“(B) an Indian tribe.*

6 *“(3) INDIAN RESERVATION ROADS.—In the case*
7 *of an Indian reservation road—*

8 *“(A) Indian labor may be used, in accord-*
9 *ance with such rules and regulations as may be*
10 *promulgated by the Secretary of the Interior, to*
11 *carry out any construction or other activity de-*
12 *scribed in paragraph (1); and*

13 *“(B) funds made available to carry out this*
14 *section may be used to pay bridge*
15 *preconstruction costs (including planning, de-*
16 *sign, and engineering).*

17 *“(4) FEDERAL EMPLOYMENT.—No maximum on*
18 *Federal employment shall be applicable to construc-*
19 *tion or improvement of Indian reservation roads.*

20 *“(5) AVAILABILITY OF FUNDS.—Funds available*
21 *under this section for each class of Federal lands*
22 *highway shall be available for any kind of transpor-*
23 *tation project eligible for assistance under this title*
24 *that is within or adjacent to, or that provides access*

1 to, the areas served by the particular class of Federal
2 lands highway.

3 “(6) *RESERVATION OF FUNDS.*—*The Secretary of*
4 *the Interior may reserve funds from administrative*
5 *funds of the Bureau of Indian Affairs that are associ-*
6 *ated with the Indian reservation road program to fi-*
7 *nance the Indian technical centers authorized under*
8 *section 504(b).”;* and

9 (3) *in subsection (k)(1)—*

10 (A) *in subparagraph (B)—*

11 (i) *by striking “(2), (5),” and inserting*
12 *“(2), (3), (5),”;* and

13 (ii) *by striking “and” after the semi-*
14 *colon;*

15 (B) *in subparagraph (C), by striking the*
16 *period at the end and inserting a semicolon; and*

17 (C) *by adding at the end the following:*

18 “(D) *maintenance of public roads in na-*
19 *tional fish hatcheries under the jurisdiction of*
20 *the United States Fish and Wildlife Service;*

21 “(E) *the non-Federal share of the cost of*
22 *any project funded under this title or chapter 53*
23 *of title 49 that provides access to or within a*
24 *wildlife refuge; and*

1 “(F) maintenance and improvement of rec-
2 reational trails (except that expenditures on
3 trails under this subparagraph shall not exceed
4 5 percent of available funds for each fiscal
5 year).”.

6 (e) SAFETY.—

7 (1) ALLOCATIONS.—Section 202 of title 23,
8 United States Code (as amended by subsection (c)(5)),
9 is amended by adding at the end the following:

10 “(g) SAFETY.—Subject to paragraph (2), on October
11 1 of each fiscal year, the Secretary shall allocate the sums
12 authorized to be appropriated for the fiscal year for safety
13 as follows:

14 “(1) 12 percent to the Bureau of Reclamation.

15 “(2) 18 percent to the Bureau of Indian Affairs.

16 “(3) 17 percent to the Bureau of Land Manage-
17 ment.

18 “(4) 17 percent to the Forest Service.

19 “(5) 7 percent to the United States Fish and
20 Wildlife Service.

21 “(6) 17 percent to the National Park Service.

22 “(7) 12 percent to the Corps of Engineers.”.

23 (2) AVAILABILITY OF FUNDS.—Section 203 of
24 title 23, United States Code, is amended by inserting

1 *“safety projects or activities,” after “refuge roads,”*
2 *each place it appears.*

3 *(3) USE OF FUNDING.—Section 204 of title 23,*
4 *United States Code, is amended by adding at the end*
5 *the following:*

6 *“(l) SAFETY ACTIVITIES.—*

7 *“(1) IN GENERAL.—Notwithstanding any other*
8 *provision of this title, funds made available for safety*
9 *under this title shall be used by the Secretary and the*
10 *head of the appropriate Federal land management*
11 *agency only to pay the costs of carrying out—*

12 *“(A) transportation safety improvement ac-*
13 *tivities;*

14 *“(B) activities to eliminate high-accident*
15 *locations;*

16 *“(C) projects to implement protective meas-*
17 *ures at, or eliminate, at-grade railway-highway*
18 *crossings;*

19 *“(D) collection of safety information;*

20 *“(E) transportation planning projects or*
21 *activities;*

22 *“(F) bridge inspection;*

23 *“(G) development and operation of safety*
24 *management systems;*

1 “(H) highway safety education programs;
2 and

3 “(I) other eligible safety projects and activi-
4 ties authorized under chapter 4.

5 “(2) CONTRACTS.—In carrying out paragraph
6 (1), the Secretary and the Secretary of the appro-
7 priate Federal land management agency may enter
8 into contracts or agreements with—

9 “(A) a State;

10 “(B) a political subdivision of a State; or

11 “(C) an Indian tribe.

12 “(3) EXCEPTION.—The cost sharing requirements
13 under the Federal Water Project Recreation Act (16
14 U.S.C. 460l-12 et seq.) shall not apply to funds made
15 available to the Bureau of Reclamation under this
16 subsection.”.

17 (f) RECREATION ROADS.—

18 (1) AUTHORIZATIONS.—Section 201 of title 23,
19 United States Code, is amended in the first sentence
20 by inserting “recreation roads,” after “public lands
21 highways,”.

22 (2) ALLOCATIONS.—Section 202 of title 23,
23 United States Code (as amended by subsection (e)(1)),
24 is amended by adding at the end the following:

25 “(h) RECREATION ROADS.—

1 “(1) *IN GENERAL.*—Subject to paragraphs (2)
2 and (3), on October 1 of each fiscal year, the Sec-
3 retary, after completing the transfer under subsection
4 204(i), shall allocate the sums authorized to be appro-
5 priated for the fiscal year for recreation roads as fol-
6 lows:

7 “(A) 8 percent to the Bureau of Reclama-
8 tion.

9 “(B) 9 percent to the Corps of Engineers.

10 “(C) 13 percent to the Bureau of Land
11 Management.

12 “(D) 70 percent to the Forest Service.

13 “(2) *ALLOCATION WITHIN AGENCIES.*—Recre-
14 ation road funds allocated to a Federal agency under
15 paragraph (1) shall be allocated for projects and ac-
16 tivities of the Federal agency according to the relative
17 needs of each area served by recreation roads under
18 the jurisdiction of the Federal agency, as indicated in
19 the approved transportation improvement program
20 for each Federal agency.”.

21 (3) *AVAILABILITY OF FUNDS.*—Section 203 of
22 title 23, United States Code, is amended—

23 (A) in the first sentence, by inserting
24 “recreation roads,” after “Indian reservation
25 roads,”; and

1 (B) in the fourth sentence, by inserting “,
2 recreation roads,” after “Indian roads”.

3 (4) *USE OF FUNDING.*—Section 204 of title 23,
4 United States Code (as amended by subsection (e)(3)),
5 is amended by adding at the end the following:

6 “(m) *RECREATION ROADS.*—

7 “(1) *IN GENERAL.*—Notwithstanding any other
8 provision of this title, funds made available for recre-
9 ation roads under this title shall be used by the Sec-
10 retary and the Secretary of the appropriate Federal
11 land management agency only to pay the cost of—

12 “(A) maintenance or improvements of exist-
13 ing recreation roads;

14 “(B) maintenance and improvements of eli-
15 gible projects described in paragraph (1), (2),
16 (3), (5), or (6) of subsection (h) that are located
17 in or adjacent to Federal land under the juris-
18 diction of—

19 “(i) the Department of Agriculture

20 “(ii) the Department of Defense; or

21 “(iii) the Department of the Interior;

22 “(C) transportation planning and adminis-
23 trative activities associated with those mainte-
24 nance and improvements; and

1 “(D) the non-Federal share of the cost of
2 any project funded under this title or chapter 53
3 of title 49 that provides access to or within Fed-
4 eral land described in subparagraph (B).

5 “(2) *CONTRACTS.*—In carrying out paragraph
6 (1), the Secretary and the Secretary of the appro-
7 priate Federal land management agency may enter
8 into contracts or agreements with—

9 “(A) a State;

10 “(B) a political subdivision of a State; or

11 “(C) an Indian tribe.

12 “(3) *NEW ROADS.*—No funds made available
13 under this section shall be used to pay the cost of the
14 design or construction of new recreation roads.

15 “(4) *COMPLIANCE WITH OTHER ENVIRONMENTAL*
16 *LAWS.*—A maintenance or improvement project that
17 is funded under this subsection, and that is consistent
18 with or has been identified in a land use plan for an
19 area under the jurisdiction of a Federal agency, shall
20 not require any additional environmental reviews or
21 assessments under the National Environmental Policy
22 Act of 1969 (42 U.S.C. 4321 et seq.) if—

23 “(A) the Federal agency that promulgated
24 the land use plan analyzed the specific proposal

1 *for the maintenance or improvement project*
2 *under that Act; and*

3 “(B) *as of the date on which the funds are*
4 *to be expended, there are—*

5 “(i) *no significant changes to the pro-*
6 *posal bearing on environmental concerns;*
7 *and*

8 “(ii) *no significant new information.*

9 “(5) *EXCEPTION.—The cost sharing requirements*
10 *under the Federal Water Project Recreation Act (16*
11 *U.S.C. 460l–12 et seq.) shall not apply to funds made*
12 *available to the Bureau of Reclamation under this*
13 *subsection.”.*

14 (g) *CONFORMING AMENDMENTS.—*

15 (1) *Sections 120(e) and 125(e) of title 23, United*
16 *States Code, are amended by striking “public lands*
17 *highways,” each place it appears and inserting “pub-*
18 *lic lands highways, recreation roads,”.*

19 (2) *Sections 120(e), 125(e), 201, 202(a), and 203*
20 *of title 23, United States Code, are amended by strik-*
21 *ing “forest development roads” each place it appears*
22 *and inserting “National Forest System roads”.*

23 (3) *Section 202(e) of title 23, United States*
24 *Code, is amended by striking “Refuge System,” and*

1 *inserting “Refuge System and the various national*
2 *fish hatcheries,”.*

3 *(4) Section 204 of title 23, United States Code,*
4 *is amended—*

5 *(A) in subsection (a)(1), by striking “public*
6 *lands highways,” and inserting “public lands*
7 *highways, recreation roads, forest highways,”;*
8 *and*

9 *(B) in subsection (i), by striking “public*
10 *lands highways” each place it appears and in-*
11 *serting “public lands highways, recreation roads,*
12 *and forest highways”.*

13 *(5) Section 205 of title 23, United States Code,*
14 *is amended—*

15 *(A) by striking the section heading and in-*
16 *serting the following:*

17 **“§ 205. National Forest System roads and trails”;**

18 *and*

19 *(B) in subsections (a) and (d), by striking*
20 *“forest development roads” each place it appears*
21 *and inserting “National Forest System roads”.*

22 *(6) The analysis for chapter 2 of title 23, United*
23 *States Code, is amended by striking the item relating*
24 *to section 205 and inserting the following:*

“205. National Forest System roads and trails.”.

1 (7) *Section 217(c) of title 23, United States*
2 *Code, is amended by inserting “refuge roads,” after*
3 *“Indian reservation roads,”.*

4 **SEC. 1807. EMERGENCY RELIEF.**

5 *Section 125(c)(1) of title 23, United States Code, is*
6 *amended by striking “\$100,000,000” and inserting*
7 *“\$300,000,000”.*

8 **SEC. 1808. HIGHWAY BRIDGE PROGRAM.**

9 *(a) IN GENERAL.—Section 144 of title 23, United*
10 *States Code, is amended—*

11 *(1) by striking the section heading and all that*
12 *follows through subsection (a) and inserting the fol-*
13 *lowing:*

14 **“§ 144. Highway bridge program**

15 *“(a) CONGRESSIONAL STATEMENT.—Congress finds*
16 *and declares that it is in the vital interest of the United*
17 *States that a highway bridge program be established to en-*
18 *able States to improve the condition of their bridges through*
19 *replacement, rehabilitation, and systematic preventative*
20 *maintenance on highway bridges over waterways, other top-*
21 *ographical barriers, other highways, or railroads at any*
22 *time at which the States and the Secretary determine that*
23 *a bridge is unsafe because of structural deficiencies, phys-*
24 *ical deterioration, or functional obsolescence.”;*

1 (2) *by striking subsection (d) and inserting the*
2 *following:*

3 “(d) *PARTICIPATION IN PROGRAM.—*

4 “(1) *IN GENERAL.—On application by a State to*
5 *the Secretary for assistance in replacing or rehabili-*
6 *tating a highway bridge that has been determined to*
7 *be eligible for replacement or rehabilitation under*
8 *subsection (b) or (c), the Secretary may approve Fed-*
9 *eral participation in—*

10 “(A) *replacing the bridge with a com-*
11 *parable bridge; or*

12 “(B) *rehabilitating the bridge.*

13 “(2) *SPECIFIC KINDS OF REHABILITATION.—On*
14 *application by a State to the Secretary for assistance*
15 *in painting, seismic retrofit, or preventative mainte-*
16 *nance of, or installation of scour countermeasures or*
17 *applying calcium magnesium acetate, sodium acetate/*
18 *formate, or other environmentally acceptable, mini-*
19 *maximally corrosive anti-icing and de-icing compositions*
20 *to, the structure of a highway bridge, the Secretary*
21 *may approve Federal participation in the painting,*
22 *seismic retrofit, or preventative maintenance of, or*
23 *installation of scour countermeasures or application*
24 *of acetate or sodium acetate/formate or such anti-*
25 *icing or de-icing composition to, the structure.*

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1 “(3) *ELIGIBILITY.*—

2 “(A) *IN GENERAL.*—*Except as provided in*
3 *subparagraph (B), the Secretary shall determine*
4 *the eligibility of highway bridges for replacement*
5 *or rehabilitation for each State based on the*
6 *number of unsafe highway bridges in the State.*

7 “(B) *PREVENTATIVE MAINTENANCE.*—*A*
8 *State may carry out a project for preventative*
9 *maintenance on a bridge, seismic retrofit of a*
10 *bridge, or installation of scour countermeasures*
11 *to a bridge under this section without regard to*
12 *whether the bridge is eligible for replacement or*
13 *rehabilitation under this section.”;*

14 (3) *in subsection (e)*—

15 (A) *in the third sentence, by striking*
16 *“square footage” and inserting “area”;*

17 (B) *in the fourth sentence*—

18 (i) *by striking “by the total cost of any*
19 *highway bridges constructed under sub-*
20 *section (m) in such State, relating to re-*
21 *placement of destroyed bridges and ferry-*
22 *boat services, and,”; and*

23 (ii) *by striking “1997” and inserting*
24 *“2003”; and*

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1 (C) in the seventh sentence, by striking “the
2 Federal-aid primary system” and inserting
3 “Federal-aid highways”;

4 (4) by striking subsections (f) and (g) and in-
5 serting the following:

6 “(f) SET ASIDES.—

7 “(1) DISCRETIONARY BRIDGE PROGRAM.—

8 “(A) IN GENERAL.—Of the amounts author-
9 ized to be appropriated to carry out the bridge
10 program under this section for each of fiscal
11 years 2004 through 2009, all but \$150,000,000
12 shall be apportioned as provided in subsection
13 (e).

14 “(B) AVAILABILITY.—The \$150,000,000 re-
15 ferred to in subparagraph (A) shall be available
16 at the discretion of the Secretary, except that not
17 to exceed \$25,000,000 of that amount shall be
18 available only for projects for the seismic retrofit
19 of bridges.

20 “(C) SET ASIDES.—For fiscal year 2004,
21 the Secretary shall provide—

22 “(i) \$50,000,000 to the State of Nevada
23 for construction of a replacement of the fed-
24 erally-owned bridge over the Hoover Dam

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1 *in the Lake Mead National Recreation*
2 *Area; and*

3 “(ii) \$50,000,000 to the State of Mis-
4 *souri for construction of a structure over the*
5 *Mississippi River to connect the city of St.*
6 *Louis, Missouri, to the State of Illinois.*

7 “(2) *OFF-SYSTEM BRIDGES.—*

8 “(A) *IN GENERAL.—Not less than 15 per-*
9 *cent of the amount apportioned to each State in*
10 *each of fiscal years 2004 through 2009 shall be*
11 *expended for projects to replace, rehabilitate, per-*
12 *form systematic preventative maintenance or*
13 *seismic retrofit, or apply calcium magnesium ac-*
14 *etate, sodium acetate/formate, or other environ-*
15 *mentally acceptable, minimally corrosive anti-*
16 *icing and de-icing compositions or install scour*
17 *countermeasures to highway bridges located on*
18 *public roads, other than those on a Federal-aid*
19 *highway.*

20 “(B) *REDUCTION OF EXPENDITURES.—The*
21 *Secretary, after consultation with State and*
22 *local officials, may, with respect to the State, re-*
23 *duce the requirement for expenditure for bridges*
24 *not on a Federal-aid highway if the Secretary*

1 *determines that the State has inadequate needs*
2 *to justify the expenditure.”;*

3 *(5) in subsection (i)—*

4 *(A) in paragraph (3), by striking “and”;*

5 *(B) in paragraph (4), by striking the period*
6 *at the end and inserting “; and”;*

7 *(C) by striking “Such reports” and all that*
8 *follows through “to Congress.”; and*

9 *(D) by adding at the end the following:*

10 *“(5) biennially submit such reports as are re-*
11 *quired under this subsection to the appropriate com-*
12 *mittees of Congress simultaneously with the report re-*
13 *quired by section 502(g).”;*

14 *(6) in the first sentence of subsection (n), by*
15 *striking “all standards” and inserting “all general*
16 *engineering standards”;*

17 *(7) in subsection (o)—*

18 *(A) in paragraph (3)—*

19 *(i) by striking “title (including this*
20 *section)” and inserting “section”;* and

21 *(ii) by inserting “200 percent of” after*
22 *“shall not exceed”; and*

23 *(B) in paragraph (4)(B)—*

24 *(i) in the second sentence, by inserting*
25 *“200 percent of” after “not to exceed”; and*

1 (ii) in the last sentence, by striking
2 “title” and inserting “section”;

3 (8) by redesignating subsections (h) through (q)
4 as subsections (g) through (p), respectively; and
5 (9) by adding at the end the following:

6 “(q) *FEDERAL SHARE.*—*The Federal share of the cost*
7 *of a project payable from funds made available to carry*
8 *out this section shall be the share applicable under section*
9 *120(b), as adjusted under subsection (d) of that section.”.*

10 (b) *CONFORMING AMENDMENT.*—*The analysis for sub-*
11 *chapter I of chapter 1 of title 23, United States Code, is*
12 *amended by striking the item relating to section 144 and*
13 *inserting the following:*

 “144. *Highway bridge program.*”.

14 **SEC. 1809. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.**

15 (a) *IN GENERAL.*—*Subchapter I of chapter 1 of title*
16 *23, United States Code (as amended by section 1702(a)),*
17 *is amended by adding at the end the following:*

18 **“§ 170. Appalachian development highway system**

19 “(a) *APPORTIONMENT.*—

20 “(1) *IN GENERAL.*—*The Secretary shall appor-*
21 *tion funds made available under section 1101(a)(7) of*
22 *the Safe, Accountable, Flexible, and Efficient Trans-*
23 *portation Equity Act of 2003 for fiscal years 2004*
24 *through 2009 among States based on the latest avail-*
25 *able estimate of the cost to construct highways and*

1 *access roads for the Appalachian development high-*
2 *way system program prepared by the Appalachian*
3 *Regional Commission under section 14501 of title 40.*

4 “(2) *AVAILABILITY.*—*Funds described in para-*
5 *graph (1) shall be available to construct highways*
6 *and access roads under chapter 145 of title 40.*

7 “(b) *APPLICABILITY OF TITLE.*—*Funds made avail-*
8 *able under section 1101(a)(7) of the Safe, Accountable,*
9 *Flexible, and Efficient Transportation Equity Act of 2003*
10 *for the Appalachian development highway system shall be*
11 *available for obligation in the same manner as if the funds*
12 *were apportioned under this chapter, except that—*

13 “(1) *the Federal share of the cost of any project*
14 *under this section shall be determined in accordance*
15 *with subtitle IV of title 40; and*

16 “(2) *the funds shall remain available until ex-*
17 *pended.*”.

18 (b) *CONFORMING AMENDMENTS.*—

19 (1) *USE OF TOLL CREDITS.*—*Section 120(j)(1) of*
20 *title 23, United States Code is amended by inserting*
21 *“and the Appalachian development highway system*
22 *program under subtitle IV of title 40” after “(other*
23 *than the emergency relief program authorized by sec-*
24 *tion 125”.*

1 (2) *ANALYSIS.*—*The analysis of chapter 1 of title*
2 23, *United States Code (as amended by section*
3 1702(b)), *is amended by adding at the end the fol-*
4 *lowing:*

“170. Appalachian development highway system.”.

5 **SEC. 1810. MULTISTATE CORRIDOR PROGRAM.**

6 (a) *IN GENERAL.*—*Subchapter I of chapter 1 of title*
7 23, *United States Code (as amended by 1809(a)), is amend-*
8 *ed by adding at the end the following:*

9 **“§ 171. Multistate corridor program**

10 “(a) *ESTABLISHMENT AND PURPOSE.*—*The Secretary*
11 *shall carry out a program to—*

12 “(1) *support and encourage multistate transpor-*
13 *tation planning and development; and*

14 “(2) *facilitate transportation decisionmaking*
15 *and coordinate project delivery involving multistate*
16 *corridors.*

17 “(b) *ELIGIBLE RECIPIENTS.*—*A State transportation*
18 *department and a metropolitan planning organization may*
19 *receive and administer funds provided under this section.*

20 “(c) *ELIGIBLE ACTIVITIES.*—*The Secretary shall make*
21 *allocations under this program for multistate highway and*
22 *multimodal planning studies and construction.*

23 “(d) *OTHER PROVISIONS REGARDING ELIGIBILITY.*—

24 “(1) *STUDIES.*—*All studies funded under this*
25 *program shall be consistent with the continuing, coop-*

1 *erative, and comprehensive planning processes re-*
2 *quired by sections 134 and 135.*

3 “(2) *CONSTRUCTION.*—*All construction funded*
4 *under this program shall be consistent with section*
5 *133(b)(1).*

6 “(e) *SELECTION CRITERIA.*—*The Secretary shall select*
7 *studies and projects to be carried out under the program*
8 *based on—*

9 “(1) *the existence and significance of signed and*
10 *binding multijurisdictional agreements;*

11 “(2) *endorsement of the study or project by ap-*
12 *plicable elected State and local representatives;*

13 “(3) *prospects for early completion of the study*
14 *or project; or*

15 “(4) *whether the projects to be studied or con-*
16 *structed are located on corridors identified by section*
17 *1105(c) of the Intermodal Surface Transportation Ef-*
18 *iciency Act of 1991 (Public Law 102-240; 105 Stat.*
19 *2032).*

20 “(f) *PROGRAM PRIORITIES.*—*In administering the*
21 *program, the Secretary shall—*

22 “(1) *encourage and enable States and other ju-*
23 *risdictions to work together to develop plans for*
24 *multimodal and multijurisdictional transportation*
25 *decisionmaking; and*

1 “(2) give priority to studies or projects that em-
2 phasize multimodal planning, including planning for
3 operational improvements that—

4 “(A) increase—

5 “(i) mobility;

6 “(ii) freight productivity;

7 “(iii) access to marine or inland ports;

8 “(iv) safety and security; and

9 “(v) reliability; and

10 “(B) enhance the environment.

11 “(g) FEDERAL SHARE.—The Federal share of the cost
12 of a study or project carried out under the program, using
13 funds from all Federal sources, shall be 80 percent.

14 “(h) APPLICABILITY.—Funds authorized to be appro-
15 priated under section 1101(10) of the Safe, Accountable,
16 Flexible, and Efficient Transportation Equity Act of 2003
17 to carry out this section shall be available for obligation
18 in the same manner as if the funds were apportioned under
19 this chapter.”.

20 (b) CONFORMING AMENDMENT.—The analysis for sub-
21 chapter I of chapter 1 of title 23, United States Code (as
22 amended by section 1810(b)) is amended by adding at the
23 end the following:

“171. Multistate corridor program.”.

1 **SEC. 1811. BORDER PLANNING, OPERATIONS, TECHNOLOGY,**
2 **AND CAPACITY PROGRAM.**

3 (a) *IN GENERAL.*—Subchapter I of chapter 1 of title
4 23, United States Code (as amended by section 1810(a)),
5 is amended by adding at the end the following:

6 **“§ 172. Border planning, operations, technology, and**
7 **capacity program**

8 “(a) *DEFINITIONS.*—In this section:

9 “(1) *BORDER STATE.*—The term ‘border State’
10 means any of the States of Alaska, Arizona, Cali-
11 fornia, Idaho, Maine, Michigan, Minnesota, Montana,
12 New Hampshire, New Mexico, New York, North Da-
13 kota, Texas, Vermont, and Washington.

14 “(2) *PROGRAM.*—The term ‘program’ means the
15 border planning, operations, technology, and capacity
16 program established under subsection (b).

17 “(b) *ESTABLISHMENT AND PURPOSE.*—The Secretary
18 shall establish and carry out a border planning, operations,
19 technology, and capacity improvement program to support
20 coordination and improvement in bi-national transpor-
21 tation planning, operations, efficiency, information ex-
22 change, safety, and security at the international borders of
23 the United States with Canada and Mexico.

24 “(c) *ELIGIBLE RECIPIENTS.*—State transportation de-
25 partments and metropolitan planning organizations at or

1 *near an international land border in a border State may*
2 *receive and administer funds allocated under the program.*

3 “(d) *ELIGIBLE ACTIVITIES.*—

4 “(1) *IN GENERAL.*—*The Secretary shall make al-*
5 *locations under the program for projects to carry out*
6 *eligible activities described in paragraph (2) at or*
7 *near international land borders in border States.*

8 “(2) *ELIGIBLE ACTIVITIES.*—*The eligible activi-*
9 *ties referred to in paragraph (1) are—*

10 “(A) *highway and multimodal planning or*
11 *environmental studies;*

12 “(B) *cross-border port of entry and safety*
13 *inspection improvements, including operational*
14 *enhancements and technology applications;*

15 “(C) *technology and information exchange*
16 *activities; and*

17 “(D) *right-of-way acquisition, design, and*
18 *construction, as needed—*

19 “(i) *to implement the enhancements or*
20 *applications described in subparagraphs*
21 *(B) and (C);*

22 “(ii) *to decrease air pollution emis-*
23 *sions from vehicles or inspection facilities at*
24 *border crossings; or*

1 “(iii) to increase highway capacity at
2 or near international borders.

3 “(e) OTHER PROVISIONS REGARDING ELIGIBILITY.—

4 “(1) IN GENERAL.—Each project funded under
5 the program shall be carried out in accordance with
6 the continuing, cooperative, and comprehensive plan-
7 ning processes required by sections 134 and 135.

8 “(2) REGIONALLY SIGNIFICANT PROJECTS.—To
9 be funded under the program, a regionally significant
10 project shall be included on the applicable transpor-
11 tation plan and program required by sections 134
12 and 135.

13 “(f) SELECTION CRITERIA.—The Secretary shall select
14 projects to be carried out under the program based on—

15 “(1) expected benefits, including air quality ben-
16 efits, of the project in relation to the cost of the
17 project;

18 “(2) prospects for early completion of the project;

19 “(3) endorsement of the project by formally con-
20 stituted bi-national organizations with Federal and
21 State or provincial representation;

22 “(4) the existence and significance of signed and
23 binding multijurisdictional agreements;

24 “(5) contributions, in amounts at least equal to
25 required minimums, of—

1 “(A) *Federal funds made available for other*
2 *programs under this title; and*

3 “(B) *Federal funds made available under a*
4 *provision of law other than this title; and*

5 “(6) *the extent to which the benefits of the project*
6 *are multimodal.*

7 “(g) *PROGRAM PRIORITIES.—In administering the*
8 *program, the Secretary shall give priority to projects that*
9 *emphasize—*

10 “(1) *multimodal planning;*

11 “(2) *improvements in infrastructure; and*

12 “(3) *operational improvements that—*

13 “(A) *increase safety, security, freight capac-*
14 *ity, or highway access to rail, marine, and air*
15 *services; and*

16 “(B) *enhance the environment.*

17 “(h) *FEDERAL SHARE.—The Federal share of the cost*
18 *of a project carried out under the program shall be 80 per-*
19 *cent.*

20 “(i) *OBLIGATION.—Funds made available under sec-*
21 *tion 1101(11) of the Safe, Accountable, Flexible, and Effi-*
22 *cient Transportation Equity Act of 2003 to carry out the*
23 *program shall be available for obligation in the same man-*
24 *ner as if the funds were apportioned under this chapter.*

1 “(j) *INFORMATION EXCHANGE.*—No individual project
2 the scope of work of which is limited to information ex-
3 change shall receive an allocation under the program in an
4 amount that exceeds \$500,000 for any fiscal year.

5 “(k) *PROJECTS IN CANADA OR MEXICO.*—A project in
6 Canada or Mexico, proposed by a border State to directly
7 and predominantly facilitate cross-border vehicle and com-
8 mercial cargo movements at an international gateway or
9 port of entry into the border region of the State, may be
10 constructed using funds made available under the program
11 if, before obligation of those funds, Canada or Mexico, or
12 the political subdivision of Canada or Mexico that is re-
13 sponsible for the operation of the facility to be constructed,
14 provides assurances satisfactory to the Secretary that any
15 facility constructed under this subsection will be—

16 “(1) constructed in accordance with standards
17 equivalent to applicable standards in the United
18 States; and

19 “(2) properly maintained and used over the use-
20 ful life of the facility for the purpose for which the
21 Secretary allocated funds to the project.

22 “(l) *TRANSFER OF FUNDS TO THE GENERAL SERVICES*
23 *ADMINISTRATION.*—

24 “(1) *STATE FUNDS.*—At the request of a border
25 State, funds made available under the program may

1 *be transferred to the General Services Administration*
2 *for the purpose of funding 1 or more specific projects*
3 *if—*

4 “(A) *the Secretary determines, after con-*
5 *sultation with the State transportation depart-*
6 *ment of the border State, that the General Serv-*
7 *ices Administration should carry out the project;*
8 *and*

9 “(B) *the General Services Administration*
10 *agrees to accept the transfer of, and to admin-*
11 *ister, those funds.*

12 “(2) *NON-FEDERAL SHARE.—*

13 “(A) *IN GENERAL.—A border State that*
14 *makes a request under paragraph (1) shall pro-*
15 *vide directly to the General Services Administra-*
16 *tion, for each project covered by the request, the*
17 *non-Federal share of the cost of each project de-*
18 *scribed in subsection (h).*

19 “(B) *NO AUGMENTATION OF APPROPRIA-*
20 *TIONS.—Funds provided by a border State under*
21 *subparagraph (A)—*

22 “(i) *shall not be considered to be an*
23 *augmentation of the appropriations made*
24 *available to the General Services Adminis-*
25 *tration; and*

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1 “(i) shall be—

2 “(I) administered in accordance
3 with the procedures of the General
4 Services Administration; but

5 “(II) available for obligation in
6 the same manner as if the funds were
7 apportioned under this chapter.

8 “(C) OBLIGATION AUTHORITY.—Obligation
9 authority shall be transferred to the General
10 Services Administration in the same manner
11 and amount as the funds provided for projects
12 under subparagraph (A).

13 “(3) DIRECT TRANSFER OF AUTHORIZED
14 FUNDS.—

15 “(A) IN GENERAL.—In addition to alloca-
16 tions to States and metropolitan planning orga-
17 nizations under subsection (c), the Secretary
18 may transfer funds made available to carry out
19 this section to the General Services Administra-
20 tion for construction of transportation infra-
21 structure projects at or near the border in border
22 States, if—

23 “(i) the Secretary determines that the
24 transfer is necessary to effectively carry out
25 the purposes of this program; and

1 “(ii) the General Services Administra-
2 tion agrees to accept the transfer of, and to
3 administer, those funds.

4 “(B) NO AUGMENTATION OF APPROPRIA-
5 TIONS.—Funds transferred by the Secretary
6 under subparagraph (A)—

7 “(i) shall not be considered to be an
8 augmentation of the appropriations made
9 available to the General Services Adminis-
10 tration; and

11 “(ii) shall be—

12 “(I) administered in accordance
13 with the procedures of the General
14 Services Administration; but

15 “(II) available for obligation in
16 the same manner as if the funds were
17 apportioned under this chapter.

18 “(C) OBLIGATION AUTHORITY.—Obligation
19 authority shall be transferred to the General
20 Services Administration in the same manner
21 and amount as the funds transferred under sub-
22 paragraph (A).

23 “(D) NONAPPLICABILITY OF CERTAIN PROVI-
24 SION.—Section 120 shall not apply to the trans-
25 fer of funds under this paragraph.”.

1 (b) *CONFORMING AMENDMENT.*—*The analysis for sub-*
2 *chapter I of chapter 1 of title 23, United States Code (as*
3 *amended by section 1810(b)), is amended by adding at the*
4 *end the following:*

“172. Border planning, operations, and technology program.”.

5 **SEC. 1812. PUERTO RICO HIGHWAY PROGRAM.**

6 (a) *IN GENERAL.*—*Subchapter I of chapter 1 of title*
7 *23, United States Code (as amended by section 1811(a)),*
8 *is amended by adding at the end the following:*

9 **“§ 173. Puerto Rico highway program**

10 “(a) *IN GENERAL.*—*The Secretary shall allocate funds*
11 *authorized by section 1101(a)(15) of the Safe, Accountable,*
12 *Flexible, and Efficient Transportation Equity Act of 2003*
13 *for each of fiscal years 2004 through 2009 to the Common-*
14 *wealth of Puerto Rico to carry out a highway program in*
15 *the Commonwealth.*

16 “(b) *APPLICABILITY OF TITLE.*—

17 “(1) *IN GENERAL.*—*Amounts made available by*
18 *section 1101(a)(15) of the Safe, Accountable, Flexible,*
19 *and Efficient Transportation Equity Act of 2003*
20 *shall be available for obligation in the same manner*
21 *as if such funds were apportioned under this chapter.*

22 “(2) *LIMITATION ON OBLIGATIONS.*—*The*
23 *amounts shall be subject to any limitation on obliga-*
24 *tions for Federal-aid highway and highway safety*
25 *construction programs.*

1 “(c) *TREATMENT OF FUNDS.*—Amounts made avail-
2 able to carry out this section for a fiscal year shall be ad-
3 ministered as follows:

4 “(1) *APPORTIONMENT.*—For purposes of this sec-
5 tion, the amounts shall be treated as being appor-
6 tioned to Puerto Rico under sections 104(b), 144, and
7 206, for each program funded under those sections in
8 an amount determined by multiplying—

9 “(A) the aggregate of the amounts for the
10 fiscal year; by

11 “(B) the ratio that—

12 “(i) the amount of funds apportioned
13 to Puerto Rico for each such program for
14 fiscal year 2003; bears to

15 “(ii) the total amount of funds appor-
16 tioned to Puerto Rico for all such programs
17 for fiscal year 2003.

18 “(2) *PENALTY.*—The amounts treated as being
19 apportioned to Puerto Rico under each section re-
20 ferred to in paragraph (1) shall be deemed to be re-
21 quired to be apportioned to Puerto Rico under that
22 section for purposes of the imposition of any penalty
23 under this title and title 49.

24 “(3) *EFFECT ON ALLOCATIONS AND APPORTION-*
25 *MENTS.*—Subject to paragraph (2), nothing in this

1 *section affects any allocation under section 105 and*
2 *any apportionment under sections 104 and 144.”.*

3 (b) *CONFORMING AMENDMENT.*—*The analysis for sub-*
4 *chapter I of chapter 1 of title 23, United States Code (as*
5 *amended by section 1811(b)), is amended by adding at the*
6 *end the following:*

“173. Puerto Rico highway program.”.

7 **SEC. 1813. NATIONAL HISTORIC COVERED BRIDGE PRESER-**
8 **VATION.**

9 (a) *IN GENERAL.*—*Subchapter I of chapter 1 of title*
10 *23, United States Code (as amended by section 1812(a)),*
11 *is amended by adding at the end the following:*

12 **“§ 174. National historic covered bridge preservation**

13 *“(a) DEFINITION OF HISTORIC COVERED BRIDGE.—*
14 *In this section, the term ‘historic covered bridge’ means a*
15 *covered bridge that is listed or eligible for listing on the*
16 *National Register of Historic Places.*

17 *“(b) HISTORIC COVERED BRIDGE PRESERVATION.—*
18 *Subject to the availability of appropriations, the Secretary*
19 *shall—*

20 *“(1) collect and disseminate information on his-*
21 *toric covered bridges;*

22 *“(2) conduct educational programs relating to*
23 *the history and construction techniques of historic*
24 *covered bridges;*

1 “(3) *conduct research on the history of historic*
2 *covered bridges; and*

3 “(4) *conduct research on, and study techniques*
4 *for, protecting historic covered bridges from rot, fire,*
5 *natural disasters, or weight-related damage.*

6 “(c) *GRANTS.—*

7 “(1) *IN GENERAL.—Subject to the availability of*
8 *appropriations, the Secretary shall make a grant to*
9 *a State that submits an application to the Secretary*
10 *that demonstrates a need for assistance in carrying*
11 *out 1 or more historic covered bridge projects de-*
12 *scribed in paragraph (2).*

13 “(2) *ELIGIBLE PROJECTS.—A grant under para-*
14 *graph (1) may be made for a project—*

15 “(A) *to rehabilitate or repair a historic cov-*
16 *ered bridge; or*

17 “(B) *to preserve a historic covered bridge,*
18 *including through—*

19 “(i) *installation of a fire protection*
20 *system, including a fireproofing or fire de-*
21 *tection system and sprinklers;*

22 “(ii) *installation of a system to pre-*
23 *vent vandalism and arson; or*

24 “(iii) *relocation of a bridge to a pres-*
25 *ervation site.*

1 “(3) *AUTHENTICITY REQUIREMENTS.*—A grant
2 under paragraph (1) may be made for a project only
3 if—

4 “(A) to the maximum extent practicable, the
5 project—

6 “(i) is carried out in the most histori-
7 cally appropriate manner; and

8 “(ii) preserves the existing structure of
9 the historic covered bridge; and

10 “(B) the project provides for the replace-
11 ment of wooden components with wooden compo-
12 nents, unless the use of wood is impracticable for
13 safety reasons.

14 “(4) *FEDERAL SHARE.*—The Federal share of the
15 cost of a project carried out with a grant under this
16 subsection shall be 80 percent.

17 “(d) *FUNDING.*—There is authorized to be appro-
18 priated to carry out this section \$14,000,000 for each of
19 fiscal years 2004 through 2009, to remain available until
20 expended.”.

21 (b) *CONFORMING AMENDMENT.*—The analysis for sub-
22 chapter I of chapter 1 of title 23, United States Code (as
23 amended by section 1812(b)), is amended by adding at the
24 end the following:

 “174. National historic covered bridge preservation.”.

1 **SEC. 1814. TRANSPORTATION AND COMMUNITY AND SYS-**
2 **TEM PRESERVATION PILOT PROGRAM.**

3 (a) *IN GENERAL.*—Subchapter I of chapter 1 of title
4 23, United States Code (as amended by section 1813(a)),
5 is amended by adding at the end the following:

6 **“§175. Transportation and community and system**
7 **preservation pilot program**

8 “(a) *ESTABLISHMENT.*—The Secretary shall establish
9 a comprehensive program to facilitate the planning, devel-
10 opment, and implementation of strategies by States, metro-
11 politan planning organizations, federally-recognized Indian
12 tribes, and local governments to integrate transportation,
13 community, and system preservation plans and practices
14 that address the goals described in subsection (b).

15 “(b) *GOALS.*—The goals of the program are—

16 “(1) to improve the efficiency of the transpor-
17 tation system in the United States;

18 “(2) to reduce the impacts of transportation on
19 the environment;

20 “(3) reduce the need for costly future investments
21 in public infrastructure;

22 “(4) to provide efficient access to jobs, services,
23 and centers of trade; and

24 “(5) to examine development patterns, and to
25 identify strategies, to encourage private sector devel-

1 *opment patterns that achieve the goals identified in*
2 *paragraphs (1) through (4).*

3 *“(c) ALLOCATION OF FUNDS FOR IMPLEMENTATION.—*

4 *“(1) IN GENERAL.—The Secretary shall allocate*
5 *funds made available to carry out this subsection to*
6 *States, metropolitan planning organizations, and*
7 *local governments to carry out projects to address*
8 *transportation efficiency and community and system*
9 *preservation.*

10 *“(2) CRITERIA.—In allocating funds made avail-*
11 *able to carry out this subsection, the Secretary shall*
12 *give priority to applicants that—*

13 *“(A) have instituted preservation or devel-*
14 *opment plans and programs that—*

15 *“(i) meet the requirements of this title*
16 *and chapter 53 of title 49, United States*
17 *Code; and*

18 *“(ii)(I) are coordinated with State and*
19 *local adopted preservation or development*
20 *plans;*

21 *“(II) are intended to promote cost-ef-*
22 *fective and strategic investments in trans-*
23 *portation infrastructure that minimize ad-*
24 *verse impacts on the environment; or*

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1 “(III) are intended to promote innova-
2 tive private sector strategies.

3 “(B) have instituted other policies to inte-
4 grate transportation and community and system
5 preservation practices, such as—

6 “(i) spending policies that direct funds
7 to high-growth areas;

8 “(ii) urban growth boundaries to guide
9 metropolitan expansion;

10 “(iii) ‘green corridors’ programs that
11 provide access to major highway corridors
12 for areas targeted for efficient and compact
13 development; or

14 “(iv) other similar programs or poli-
15 cies as determined by the Secretary;

16 “(C) have preservation or development poli-
17 cies that include a mechanism for reducing po-
18 tential impacts of transportation activities on
19 the environment;

20 “(D) examine ways to encourage private
21 sector investments that address the purposes of
22 this section; and

23 “(E) propose projects for funding that ad-
24 dress the purposes described in subsection (b)(2).

1 “(3) *EQUITABLE DISTRIBUTION.*—*In allocating*
2 *funds to carry out this subsection, the Secretary shall*
3 *ensure the equitable distribution of funds to a diver-*
4 *sity of populations and geographic regions.*

5 “(4) *USE OF ALLOCATED FUNDS.*—

6 “(A) *IN GENERAL.*—*An allocation of funds*
7 *made available to carry out this subsection shall*
8 *be used by the recipient to implement the*
9 *projects proposed in the application to the Sec-*
10 *retary.*

11 “(B) *TYPES OF PROJECTS.*—*The allocation*
12 *of funds shall be available for obligation for—*

13 “(i) *any project eligible for funding*
14 *under this title or chapter 53 of title 49,*
15 *United States Code; or*

16 “(ii) *any other activity relating to*
17 *transportation and community and system*
18 *preservation that the Secretary determines*
19 *to be appropriate, including corridor pres-*
20 *ervation activities that are necessary to*
21 *implement—*

22 “(I) *transit-oriented development*
23 *plans;*

24 “(II) *traffic calming measures; or*

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1 “(III) other coordinated transpor-
2 tation and community and system
3 preservation practices.

4 “(d) FUNDING.—

5 “(1) IN GENERAL.—There is authorized to be ap-
6 propriated from the Highway Trust Fund (other than
7 the Mass Transit Account) to carry out this section
8 \$50,000,000 for each of fiscal years 2004 through
9 2009.

10 “(2) CONTRACT AUTHORITY.—Funds authorized
11 under this subsection shall be available for obligation
12 in the same manner as if the funds were apportioned
13 under this chapter.”.

14 “(b) ELIGIBLE PROJECTS.—Section 133(b) of title 23,
15 United States Code (as amended by section 1701(a)), is
16 amended by adding at the end the following:

17 “(18) Transportation and community system
18 preservation to facilitate the planning, development,
19 and implementation of strategies of metropolitan
20 planning organizations and local governments to in-
21 tegrate transportation, community, and system pres-
22 ervation plans and practices that address the fol-
23 lowing:

24 “(A) Improvement of the efficiency of the
25 transportation system in the United States.

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1 “(B) Reduction of the impacts of transpor-
2 tation on the environment.

3 “(C) Reduction of the need for costly future
4 investments in public infrastructure.

5 “(D) Provision of efficient access to jobs,
6 services, and centers of trade.

7 “(E) Examination of development patterns,
8 and identification of strategies to encourage pri-
9 vate sector development patterns, that achieve the
10 goals identified in subparagraphs (A) through
11 (D).

12 “(19) Projects relating to intersections, including
13 intersections—

14 “(A) that—

15 “(i) have disproportionately high acci-
16 dent rates;

17 “(ii) have high levels of congestion, as
18 evidenced by—

19 “(I) interrupted traffic flow at the
20 intersection; and

21 “(II) a level of service rating,
22 issued by the Transportation Research
23 Board of the National Academy of
24 Sciences in accordance with the High-
25 way Capacity Manual, that is not bet-

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1 *ter than ‘F’ during peak travel hours;*

2 *and*

3 *“(iii) are directly connected to or lo-*

4 *cated on a Federal-aid highway; and*

5 *“(B) improvements that are approved in the*

6 *regional plan of the appropriate local metropoli-*

7 *tan planning organization.”.*

8 *(c) CONFORMING AMENDMENT.—The analysis for sub-*
9 *chapter I of chapter 1 of title 23, United States Code (as*
10 *amended by section 1813(b)), is amended by adding at the*
11 *end the following:*

“175. Transportation and community and system preservation pilot program.”.

12 **SEC. 1815. TRIBAL-STATE ROAD MAINTENANCE AGREE-**
13 **MENTS.**

14 *Section 204 of title 23, United States Code (as amend-*
15 *ed by section 1806(f)(4)), is amended by adding at the end*
16 *the following:*

17 *“(n) TRIBAL-STATE ROAD MAINTENANCE AGREE-*
18 *MENTS.—*

19 *“(1) IN GENERAL.—Notwithstanding any other*
20 *provision of law, regulation, policy, or guideline, an*
21 *Indian tribe and a State may enter into a road*
22 *maintenance agreement under which an Indian tribe*
23 *assumes the responsibilities of the State for—*

24 *“(A) Indian reservation roads; and*

1 “(B) roads providing access to Indian res-
2 ervation roads.

3 “(2) *TRIBAL-STATE AGREEMENTS.*—Agreements
4 entered into under paragraph (1)—

5 “(A) shall be negotiated between the State
6 and the Indian tribe; and

7 “(B) shall not require the approval of the
8 Secretary.

9 “(3) *ANNUAL REPORT.*—Effective beginning with
10 fiscal year 2004, the Secretary shall prepare and sub-
11 mit to Congress an annual report that identifies—

12 “(A) the Indian tribes and States that have
13 entered into agreements under paragraph (1);

14 “(B) the number of miles of roads for which
15 Indian tribes have assumed maintenance respon-
16 sibilities; and

17 “(C) the amount of funding transferred to
18 Indian tribes for the fiscal year under agree-
19 ments entered into under paragraph (1).”.

20 **SEC. 1816. FOREST HIGHWAYS.**

21 Section 204 of title 23, United States Code (as amend-
22 ed by section 1815), is amended by adding at the end the
23 following:

24 “(o) *FOREST HIGHWAYS.*—Of the amounts made
25 available for forest highways, \$15,000,000 for each fiscal

1 *year shall be used to repair culverts and bridges on forest*
2 *highways to—*

3 *“(1) facilitate appropriate fish passage and en-*
4 *sure reasonable flows; and*

5 *“(2) maintain and remove such culverts and*
6 *bridges as appropriate.”.*

7 **SEC. 1817. TERRITORIAL HIGHWAY PROGRAM.**

8 *(a) IN GENERAL.—Chapter 2 of title 23, United States*
9 *Code, is amended by striking section 215 and inserting the*
10 *following:*

11 **“§215. Territorial highway program**

12 *“(a) DEFINITIONS.—In this section:*

13 *“(1) PROGRAM.—The term ‘program’ means the*
14 *territorial highway program established under sub-*
15 *section (b).*

16 *“(2) TERRITORY.—The term ‘territory’ means*
17 *the any of the following territories of the United*
18 *States:*

19 *“(A) American Samoa.*

20 *“(B) The Commonwealth of the Northern*
21 *Mariana Islands.*

22 *“(C) Guam.*

23 *“(D) The United States Virgin Islands.*

24 *“(b) PROGRAM.—*

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1 “(1) *IN GENERAL.*—*Recognizing the mutual ben-*
2 *efits that will accrue to the territories and the United*
3 *States from the improvement of highways in the terri-*
4 *tories, the Secretary may carry out a program to as-*
5 *sist each territorial government in the construction*
6 *and improvement of a system of arterial and collector*
7 *highways, and necessary inter-island connectors, that*
8 *is—*

9 “(A) *designated by the Governor or chief ex-*
10 *ecutive officer of each territory; and*

11 “(B) *approved by the Secretary.*

12 “(2) *FEDERAL ASSISTANCE.*—*The Secretary shall*
13 *provide Federal financial assistance to territories*
14 *under this section in accordance with section 120(h).*

15 “(c) *TECHNICAL ASSISTANCE.*—

16 “(1) *IN GENERAL.*—*To continue a long-range*
17 *highway development program, the Secretary may*
18 *provide technical assistance to the governments of the*
19 *territories to enable the territories to, on a continuing*
20 *basis—*

21 “(A) *engage in highway planning;*

22 “(B) *conduct environmental evaluations;*

23 “(C) *administer right-of-way acquisition*
24 *and relocation assistance programs; and*

1 “(D) design, construct, operate, and main-
2 tain a system of arterial and collector highways,
3 including necessary inter-island connectors.

4 “(2) FORM AND TERMS OF ASSISTANCE.—Tech-
5 nical assistance provided under paragraph (1), and
6 the terms for the sharing of information among terri-
7 tories receiving the technical assistance, shall be in-
8 cluded in the agreement required by subsection (e).

9 “(d) NONAPPLICABILITY OF CERTAIN PROVISIONS.—

10 “(1) IN GENERAL.—Except to the extent that
11 provisions of chapter 1 are determined by the Sec-
12 retary to be inconsistent with the needs of the terri-
13 tories and the intent of the program, chapter 1 (other
14 than provisions of chapter 1 relating to the appor-
15 tionment and allocation of funds) shall apply to
16 funds authorized to be appropriated for the program.

17 “(2) APPLICABLE PROVISIONS.—The specific sec-
18 tions of chapter 1 that are applicable to each terri-
19 tory, and the extent of the applicability of those sec-
20 tion, shall be identified in the agreement required by
21 subsection (e).

22 “(e) AGREEMENT.—

23 “(1) IN GENERAL.—Except as provided in para-
24 graph (3), none of the funds made available for the
25 program shall be available for obligation or expendi-

1 *ture with respect to any territory until the Governor*
2 *or chief executive officer of the territory enters into a*
3 *new agreement with the Secretary (which new agree-*
4 *ment shall be entered into not later than 1 year after*
5 *the date of enactment of the Safe, Accountable, Flexi-*
6 *ble, and Efficient Transportation Equity Act of*
7 *2003), providing that the government of the territory*
8 *shall—*

9 *“(A) implement the program in accordance*
10 *with applicable provisions of chapter 1 and sub-*
11 *section (d);*

12 *“(B) design and construct a system of arte-*
13 *rial and collector highways, including necessary*
14 *inter-island connectors, in accordance with*
15 *standards that are—*

16 *“(i) appropriate for each territory; and*

17 *“(ii) approved by the Secretary;*

18 *“(C) provide for the maintenance of facili-*
19 *ties constructed or operated under this section in*
20 *a condition to adequately serve the needs of*
21 *present and future traffic; and*

22 *“(D) implement standards for traffic oper-*
23 *ations and uniform traffic control devices that*
24 *are approved by the Secretary.*

1 “(2) *TECHNICAL ASSISTANCE.*—*The new agree-*
2 *ment required by paragraph (1) shall—*

3 “(A) *specify the kind of technical assistance*
4 *to be provided under the program;*

5 “(B) *include appropriate provisions regard-*
6 *ing information sharing among the territories;*
7 *and*

8 “(C) *delineate the oversight role and respon-*
9 *sibilities of the territories and the Secretary.*

10 “(3) *REVIEW AND REVISION OF AGREEMENT.*—
11 *The new agreement entered into under paragraph (1)*
12 *shall be reevaluated and, as necessary, revised, at*
13 *least every 2 years.*

14 “(4) *EXISTING AGREEMENTS.*—*With respect to*
15 *an agreement between the Secretary and the Governor*
16 *or chief executive officer of a territory that is in effect*
17 *as of the date of enactment of the Safe, Accountable,*
18 *Flexible, and Efficient Transportation Equity Act of*
19 *2003—*

20 “(A) *the agreement shall continue in force*
21 *until replaced by a new agreement in accordance*
22 *with paragraph (1); and*

23 “(B) *amounts made available for the pro-*
24 *gram under the agreement shall be available for*
25 *obligation or expenditure so long as the agree-*

1 *ment, or a new agreement under paragraph (1),*
2 *is in effect.*

3 “(f) *PERMISSIBLE USES OF FUNDS.—*

4 “*(1) IN GENERAL.—Funds made available for*
5 *the program may be used only for the following*
6 *projects and activities carried out in a territory:*

7 “*(A) Eligible surface transportation pro-*
8 *gram projects described in section 133(b).*

9 “*(B) Cost-effective, preventive maintenance*
10 *consistent with section 116.*

11 “*(C) Ferry boats, terminal facilities, and*
12 *approaches, in accordance with subsections (b)*
13 *and (c) of section 129.*

14 “*(D) Engineering and economic surveys*
15 *and investigations for the planning, and the fi-*
16 *nancing, of future highway programs.*

17 “*(E) Studies of the economy, safety, and*
18 *convenience of highway use.*

19 “*(F) The regulation and equitable taxation*
20 *of highway use.*

21 “*(G) Such research and development as are*
22 *necessary in connection with the planning, de-*
23 *sign, and maintenance of the highway system.*

24 “*(2) PROHIBITION ON USE OF FUNDS FOR ROU-*
25 *TINE MAINTENANCE.—None of the funds made avail-*

1 *able for the program shall be obligated or expended*
2 *for routine maintenance.*

3 “(g) *LOCATION OF PROJECTS.*—*Territorial highway*
4 *projects (other than those described in paragraphs (1), (3),*
5 *and (4) of section 133(b)) may not be undertaken on roads*
6 *functionally classified as local.”.*

7 (b) *CONFORMING AMENDMENTS.*—

8 (1) *ELIGIBLE PROJECTS.*—*Section 103(b)(6) of*
9 *title 23, United States Code, is amended by striking*
10 *subparagraph (P) and inserting the following:*

11 “(P) *Projects eligible for assistance under the ter-*
12 *ritorial highway program under section 215.”.*

13 (2) *FUNDING.*—*Section 104(b)(1)(A) of title 23,*
14 *United States Code, is amended by striking “to the*
15 *Virgin Islands, Guam, American Samoa, and the*
16 *Commonwealth of Northern Mariana Islands” and*
17 *inserting “for the territorial highway program au-*
18 *thorized under section 215”.*

19 (3) *ANALYSIS.*—*The analysis for chapter 2 of*
20 *title 23, United States Code, is amended by striking*
21 *the item relating to section 215 and inserting the fol-*
22 *lowing:*

 “215. *Territorial highway program.*”.

1 **SEC. 1818. MAGNETIC LEVITATION TRANSPORTATION TECH-**
2 **NOLOGY DEPLOYMENT PROGRAM.**

3 *Section 322 of title 23, United States Code, is*
4 *amended—*

5 *(1) in subsection (c)—*

6 *(A) by striking “Not later than” and insert-*
7 *ing the following:*

8 *“(1) INITIAL SOLICITATION.—Not later than”;*
9 *and*

10 *(B) by adding at the end the following:*

11 *“(2) ADDITIONAL SOLICITATION.—Not later than*
12 *1 year after the date of enactment of this paragraph,*
13 *the Secretary may solicit additional applications*
14 *from States, or authorities designated by 1 or more*
15 *States, for financial assistance authorized by sub-*
16 *section (b) for planning, design, and construction of*
17 *eligible MAGLEV projects.”;*

18 *(2) in subsection (e), by striking “Prior to solic-*
19 *iting applications, the Secretary” and inserting “The*
20 *Secretary”;*

21 *(3) in subsection (h)—*

22 *(A) in subparagraph (A), by striking clause*
23 *(i) and inserting the following:*

24 *“(i) IN GENERAL.—There is authorized*
25 *to be appropriated from the Highway Trust*
26 *Fund (other than the Mass Transit Ac-*

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1 *count) to carry out this section \$15,000,000*
2 *for each of fiscal years 2004 through 2009.”;*

3 *and*

4 *(B) in subparagraph (B), by striking clause*
5 *(i) and inserting the following:*

6 *“(i) IN GENERAL.—There are author-*
7 *ized to be appropriated from the Highway*
8 *Trust Fund (other than the Mass Transit*
9 *Account) to carry out this section—*

10 *“(I) \$375,000,000 for fiscal year*
11 *2004;*

12 *“(II) \$400,000,000 for fiscal year*
13 *2005;*

14 *“(III) \$415,000,000 for fiscal year*
15 *2006;*

16 *“(IV) \$425,000,000 for fiscal year*
17 *2007;*

18 *“(V) \$435,000,000 for fiscal year*
19 *2008; and*

20 *“(VI) \$450,000,000 for fiscal year*
21 *2009.”; and*

22 *(4) by striking subsection (i).*

23 **SEC. 1819. DONATIONS AND CREDITS.**

24 *Section 323 of title 23, United States Code, is*
25 *amended—*

- 1 (1) *in the first sentence of subsection (c), by in-*
2 *serting “, or a local government from offering to do-*
3 *nate funds, materials, or services performed by local*
4 *government employees,” after “services”; and*
5 (2) *striking subsection (e).*

6 **SEC. 1820. DISADVANTAGED BUSINESS ENTERPRISES.**

7 (a) *GENERAL RULE.—Except to the extent that the*
8 *Secretary determines otherwise, not less than 10 percent of*
9 *the amounts made available for any program under titles*
10 *I, III, and V of this Act shall be expended with small busi-*
11 *ness concerns owned and controlled by socially and eco-*
12 *nomically disadvantaged individuals.*

13 (b) *DEFINITIONS.—In this section:*

14 (1) *SMALL BUSINESS CONCERN.—*

15 (A) *IN GENERAL.—The term “small busi-*
16 *ness concern” has the meaning given the term*
17 *under section 3 of the Small Business Act (15*
18 *U.S.C. 632).*

19 (B) *EXCLUSION.—The term “small business*
20 *concern” does not include any concern or group*
21 *of concerns controlled by the same socially and*
22 *economically disadvantaged individual or indi-*
23 *viduals that has average annual gross receipts*
24 *over the preceding 3 fiscal years in excess of*

1 \$17,420,000, as adjusted by the Secretary for in-
2 flation.

3 (2) *SOCIALLY AND ECONOMICALLY DISADVAN-*
4 *TAGED INDIVIDUALS.*—*The term “socially and eco-*
5 *nomically disadvantaged individuals” has the mean-*
6 *ing given the term under section 8(d) of the Small*
7 *Business Act (15 U.S.C. 637(d)) and relevant subcon-*
8 *tracting regulations promulgated under that section,*
9 *except that women shall be presumed to be socially*
10 *and economically disadvantaged individuals for the*
11 *purposes of this section.*

12 (c) *ANNUAL LISTING OF DISADVANTAGED BUSINESS*
13 *ENTERPRISES.*—*Each State shall annually survey and*
14 *compile a list of the small business concerns referred to in*
15 *subsection (a) and the location of such concerns in the State*
16 *and notify the Secretary, in writing, of the percentage of*
17 *such concerns which are controlled by women, by socially*
18 *and economically disadvantaged individuals (other than*
19 *women), and by individuals who are women and are other-*
20 *wise socially and economically disadvantaged individuals.*

21 (d) *UNIFORM CERTIFICATION.*—*The Secretary shall es-*
22 *tablish minimum uniform criteria for State governments*
23 *to use in certifying whether a concern qualifies for purposes*
24 *of this subsection. Such minimum uniform criteria shall*
25 *include on-site visits, personal interviews, licenses, analysis*

1 *of stock ownership, listing of equipment, analysis of bond-*
2 *ing capacity, listing of work completed, resume of principal*
3 *owners, financial capacity, and type of work preferred.*

4 *(e) COMPLIANCE WITH COURT ORDERS.—Nothing in*
5 *this section limits the eligibility of an entity or person to*
6 *receive funds made available under titles I, III, and V of*
7 *this Act, if the entity or person is prevented, in whole or*
8 *in part, from complying with subsection (a) because a Fed-*
9 *eral court issues a final order in which the court finds that*
10 *the requirement of subsection (a), or the program estab-*
11 *lished under subsection (a), is unconstitutional.*

1 ***Subtitle I—Technical Corrections***

2 ***SEC. 1901. REPEAL OR UPDATE OF OBSOLETE TEXT.***

3 (a) *LETTING OF CONTRACTS.*—Section 112 of title 23,
4 *United States Code, is amended—*

5 (1) *by striking subsection (f); and*

6 (2) *by redesignating subsection (g) as subsection*
7 *(f).*

8 (b) *FRINGE AND CORRIDOR PARKING FACILITIES.*—
9 *Section 137(a) of title 23, United States Code, is amended*
10 *in the first sentence by striking “on the Federal-aid urban*
11 *system” and inserting “on a Federal-aid highway”.*

12 ***SEC. 1902. CLARIFICATION OF DATE.***

13 Section 109(g) of title 23, *United States Code, is*
14 *amended in the first sentence by striking “The Secretary”*
15 *and all that follows through “of 1970” and inserting “Not*
16 *later than January 30, 1971, the Secretary shall issue”.*

17 ***SEC. 1903. INCLUSION OF REQUIREMENTS FOR SIGNS IDENTIFYING FUNDING SOURCES IN TITLE 23.***

18 (a) *IN GENERAL.*—Section 154 of the *Federal-Aid*
19 *Highway Act of 1987 (23 U.S.C. 101 note; 101 Stat. 209)*
20 *is—*

21 (1) *transferred to title 23, United States Code;*

22 (2) *redesignated as section 321;*

23 (3) *moved to appear after section 320 of that*
24 *title; and*
25

1 (4) amended by striking the section heading and
2 inserting the following:

3 **“§ 321. Signs identifying funding sources”.**

4 (b) CONFORMING AMENDMENT.—The analysis for
5 chapter 3 of title 23, United States Code, is amended by
6 inserting after the item relating to section 320 the following:
 “321. Signs identifying funding sources.”.

7 **SEC. 1904. INCLUSION OF BUY AMERICA REQUIREMENTS IN**
8 **TITLE 23.**

9 (a) IN GENERAL.—Section 165 of the Highway Im-
10 provement Act of 1982 (23 U.S.C. 101 note; 96 Stat. 2136)
11 is—

12 (1) transferred to title 23, United States Code;

13 (2) redesignated as section 313;

14 (3) moved to appear after section 312 of that
15 title; and

16 (4) amended by striking the section heading and
17 inserting the following:

18 **“§ 313. Buy America”.**

19 (b) CONFORMING AMENDMENTS.—

20 (1) The analysis for chapter 3 of title 23, United
21 States Code, is amended by inserting after the item
22 relating to section 312 the following:

 “313. Buy America.”.

23 (2) Section 313 of title 23, United States Code
24 (as added by subsection (a)), is amended—

1 (A) in subsection (a), by striking “by this
2 Act” the first place it appears and all that fol-
3 lows through “of 1978” and inserting “to carry
4 out the Surface Transportation Assistance Act of
5 1982 (96 Stat. 2097) or this title”;

6 (B) in subsection (b), by redesignating
7 paragraph (4) as paragraph (3);

8 (C) in subsection (d), by striking “this
9 Act,” and all that follows through “Code, which”
10 and inserting “the Surface Transportation As-
11 sistance Act of 1982 (96 Stat. 2097) or this title
12 that”;

13 (D) by striking subsection (e); and

14 (E) by redesignating subsections (f) and (g)
15 as subsections (e) and (f), respectively.

16 **SEC. 1905. TECHNICAL AMENDMENTS TO NONDISCRIMINA-**
17 **TION SECTION.**

18 Section 140 of title 23, United States Code, is
19 amended—

20 (1) in subsection (a)—

21 (A) in the first sentence, by striking “sub-
22 section (a) of section 105 of this title” and in-
23 serting “section 135”;

24 (B) in the second sentence, by striking “He”
25 and inserting “The Secretary”;

9-4

1 (C) in the third sentence, by striking “where
2 he considers it necessary to assure” and insert-
3 ing “if necessary to ensure”; and

4 (D) in the last sentence—

5 (i) by striking “him” and inserting
6 “the Secretary” and

7 (ii) by striking “he” and inserting “the
8 Secretary”;

9 (2) in subsection (b)—

10 (A) in the first sentence, by striking “high-
11 way construction” and inserting “surface trans-
12 portation”; and

13 (B) in the second sentence—

14 (i) by striking “as he may deem nec-
15 essary” and inserting “as necessary”; and

16 (ii) by striking “not to exceed
17 \$2,500,000 for the transition quarter ending
18 September 30, 1976, and”;

19 (3) in the second sentence of subsection (c)—

20 (A) by striking “subsection 104(b)(3) of this
21 title” and inserting “section 104(b)(3)”; and

22 (B) by striking “he may deem”; and

23 (4) in the heading of subsection (d), by striking
24 “AND CONTRACTING”.

10-1

1 **TITLE II—TRANSPORTATION**
2 **RESEARCH**
3 **Subtitle A—Funding**

4 **SEC. 2001. AUTHORIZATION OF APPROPRIATIONS.**

5 (a) *IN GENERAL.*—*The following sums are authorized*
6 *to be appropriated out of the Highway Trust Fund (other*
7 *than the Mass Transit Account):*

8 (1) *SURFACE TRANSPORTATION RESEARCH.*—

9 (A) *IN GENERAL.*—*For carrying out sec-*
10 *tions 502, 503, 506, 507, 508, and 511 of title*
11 *23, United States Code—*

12 (i) *\$211,000,000 for each of fiscal*
13 *years 2004 and 2005;*

14 (ii) *\$215,000,000 for fiscal year 2006;*

15 (iii) *\$218,000,000 for fiscal year 2007;*

16 (iv) *\$220,000,000 for fiscal year 2008;*

17 and

18 (v) *\$223,000,000 for fiscal year 2009.*

19 (B) *SURFACE TRANSPORTATION-ENVIRON-*
20 *MENTAL COOPERATIVE RESEARCH PROGRAM.*—

21 *For each of fiscal years 2004 through 2009, the*
22 *Secretary shall set aside \$20,000,000 of the funds*
23 *apportioned under subparagraph (A) to carry*
24 *out the surface transportation-environmental co-*
25 *operative research program.*

10-2

1 (2) *TRAINING AND EDUCATION.*—*For carrying*
2 *out section 504 of title 23, United States Code—*

3 (A) *\$27,000,000 for fiscal year 2004;*

4 (B) *\$28,000,000 for fiscal year 2005;*

5 (C) *\$29,000,000 for fiscal year 2006;*

6 (D) *\$30,000,000 for fiscal year 2007;*

7 (E) *\$31,000,000 for fiscal year 2008; and*

8 (F) *\$32,000,000 for fiscal year 2009.*

9 (3) *BUREAU OF TRANSPORTATION STATISTICS.*—

10 *For the Bureau of Transportation Statistics to carry*
11 *out section 111 of title 49, United States Code,*
12 *\$28,000,000 for each of fiscal years 2004 through*
13 *2009.*

14 (4) *ITS STANDARDS, RESEARCH, OPERATIONAL*
15 *TESTS, AND DEVELOPMENT.*—*For carrying out sec-*
16 *tions 524, 525, 526, 527, 528, and 529 of title 23,*
17 *United States Code—*

18 (A) *\$120,000,000 for fiscal year 2004;*

19 (B) *\$123,000,000 for fiscal year 2005;*

20 (C) *\$126,000,000 for fiscal year 2006;*

21 (D) *\$129,000,000 for fiscal year 2007;*

22 (E) *\$132,000,000 for fiscal year 2008; and*

23 (F) *\$135,000,000 for fiscal year 2009.*

10-3

1 (5) *UNIVERSITY TRANSPORTATION CENTERS.—*
2 *For carrying out section 510 of title 23, United States*
3 *Code—*

4 (A) *\$40,000,000 for fiscal year 2004; and*
5 (B) *\$45,000,000 for each of fiscal years*
6 *2005 through 2009.*

7 (b) *APPLICABILITY OF TITLE 23, UNITED STATES*
8 *CODE.—Funds authorized to be appropriated by subsection*
9 (i) *—*

10 (1) *shall be available for obligation in the same*
11 *manner as if the funds were apportioned under chap-*
12 *ter 1 of title 23, United States Code, except that the*
13 *Federal share of the cost of a project or activity car-*
14 *ried out using the funds shall be the share applicable*
15 *under section 120(b) of title 23, United States Code,*
16 *as adjusted under subsection (d) of that section (un-*
17 *less otherwise specified or otherwise determined by the*
18 *Secretary); and*

19 (2) *shall remain available until expended.*

20 (c) *ALLOCATIONS.—*

21 (1) *SURFACE TRANSPORTATION RESEARCH.—Of*
22 *the amounts made available under subsection (a)(1)—*
23 (A) *\$27,000,000 for each of fiscal years*
24 *2004 through 2009 shall be available to carry*
25 *out advanced, high-risk, long-term research*

10-4

1 *under section 502(d) of title 23, United States*
2 *Code; and*

3 *(B) \$18,000,000 for fiscal years 2004 and*
4 *2005, \$17,000,000 for fiscal year 2006,*
5 *\$15,000,000 for fiscal year 2007, \$12,000,000 for*
6 *fiscal year 2008, and \$10,00,000 for fiscal year*
7 *2009 shall be available to carry out the long-*
8 *term pavement performance program under sec-*
9 *tion 502(e) of that title.*

10 *(2) TECHNOLOGY APPLICATION PROGRAM.—Of*
11 *the amounts made available under subsection (a)(1),*
12 *\$60,000,000 for each of fiscal years 2004 through*
13 *2009 shall be available to carry out section 503 of*
14 *title 23, United States Code.*

15 *(3) TRAINING AND EDUCATION.—Of the amounts*
16 *made available under subsection (a)(2)—*

17 *(A) \$12,000,000 for fiscal year 2004,*
18 *\$12,500,000 for fiscal year 2005, \$13,000,000 for*
19 *fiscal year 2006, \$13,500,000 for fiscal year*
20 *2007, \$14,000,000 for fiscal year 2008, and*
21 *\$14,500,000 for fiscal year 2009 shall be avail-*
22 *able to carry out section 504(a) of title 23,*
23 *United States Code (relating to the National*
24 *Highway Institute);*

10–5

1 (B) \$12,000,000 for fiscal year 2004,
2 \$12,500,000 for fiscal year 2005, \$13,000,000 for
3 fiscal year 2006, \$13,500,000 for fiscal year
4 2007, \$14,000,000 for fiscal year 2008, and
5 \$14,500,000 for fiscal year 2009 shall be avail-
6 able to carry out section 504(b) of that title (re-
7 lating to local technical assistance); and

8 (C) \$3,000,000 for each of fiscal years 2004
9 through 2009 shall be available to carry out sec-
10 tion 504(c)(2) of that title (relating to the Eisen-
11 hower Transportation Fellowship Program).

12 (4) *INTERNATIONAL HIGHWAY TRANSPORTATION*
13 *OUTREACH PROGRAM.*—Of the amounts made avail-
14 able under subsection (a)(1), \$500,000 for each of fis-
15 cal years 2004 through 2009 shall be available to
16 carry out section 506 of title 23, United States Code.

17 (5) *NEW STRATEGIC HIGHWAY RESEARCH PRO-*
18 *GRAM.*—For each of fiscal years 2004 through 2009,
19 to carry out section 509 of title 23, United States
20 Code, the Secretary shall set aside—

21 (A) \$15,000,000 of the amounts made avail-
22 able to carry out the interstate maintenance pro-
23 gram under section 119 of title 23, United States
24 Code, for the fiscal year;

10–6

1 (B) \$19,000,000 of the amounts made avail-
2 able for the National Highway System under
3 section 101 of title 23, United States Code, for
4 the fiscal year;

5 (C) \$13,000,000 of the amounts made avail-
6 able to carry out the bridge program under sec-
7 tion 144 of title 23, United States Code, for the
8 fiscal year;

9 (D) \$20,000,000 of the amounts made avail-
10 able to carry out the surface transportation pro-
11 gram under section 133 of title 23, United States
12 Code, for the fiscal year;

13 (E) \$5,000,000 of the amounts made avail-
14 able to carry out the congestion mitigation and
15 air quality improvement program under section
16 149 of title 23, United States Code, for the fiscal
17 year; and

18 (F) \$3,000,000 of the amounts made avail-
19 able to carry out the highway safety improve-
20 ment program under section 148 of title 23,
21 United States Code, for the fiscal year.

22 (6) *COMMERCIAL VEHICLE INTELLIGENT TRANS-*
23 *PORTATION SYSTEM INFRASTRUCTURE PROGRAM.*—Of
24 the amounts made available under subsection (a)(4),
25 not less than \$30,000,000 for each of fiscal years 2004

1 *through 2009 shall be available to carry out section*
2 *527 of title 23, United States Code.*

3 *(d) TRANSFERS OF FUNDS.—The Secretary may*
4 *transfer—*

5 *(1) to an amount made available under para-*
6 *graphs (1), (2), or (4) of subsection (c), not to exceed*
7 *10 percent of the amount allocated for a fiscal year*
8 *under any other of those paragraphs; and*

9 *(2) to an amount made available under subpara-*
10 *graphs (A), (B), or (C) of subsection (c)(3), not to ex-*
11 *ceed 10 percent of the amount allocated for a fiscal*
12 *year under any other of those subparagraphs.*

13 **SEC. 2002. OBLIGATION CEILING.**

14 *Notwithstanding any other provision of law, the total*
15 *of all obligations from amounts made available from the*
16 *Highway Trust Fund (other than the Mass Transit Ac-*
17 *count) by section 2001(a) shall not exceed—*

18 *(1) \$496,000,000 for fiscal year 2004;*

19 *(2) \$510,000,000 for fiscal year 2005;*

20 *(3) \$518,000,000 for fiscal year 2006;*

21 *(4) \$525,000,000 for fiscal year 2007;*

22 *(5) \$531,000,000 for fiscal year 2008; and*

23 *(6) \$538,000,000 for fiscal year 2009.*

1 **SEC. 2003. NOTICE.**

2 (a) *NOTICE OF REPROGRAMMING.*—If any funds au-
3 thorized for carrying out this title or the amendments made
4 by this title are subject to a reprogramming action that re-
5 quires notice to be provided to the Committee on Appropria-
6 tions of the House of Representatives and the Committee
7 on Appropriations of the Senate, notice of that action shall
8 be concurrently provided to the Committee on Transpor-
9 tation and Infrastructure and the Committee on Science of
10 the House of Representatives and the Committee on Envi-
11 ronment and Public Works of the Senate.

12 (b) *NOTICE OF REORGANIZATION.*—On or before the
13 15th day preceding the date of any major reorganization
14 of a program, project, or activity of the Department of
15 Transportation for which funds are authorized by this title
16 or the amendments made by this title, the Secretary shall
17 provide notice of the reorganization to the Committee on
18 Transportation and Infrastructure and the Committee on
19 Science of the House of Representatives and the Committee
20 on Environment and Public Works of the Senate.

21 **Subtitle B—Research and**
22 **Technology**

23 **SEC. 2101. RESEARCH AND TECHNOLOGY PROGRAM.**

24 (a) *IN GENERAL.*—Chapter 5 of title 23, United States
25 Code, is amended to read as follows:

10-9

1 **“CHAPTER 5—RESEARCH AND**
2 **TECHNOLOGY**

“Subchapter I—Surface Transportation

“Sec.

“501. Definitions.

“502. Surface transportation research.

“503. Technology application program.

“504. Training and education.

“505. State planning and research.

“506. International highway transportation outreach program.

“507. Surface transportation-environment cooperative research program.

*“508. Surface transportation research technology deployment and strategic plan-
 ning.*

“509. New strategic highway research program.

“510. University transportation centers.

**“SUBCHAPTER II—INTELLIGENT TRANSPORTATION SYSTEM
 RESEARCH AND TECHNICAL ASSISTANCE PROGRAM**

“521. Finding.

“522. Goals and purposes.

“523. Definitions.

“524. General authorities and requirements.

“525. National ITS Program Plan.

“526. National ITS architecture and standards.

*“527. Commercial vehicle intelligent transportation system infrastructure pro-
 gram.*

“528. Research and development.

“529. Use of funds.

3 **“SUBCHAPTER I—SURFACE TRANSPORTATION**

4 **“§ 501. Definitions**

5 *“In this subchapter:*

6 *“(1) FEDERAL LABORATORY.—The term ‘Federal*
7 *laboratory’ includes—*

8 *“(A) a Government-owned, Government-op-*
9 *erated laboratory; and*

10 *“(B) a Government-owned, contractor-oper-*
11 *ated laboratory.*

10–10

1 “(2) *SAFETY*.—*The term ‘safety’ includes high-*
2 *way and traffic safety systems, research, and develop-*
3 *ment relating to—*

4 “(A) *vehicle, highway, driver, passenger, bi-*
5 *cyclist, and pedestrian characteristics;*

6 “(B) *accident investigations;*

7 “(C) *communications;*

8 “(D) *emergency medical care; and*

9 “(E) *transportation of the injured.*

10 **“§ 502. *Surface transportation research***

11 “(a) *IN GENERAL*.—

12 “(1) *RESEARCH, DEVELOPMENT, AND TECH-*
13 *NOLOGY TRANSFER ACTIVITIES*.—*The Secretary may*
14 *carry out research, development, and technology*
15 *transfer activities with respect to—*

16 “(A) *all phases of transportation planning*
17 *and development (including new technologies,*
18 *construction, transportation systems manage-*
19 *ment and operations development, design, main-*
20 *tenance, safety, security, financing, data collec-*
21 *tion and analysis, demand forecasting,*
22 *multimodal assessment, and traffic conditions);*
23 *and*

24 “(B) *the effect of State laws on the activities*
25 *described in subparagraph (A).*

10–11

1 “(2) *TESTS AND DEVELOPMENT.*—*The Secretary*
2 *may test, develop, or assist in testing and developing,*
3 *any material, invention, patented article, or process.*

4 “(3) *COOPERATION, GRANTS, AND CONTRACTS.*—

5 “(A) *IN GENERAL.*—*The Secretary may*
6 *carry out this section—*

7 “(i) *independently;*

8 “(ii) *in cooperation with—*

9 “(I) *any other Federal agency or*
10 *instrumentality; and*

11 “(II) *any Federal laboratory; or*

12 “(iii) *by making grants to, or entering*
13 *into contracts, cooperative agreements, and*
14 *other transactions with—*

15 “(I) *the National Academy of*
16 *Sciences;*

17 “(II) *the American Association of*
18 *State Highway and Transportation*
19 *Officials;*

20 “(III) *planning organizations;*

21 “(IV) *a Federal laboratory;*

22 “(V) *a State agency;*

23 “(VI) *an authority, association,*
24 *institution, or organization;*

10–12

1 “(VII) a for-profit or nonprofit
2 corporation;

3 “(VIII) a foreign country; or

4 “(IX) any other person.

5 “(B) COMPETITION; REVIEW.—All parties
6 entering into contracts, cooperative agreements
7 or other transactions with the Secretary, or re-
8 ceiving grants, to perform research or provide
9 technical assistance under this section shall be
10 selected, to the maximum extent practicable—

11 “(i) on a competitive basis; and

12 “(ii) on the basis of the results of peer
13 review of proposals submitted to the Sec-
14 retary.

15 “(4) TECHNOLOGICAL INNOVATION.—The pro-
16 grams and activities carried out under this section
17 shall be consistent with the surface transportation re-
18 search and technology development strategic plan de-
19 veloped under section 508(c).

20 “(5) FUNDS.—

21 “(A) SPECIAL ACCOUNT.—In addition to
22 other funds made available to carry out this sec-
23 tion, the Secretary shall use such funds as may
24 be deposited by any cooperating organization or

10–13

1 *person in a special account of the Treasury es-*
2 *tablished for this purpose.*

3 “(B) *USE OF FUNDS.*—*The Secretary shall*
4 *use funds made available to carry out this sec-*
5 *tion to develop, administer, communicate, and*
6 *promote the use of products of research, develop-*
7 *ment, and technology transfer programs under*
8 *this section.*

9 “(b) *COLLABORATIVE RESEARCH AND DEVELOP-*
10 *MENT.*—

11 “(1) *IN GENERAL.*—*To encourage innovative so-*
12 *lutions to surface transportation problems and stimu-*
13 *late the deployment of new technology, the Secretary*
14 *may carry out, on a cost-shared basis, collaborative*
15 *research and development with—*

16 “(A) *non-Federal entities (including State*
17 *and local governments, foreign governments, col-*
18 *leges and universities, corporations, institutions,*
19 *partnerships, sole proprietorships, and trade as-*
20 *sociations that are incorporated or established*
21 *under the laws of any State); and*

22 “(B) *Federal laboratories.*

23 “(2) *AGREEMENTS.*—*In carrying out this sub-*
24 *section, the Secretary may enter into cooperative re-*
25 *search and development agreements (as defined in sec-*

1 *tion 12 of the Stevenson-Wydler Technology Innova-*
2 *tion Act of 1980 (15 U.S.C. 3710a)).*

3 “(3) *FEDERAL SHARE.*—

4 “(A) *IN GENERAL.*—*The Federal share of*
5 *the cost of activities carried out under a coopera-*
6 *tive research and development agreement entered*
7 *into under this subsection shall not exceed 50*
8 *percent, except that if there is substantial public*
9 *interest or benefit, the Secretary may approve a*
10 *greater Federal share.*

11 “(B) *NON-FEDERAL SHARE.*—*All costs di-*
12 *rectly incurred by the non-Federal partners, in-*
13 *cluding personnel, travel, and hardware develop-*
14 *ment costs, shall be credited toward the non-Fed-*
15 *eral share of the cost of the activities described*
16 *in subparagraph (A).*

17 “(4) *USE OF TECHNOLOGY.*—*The research, devel-*
18 *opment, or use of a technology under a cooperative re-*
19 *search and development agreement entered into under*
20 *this subsection, including the terms under which the*
21 *technology may be licensed and the resulting royalties*
22 *may be distributed, shall be subject to the Stevenson-*
23 *Wydler Technology Innovation Act of 1980 (15 U.S.C.*
24 *3701 et seq.).*

10–15

1 “(5) *WAIVER OF ADVERTISING REQUIRE-*
2 *MENTS.—Section 3709 of the Revised Statutes (41*
3 *U.S.C. 5) shall not apply to a contract or agreement*
4 *entered into under this chapter.*

5 “(c) *CONTENTS OF RESEARCH PROGRAM.—The Sec-*
6 *retary shall include as priority areas of effort within the*
7 *surface transportation research program—*

8 “(1) *the development of new technologies and*
9 *methods in materials, pavements, structures, design,*
10 *and construction, with the objectives of—*

11 “(A)(i) *increasing to 50 years the expected*
12 *life of pavements;*

13 “(ii) *increasing to 100 years the expected*
14 *life of bridges; and*

15 “(iii) *significantly increasing the durability*
16 *of other infrastructure;*

17 “(B) *lowering the life-cycle costs,*
18 *including—*

19 “(i) *construction costs;*

20 “(ii) *maintenance costs;*

21 “(iii) *operations costs; and*

22 “(vi) *user costs.*

23 “(2) *the development, and testing for effective-*
24 *ness, of nondestructive evaluation technologies for*

10–16

1 *civil infrastructure using existing and new tech-*
2 *nologies;*

3 “(3) *the investigation of—*

4 “(A) *the application of current natural haz-*
5 *ard mitigation techniques to manmade hazards;*
6 *and*

7 “(B) *the continuation of hazard mitigation*
8 *research combining manmade and natural haz-*
9 *ards;*

10 “(4) *the improvement of safety—*

11 “(A) *at intersections;*

12 “(B) *with respect to accidents involving ve-*
13 *hicles run off the road; and*

14 “(C) *on rural roads;*

15 “(5) *the reduction of work zone incursions and*
16 *improvement of work zone safety;*

17 “(6) *the improvement of geometric design of*
18 *roads for the purpose of safety;*

19 “(7) *the examination of data collected through*
20 *the national bridge inventory conducted under section*
21 *144 using the national bridge inspection standards*
22 *established under section 151, with the objectives of*
23 *determining whether—*

24 “(A) *the most useful types of data are being*
25 *collected; and*

1 “(B) any improvement could be made in the
2 types of data collected and the manner in which
3 the data is collected, with respect to bridges in
4 the United States;

5 “(8) the improvement of the infrastructure in-
6 vestment needs report described in subsection (g)
7 through—

8 “(A) the study and implementation of new
9 methods of collecting better quality data, par-
10 ticularly with respect to performance, congestion,
11 and infrastructure conditions;

12 “(B) monitoring of the surface transpor-
13 tation system in a system-wide manner, through
14 the use of—

15 “(i) intelligent transportation system
16 technologies of traffic operations centers;
17 and

18 “(ii) other new data collection tech-
19 nologies as sources of better quality per-
20 formance data;

21 “(C) the determination of the critical
22 metrics that should be used to determine the con-
23 dition and performance of the surface transpor-
24 tation system; and

1 “(D) the study and implementation of new
2 methods of statistical analysis and computer
3 models to improve the prediction of future infra-
4 structure investment requirements;

5 “(9) the development of methods to improve the
6 determination of benefits from infrastructure im-
7 provements, including—

8 “(A) more accurate calculations of benefit-
9 to-cost ratios, considering benefits and impacts
10 throughout local and regional transportation sys-
11 tems;

12 “(B) improvements in calculating life-cycle
13 costs; and

14 “(C) valuation of assets;

15 “(10) the improvement of planning processes to
16 better predict outcomes of transportation projects, in-
17 cluding the application of computer simulations in
18 the planning process to predict outcomes of planning
19 decisions;

20 “(11) the multimodal applications of Geographic
21 Information Systems and remote sensing, including
22 such areas of application as—

23 “(A) planning;

24 “(B) environmental decisionmaking and
25 project delivery; and

10–19

1 “(C) freight movement;

2 “(12) the development and application of meth-
3 ods of providing revenues to the Highway Trust Fund
4 with the objective of offsetting potential reductions in
5 fuel tax receipts;

6 “(13) the development of tests and methods to de-
7 termine the benefits and costs to communities of
8 major transportation investments and projects;

9 “(14) the conduct of extreme weather research,
10 including research to—

11 “(A) reduce contraction and expansion
12 damage;

13 “(B) reduce or repair road damage caused
14 by freezing and thawing;

15 “(C) improve deicing or snow removal tech-
16 niques;

17 “(D) develop better methods to reduce the
18 risk of thermal collapse, including collapse from
19 changes in underlying permafrost;

20 “(E) improve concrete and asphalt installa-
21 tion in extreme weather conditions; and

22 “(F) make other improvements to protect
23 highway infrastructure or enhance highway safe-
24 ty or performance;

1 “(15) the improvement of planning processes and
2 project development through the development and ap-
3 plication of collaboration tools and strategies for find-
4 ing transportation solutions; and

5 “(16) any other surface transportation research
6 topics that the Secretary determines, in accordance
7 with the strategic planning process under section 508,
8 to be critical.

9 “(d) *ADVANCED, HIGH-RISK RESEARCH.*—

10 “(1) *IN GENERAL.*—The Secretary shall establish
11 and carry out, in accordance with the surface trans-
12 portation research and technology development stra-
13 tegic plan developed under section 508(c) and re-
14 search priority areas described in subsection (c), an
15 advanced research program that addresses longer-
16 term, higher-risk research with potentially dramatic
17 breakthroughs for improving the durability, efficiency,
18 environmental impact, productivity, and safety (in-
19 cluding bicycle and pedestrian safety) aspects of high-
20 way and intermodal transportation systems.

21 “(2) *PARTNERSHIPS.*—In carrying out the pro-
22 gram, the Secretary shall seek to develop partnerships
23 with the public and private sectors.

24 “(3) *REPORT.*—The Secretary shall include in
25 the strategic plan required under section 508(c) a de-

10–21

1 *scription of each of the projects, and the amount of*
2 *funds expended for each project, carried out under*
3 *this subsection during the fiscal year.*

4 *“(e) LONG-TERM PAVEMENT PERFORMANCE PRO-*
5 *GRAM.—*

6 *“(1) AUTHORITY.—The Secretary shall continue,*
7 *through September 30, 2009, the long-term pavement*
8 *performance program tests, monitoring, and data*
9 *analysis.*

10 *“(2) GRANTS, COOPERATIVE AGREEMENTS, AND*
11 *CONTRACTS.—Under the program, the Secretary shall*
12 *make grants and enter into cooperative agreements*
13 *and contracts to—*

14 *“(A) monitor, material-test, and evaluate*
15 *highway test sections in existence as of the date*
16 *of the grant, agreement, or contract;*

17 *“(B) analyze the data obtained in carrying*
18 *out subparagraph (A); and*

19 *“(C) prepare products to fulfill program ob-*
20 *jectives and meet future pavement technology*
21 *needs.*

22 *“(3) CONCLUSION OF PROGRAM.—*

23 *“(A) SUMMARY REPORT.—The Secretary*
24 *shall include in the strategic plan required under*
25 *section 508(c) a report on the initial conclusions*

10-22

1 *of the long-term pavement performance program*
2 *that includes—*

3 *“(i) an analysis of any research objec-*
4 *tives that remain to be achieved under the*
5 *program;*

6 *“(ii) an analysis of other associated*
7 *longer-term expenditures under the program*
8 *that are in the public interest;*

9 *“(iii) a detailed plan regarding the*
10 *storage, maintenance, and user support of*
11 *the database, information management sys-*
12 *tem, and materials reference library of the*
13 *program;*

14 *“(iv) a schedule for continued imple-*
15 *mentation of the necessary data collection*
16 *and analysis and project plan under the*
17 *program; and*

18 *“(v) an estimate of the costs of car-*
19 *rying out each of the activities described in*
20 *clauses (i) through (iv) for each fiscal year*
21 *during which the program is carried out.*

22 *“(B) DEADLINE; USEFULNESS OF AD-*
23 *VANCES.—The Secretary shall, to the maximum*
24 *extent practicable—*

10–23

1 “(i) ensure that the long-term pave-
2 ment performance program is concluded not
3 later than September 30, 2009; and

4 “(ii) make such allowances as are nec-
5 essary to ensure the usefulness of the techno-
6 logical advances resulting from the pro-
7 gram.

8 “(f) SEISMIC RESEARCH.—The Secretary shall—

9 “(1) in consultation and cooperation with Fed-
10 eral agencies participating in the National Earth-
11 quake Hazards Reduction Program established by sec-
12 tion 5 of the Earthquake Hazards Reduction Act of
13 1977 (42 U.S.C. 7704), coordinate the conduct of seis-
14 mic research; and

15 “(2) take such actions as are necessary to ensure
16 that the coordination of the research is consistent
17 with—

18 “(A) planning and coordination activities
19 of the Director of the Federal Emergency Man-
20 agement Agency under section 5(b)(1) of that Act
21 (42 U.S.C. 7704(b)(1)); and

22 “(B) the plan developed by the Director of
23 the Federal Emergency Management Agency
24 under section 8(b) of that Act (42 U.S.C.
25 7705b(b)).

10–24

1 “(g) *INFRASTRUCTURE INVESTMENT NEEDS RE-*
2 *PORT.*—

3 “(1) *IN GENERAL.*—Not later than July 31,
4 2004, and July 31 of every second year thereafter, the
5 Secretary shall submit to the Committee on Environ-
6 ment and Public Works of the Senate and the Com-
7 mittee on Transportation and Infrastructure of the
8 House of Representatives a report that describes—

9 “(A) estimates of the future highway and
10 bridge needs of the United States; and

11 “(B) the backlog of current highway and
12 bridge needs.

13 “(2) *COMPARISON WITH PRIOR REPORTS.*—Each
14 report under paragraph (1) shall provide the means,
15 including all necessary information, to relate and
16 compare the conditions and service measures used in
17 the previous biennial reports.

18 “(h) *SECURITY RELATED RESEARCH AND TECH-*
19 *NOLOGY TRANSFER ACTIVITIES.*—

20 “(1) *IN GENERAL.*—Not later than 180 days
21 after the date of enactment of the Safe, Accountable,
22 Flexible, and Efficient Transportation Equity Act of
23 2003, the Secretary, in consultation with the Sec-
24 retary of Homeland Security, with key stakeholder
25 input (including State transportation departments)

10–25

1 *shall develop a 5-year strategic plan for research and*
2 *technology transfer and deployment activities per-*
3 *taining to the security aspects of highway infrastruc-*
4 *ture and operations.*

5 “(2) *COMPONENTS OF PLAN.*—*The plan shall*
6 *include—*

7 “(A) *an identification of which agencies are*
8 *responsible for the conduct of various research*
9 *and technology transfer activities;*

10 “(B) *a description of the manner in which*
11 *those activities will be coordinated; and*

12 “(C) *a description of the process to be used*
13 *to ensure that the advances derived from relevant*
14 *activities supported by the Federal Highway Ad-*
15 *ministration are consistent with the operational*
16 *guidelines, policies, recommendations, and regu-*
17 *lations of the Department of Homeland Security;*
18 *and*

19 “(D) *a systematic evaluation of the research*
20 *that should be conducted to address, at a*
21 *minimum—*

22 “(i) *vulnerabilities of, and measures*
23 *that may be taken to improve, emergency*
24 *response capabilities and evacuations;*

10–26

1 “(ii) recommended upgrades of traffic
2 management during crises;

3 “(iii) enhanced communications
4 among the public, the military, law enforce-
5 ment, fire and emergency medical services,
6 and transportation agencies;

7 “(iv) protection of critical, security-re-
8 lated infrastructure; and

9 “(v) structural reinforcement of key fa-
10 cilities.

11 “(3) SUBMISSION.—On completion of the plan
12 under this subsection, the Secretary shall submit to
13 the Committee on Environment and Public Works of
14 the Senate and the Committee on Transportation and
15 Infrastructure of the House of Representatives—

16 “(A) a copy of the plan developed under
17 paragraph (1); and

18 “(B) a copy of a memorandum of under-
19 standing specifying coordination strategies and
20 assignment of responsibilities covered by the plan
21 that is signed by the Secretary and the Secretary
22 of Homeland Security.

23 **“§ 503. Technology application program**

24 “(a) TECHNOLOGY APPLICATION INITIATIVES AND
25 PARTNERSHIPS PROGRAM.—

10–27

1 “(1) *ESTABLISHMENT.*—*The Secretary, in con-*
2 *sultation with interested stakeholders, shall develop*
3 *and administer a national technology application*
4 *initiatives and partnerships program.*

5 “(2) *PURPOSE.*—*The purpose of the program*
6 *shall be to significantly accelerate the adoption of in-*
7 *novative technologies by the surface transportation*
8 *community.*

9 “(3) *APPLICATION GOALS.*—

10 “(A) *ESTABLISHMENT.*—*Not later than 180*
11 *days after the date of enactment of the Safe, Ac-*
12 *countable, Flexible, and Efficient Transportation*
13 *Equity Act of 2003, the Secretary, in consulta-*
14 *tion with the Surface Transportation Research*
15 *Technology Advisory Committee, State transpor-*
16 *tation departments, and other interested stake-*
17 *holders, shall establish, as part of the surface*
18 *transportation research and technology develop-*
19 *ment strategic plan under section 508(c), goals*
20 *to carry out paragraph (1).*

21 “(B) *DESIGN.*—*Each of the goals and the*
22 *program developed to achieve the goals shall be*
23 *designed to provide tangible benefits, with respect*
24 *to transportation systems, in the areas of effi-*

10–28

1 *ciency, safety, reliability, service life, environ-*
2 *mental protection, and sustainability.*

3 *“(C) STRATEGIES FOR ACHIEVEMENT.—For*
4 *each goal, the Secretary, in cooperation with rep-*
5 *resentatives of the transportation community,*
6 *such as States, local governments, the private*
7 *sector, and academia, shall use domestic and*
8 *international technology to develop strategies*
9 *and initiatives to achieve the goal, including*
10 *technical assistance in deploying technology and*
11 *mechanisms for sharing information among pro-*
12 *gram participants.*

13 *“(4) INTEGRATION WITH OTHER PROGRAMS.—*
14 *The Secretary shall integrate activities carried out*
15 *under this subsection with the efforts of the Secretary*
16 *to—*

17 *“(A) disseminate the results of research*
18 *sponsored by the Secretary; and*

19 *“(B) facilitate technology transfer.*

20 *“(5) LEVERAGING OF FEDERAL RESOURCES.—In*
21 *selecting projects to be carried out under this sub-*
22 *section, the Secretary shall give preference to projects*
23 *that leverage Federal funds with other significant*
24 *public or private resources.*

10–29

1 “(6) *GRANTS, COOPERATIVE AGREEMENTS, AND*
2 *CONTRACTS.*—*Under the program, the Secretary may*
3 *make grants and enter into cooperative agreements*
4 *and contracts to foster alliances and support efforts to*
5 *stimulate advances in transportation technology.*

6 “(7) *REPORTS.*—*The results and progress of ac-*
7 *tivities carried out under this section shall be pub-*
8 *lished as part of the annual transportation research*
9 *report prepared by the Secretary under section*
10 *508(c)(5).*

11 “(8) *ALLOCATION.*—*To the extent appropriate to*
12 *achieve the goals established under paragraph (3), the*
13 *Secretary may further allocate funds made available*
14 *to carry out this section to States for use by those*
15 *States.*

16 “(b) *INNOVATIVE SURFACE TRANSPORTATION INFRA-*
17 *STRUCTURE RESEARCH AND CONSTRUCTION PROGRAM.*—

18 “(1) *IN GENERAL.*—*The Secretary shall establish*
19 *and carry out a program for the application of inno-*
20 *vative material, design, and construction technologies*
21 *in the construction, preservation, and rehabilitation*
22 *of elements of surface transportation infrastructure.*

23 “(2) *GOALS.*—*The goals of the program shall*
24 *include—*

10–30

1 “(A) the development of new, cost-effective,
2 and innovative materials;

3 “(B) the reduction of maintenance costs and
4 life-cycle costs of elements of infrastructure, in-
5 cluding the costs of new construction, replace-
6 ment, and rehabilitation;

7 “(C) the development of construction tech-
8 niques to increase safety and reduce construction
9 time and traffic congestion;

10 “(D) the development of engineering design
11 criteria for innovative products and materials
12 for use in surface transportation infrastructure;

13 “(E) the development of highway bridges
14 and structures that will withstand natural disas-
15 ters and disasters caused by human activity; and

16 “(F) the development of new, nondestructive
17 technologies and techniques for the evaluation of
18 elements of transportation infrastructure.

19 “(3) GRANTS, COOPERATIVE AGREEMENTS, AND
20 CONTRACTS.—

21 “(A) IN GENERAL.—Under the program, the
22 Secretary shall make grants to, and enter into
23 cooperative agreements and contracts with—

24 “(i) States, other Federal agencies,
25 universities and colleges, private sector enti-

10–31

1 *ties, and nonprofit organizations, to pay the*
2 *Federal share of the cost of research, devel-*
3 *opment, and technology transfer concerning*
4 *innovative materials and methods; and*

5 *“(ii) States, to pay the Federal share*
6 *of the cost of repair, rehabilitation, replace-*
7 *ment, and new construction of elements of*
8 *surface transportation infrastructure that*
9 *demonstrate the application of innovative*
10 *materials and methods.*

11 *“(B) APPLICATIONS.—*

12 *“(i) IN GENERAL.—To receive a grant*
13 *under this subsection, an entity described in*
14 *subparagraph (A) shall submit to the Sec-*
15 *retary an application in such form and*
16 *containing such information as the Sec-*
17 *retary may require.*

18 *“(ii) APPROVAL.—The Secretary shall*
19 *select and approve an application based on*
20 *whether the proposed project that is the sub-*
21 *ject of the application would meet the goals*
22 *described in paragraph (2).*

23 *“(4) TECHNOLOGY AND INFORMATION TRANS-*
24 *FER.—The Secretary shall take such action as is nec-*
25 *essary to—*

10–32

1 “(A) ensure that the information and tech-
2 nology resulting from research conducted under
3 paragraph (3) is made available to State and
4 local transportation departments and other in-
5 terested parties, as specified by the Secretary;
6 and

7 “(B) encourage the use of the information
8 and technology.

9 “(5) FEDERAL SHARE.—The Federal share of the
10 cost of a project under this section shall be determined
11 by the Secretary.

12 **“§ 504. Training and education**

13 “(a) NATIONAL HIGHWAY INSTITUTE.—

14 “(1) IN GENERAL.—The Secretary shall—

15 “(A) operate, in the Federal Highway Ad-
16 ministration, a National Highway Institute (re-
17 ferred to in this subsection as the ‘Institute’);
18 and

19 “(B) administer, through the Institute, the
20 authority vested in the Secretary by this title or
21 by any other law for the development and con-
22 duct of education and training programs relat-
23 ing to highways.

24 “(2) DUTIES OF THE INSTITUTE.—In coopera-
25 tion with State transportation departments, indus-

10–33

1 *tries in the United States, and national or inter-*
2 *national entities, the Institute shall develop and ad-*
3 *minister education and training programs of instruc-*
4 *tion for—*

5 *“(A) Federal Highway Administration,*
6 *State, and local transportation agency employ-*
7 *ees;*

8 *“(B) regional, State, and metropolitan*
9 *planning organizations;*

10 *“(C) State and local police, public safety,*
11 *and motor vehicle employees; and*

12 *“(D) United States citizens and foreign na-*
13 *tionals engaged or to be engaged in surface*
14 *transportation work of interest to the United*
15 *States.*

16 *“(3) COURSES.—*

17 *“(A) IN GENERAL.—The Institute shall—*

18 *“(i) develop or update existing courses*
19 *in asset management, including courses that*
20 *include such components as—*

21 *“(I) the determination of life-cycle*
22 *costs;*

23 *“(II) the valuation of assets;*

24 *“(III) benefit-to-cost ratio calcula-*
25 *tions; and*

10–34

1 “(IV) objective decisionmaking
2 processes for project selection; and

3 “(ii) continually develop courses relat-
4 ing to the application of emerging tech-
5 nologies for—

6 “(I) transportation infrastructure
7 applications and asset management;

8 “(II) intelligent transportation
9 systems;

10 “(III) operations (including secu-
11 rity operations);

12 “(IV) the collection and archiving
13 of data;

14 “(V) expediting the planning and
15 development of transportation projects;
16 and

17 “(VI) the intermodal movement of
18 individuals and freight.

19 “(B) *ADDITIONAL COURSES.*—*In addition*
20 *to the courses developed under subparagraph (A),*
21 *the Institute, in consultation with State trans-*
22 *portation departments, metropolitan planning*
23 *organizations, and the American Association of*
24 *State Highway and Transportation Officials,*
25 *may develop courses relating to technology, meth-*

10–35

1 ods, techniques, engineering, construction, safety,
2 maintenance, environmental mitigation and
3 compliance, regulations, management, inspec-
4 tion, and finance.

5 “(C) *REVISION OF COURSES OFFERED.*—
6 *The Institute shall periodically—*

7 “(i) *review the course inventory of the*
8 *Institute; and*

9 “(ii) *revise or cease to offer courses*
10 *based on course content, applicability, and*
11 *need.*

12 “(4) *ELIGIBILITY; FEDERAL SHARE.*—*The funds*
13 *apportioned to a State under section 104(b)(3) for the*
14 *surface transportation program shall be expended by*
15 *the State transportation department for the payment*
16 *of not to exceed 80 percent of the cost of tuition and*
17 *direct educational expenses (excluding salaries) in*
18 *connection with the education and training of em-*
19 *ployees of State and local transportation agencies in*
20 *accordance with this subsection.*

21 “(5) *FEDERAL RESPONSIBILITY.*—

22 “(A) *IN GENERAL.*—*Except as provided in*
23 *subparagraph (B), education and training of*
24 *employees of Federal, State, and local transpor-*

10–36

1 *tation (including highway) agencies authorized*
2 *under this subsection may be provided—*

3 *“(i) by the Secretary, at no cost to the*
4 *States and local governments, if the Sec-*
5 *retary determines that provision at no cost*
6 *is in the public interest; or*

7 *“(ii) by the State, through grants, co-*
8 *operative agreements, and contracts with*
9 *public and private agencies, institutions,*
10 *individuals, and the Institute.*

11 *“(B) PAYMENT OF FULL COST BY PRIVATE*
12 *PERSONS.—Private agencies, international or*
13 *foreign entities, and individuals shall pay the*
14 *full cost of any education and training (includ-*
15 *ing the cost of course development) received by*
16 *the agencies, entities, and individuals, unless the*
17 *Secretary determines that payment of a lesser*
18 *amount of the cost is of critical importance to*
19 *the public interest.*

20 *“(6) TRAINING FELLOWSHIPS; COOPERATION.—*
21 *The Institute may—*

22 *“(A) engage in training activities author-*
23 *ized under this subsection, including the grant-*
24 *ing of training fellowships; and*

10–37

1 “(B) exercise the authority of the Institute
2 independently or in cooperation with any—

3 “(i) other Federal or State agency;

4 “(ii) association, authority, institu-
5 tion, or organization;

6 “(iii) for-profit or nonprofit corpora-
7 tion;

8 “(iv) national or international entity;

9 “(v) foreign country; or

10 “(vi) person.

11 “(7) COLLECTION OF FEES.—

12 “(A) IN GENERAL.—In accordance with this
13 subsection, the Institute may assess and collect
14 fees to defray the costs of the Institute in devel-
15 oping or administering education and training
16 programs under this subsection.

17 “(B) PERSONS SUBJECT TO FEES.—Fees
18 may be assessed and collected under this sub-
19 section only with respect to—

20 “(i) persons and entities for whom edu-
21 cation or training programs are developed
22 or administered under this subsection; and

23 “(ii) persons and entities to whom edu-
24 cation or training is provided under this
25 subsection.

10–38

1 “(C) *AMOUNT OF FEES.*—*The fees assessed*
2 *and collected under this subsection shall be estab-*
3 *lished in a manner that ensures that the liability*
4 *of any person or entity for a fee is reasonably*
5 *based on the proportion of the costs referred to*
6 *in subparagraph (A) that relate to the person or*
7 *entity.*

8 “(D) *USE.*—*All fees collected under this*
9 *subsection shall be used, without further appro-*
10 *priation, to defray costs associated with the de-*
11 *velopment or administration of education and*
12 *training programs authorized under this sub-*
13 *section.*

14 “(8) *RELATION TO FEES.*—*The funds made*
15 *available to carry out this subsection may be com-*
16 *bined with or held separate from the fees collected*
17 *under—*

18 “(A) *paragraph (7);*

19 “(B) *memoranda of understanding;*

20 “(C) *regional compacts; and*

21 “(D) *other similar agreements.*

22 “(b) *LOCAL TECHNICAL ASSISTANCE PROGRAM.*—

23 “(1) *AUTHORITY.*—*The Secretary shall carry out*
24 *a local technical assistance program that will provide*
25 *access to surface transportation technology to—*

10–39

1 “(A) highway and transportation agencies
2 in urbanized areas;

3 “(B) highway and transportation agencies
4 in rural areas;

5 “(C) contractors that perform work for the
6 agencies; and

7 “(D) infrastructure security.

8 “(2) GRANTS, COOPERATIVE AGREEMENTS, AND
9 CONTRACTS.—The Secretary may make grants and
10 enter into cooperative agreements and contracts to
11 provide education and training, technical assistance,
12 and related support services to—

13 “(A) assist rural, local transportation agen-
14 cies and tribal governments, and the consultants
15 and construction personnel working for the agen-
16 cies and governments, to—

17 “(i) develop and expand expertise in
18 road and transportation areas (including
19 pavement, bridge, concrete structures, inter-
20 modal connections, safety management sys-
21 tems, intelligent transportation systems, in-
22 cident response, operations, and traffic safe-
23 ty countermeasures);

24 “(ii) improve roads and bridges;

25 “(iii) enhance—

10–40

1 “(I) programs for the movement of
2 passengers and freight; and

3 “(II) intergovernmental transpor-
4 tation planning and project selection;
5 and

6 “(iv) deal effectively with special
7 transportation-related problems by pre-
8 paring and providing training packages,
9 manuals, guidelines, and technical resource
10 materials;

11 “(B) develop technical assistance for tour-
12 ism and recreational travel;

13 “(C) identify, package, and deliver trans-
14 portation technology and traffic safety informa-
15 tion to local jurisdictions to assist urban trans-
16 portation agencies in developing and expanding
17 their ability to deal effectively with transpor-
18 tation-related problems (particularly the pro-
19 motion of regional cooperation);

20 “(D) operate, in cooperation with State
21 transportation departments and universities—

22 “(i) local technical assistance program
23 centers designated to provide transportation
24 technology transfer services to rural areas
25 and to urbanized areas; and

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1 “(ii) *local technical assistance program*
2 *centers designated to provide transportation*
3 *technical assistance to tribal governments;*
4 *and*

5 “(E) *allow local transportation agencies*
6 *and tribal governments, in cooperation with the*
7 *private sector, to enhance new technology imple-*
8 *mentation.*

9 “(c) *RESEARCH FELLOWSHIPS.—*

10 “(1) *GENERAL AUTHORITY.—The Secretary, act-*
11 *ing independently or in cooperation with other Fed-*
12 *eral agencies and instrumentalities, may make grants*
13 *for research fellowships for any purpose for which re-*
14 *search is authorized by this chapter.*

15 “(2) *DWIGHT DAVID EISENHOWER TRANSPOR-*
16 *TATION FELLOWSHIP PROGRAM.—The Secretary shall*
17 *establish and implement a transportation research fel-*
18 *lowship program, to be known as the ‘Dwight David*
19 *Eisenhower Transportation Fellowship Program’, for*
20 *the purpose of attracting qualified students to the*
21 *field of transportation.*

22 “§ 505. ***State planning and research***

23 “(a) *IN GENERAL.—Two percent of the sums appor-*
24 *tioned to a State for fiscal year 2004 and each fiscal year*
25 *thereafter under sections 104 (other than subsections (f) and*

1 *(h)) and 144 shall be available for expenditure by the State,*
2 *in consultation with the Secretary, only for—*

3 *“(1) the conduct of engineering and economic*
4 *surveys and investigations;*

5 *“(2) the planning of—*

6 *“(A) future highway programs and local*
7 *public transportation systems; and*

8 *“(B) the financing of those programs and*
9 *systems, including metropolitan and statewide*
10 *planning under sections 134 and 135;*

11 *“(3) the development and implementation of*
12 *management systems under section 303;*

13 *“(4) the conduct of studies on—*

14 *“(A) the economy, safety, and convenience*
15 *of surface transportation systems; and*

16 *“(B) the desirable regulation and equitable*
17 *taxation of those systems;*

18 *“(5) research, development, and technology trans-*
19 *fer activities necessary in connection with the plan-*
20 *ning, design, construction, management, and mainte-*
21 *nance of highway, public transportation, and inter-*
22 *modal transportation systems;*

23 *“(6) the conduct of studies, research, and train-*
24 *ing relating to the engineering standards and con-*
25 *struction materials for surface transportation systems*

1 *described in paragraph (5) (including the evaluation*
2 *and accreditation of inspection and testing and the*
3 *regulation of and charging for the use of the stand-*
4 *ards and materials); and*

5 *“(7) the conduct of activities relating to the*
6 *planning of real-time monitoring elements.*

7 *“(b) MINIMUM EXPENDITURES ON RESEARCH, DEVEL-*
8 *OPMENT, AND TECHNOLOGY TRANSFER ACTIVITIES.—*

9 *“(1) IN GENERAL.—Subject to paragraph (2),*
10 *not less than 25 percent of the funds subject to sub-*
11 *section (a) that are apportioned to a State for a fiscal*
12 *year shall be expended by the State for research, de-*
13 *velopment, and technology transfer activities that—*

14 *“(A) are described in subsection (a); and*

15 *“(B) relate to highway, public transpor-*
16 *tation, and intermodal transportation systems.*

17 *“(2) WAIVERS.—The Secretary may waive the*
18 *application of paragraph (1) with respect to a State*
19 *for a fiscal year if—*

20 *“(A) the State certifies to the Secretary for*
21 *the fiscal year that total expenditures by the*
22 *State for transportation planning under sections*
23 *134 and 135 will exceed 75 percent of the funds*
24 *described in paragraph (1); and*

1 “(B) *the Secretary accepts the certification*
2 *of the State.*

3 “(3) *NONAPPLICABILITY OF ASSESSMENT.—*
4 *Funds expended under paragraph (1) shall not be*
5 *considered to be part of the extramural budget of the*
6 *agency for the purpose of section 9 of the Small Busi-*
7 *ness Act (15 U.S.C. 638).*

8 “(c) *FEDERAL SHARE.—The Federal share of the cost*
9 *of a project carried out using funds subject to subsection*
10 *(a) shall be the share applicable under section 120(b), as*
11 *adjusted under subsection (d) of that section.*

12 “(d) *ADMINISTRATION OF SUMS.—Funds subject to*
13 *subsection (a) shall be—*

14 “(1) *combined and administered by the Sec-*
15 *retary as a single fund; and*

16 “(2) *available for obligation for the period de-*
17 *scribed in section 118(b)(2).*

18 “(e) *ELIGIBLE USE OF STATE PLANNING AND RE-*
19 *SEARCH FUNDS.—A State, in coordination with the Sec-*
20 *retary, may obligate funds made available to carry out this*
21 *section for any purpose authorized under section 506(a).*

1 **“§ 506. International highway transportation out-**
2 **reach program**

3 “(a) *ESTABLISHMENT.*—*The Secretary may establish*
4 *an international highway transportation outreach*
5 *program—*

6 “(1) *to inform the United States highway com-*
7 *munity of technological innovations in foreign coun-*
8 *tries that could significantly improve highway trans-*
9 *portation in the United States;*

10 “(2) *to promote United States highway transpor-*
11 *tation expertise, goods, and services in foreign coun-*
12 *tries; and*

13 “(3) *to increase transfers of United States high-*
14 *way transportation technology to foreign countries.*

15 “(b) *ACTIVITIES.*—*Activities carried out under the*
16 *program may include—*

17 “(1) *the development, monitoring, assessment,*
18 *and dissemination in the United States of informa-*
19 *tion about highway transportation innovations in*
20 *foreign countries that could significantly improve*
21 *highway transportation in the United States;*

22 “(2) *research, development, demonstration, train-*
23 *ing, and other forms of technology transfer and ex-*
24 *change;*

25 “(3) *the provision to foreign countries, through*
26 *participation in trade shows, seminars, expositions,*

1 *and other similar activities, of information relating*
2 *to the technical quality of United States highway*
3 *transportation goods and services;*

4 *“(4) the offering of technical services of the Fed-*
5 *eral Highway Administration that cannot be readily*
6 *obtained from private sector firms in the United*
7 *States for incorporation into the proposals of those*
8 *firms undertaking highway transportation projects*
9 *outside the United States, if the costs of the technical*
10 *services will be recovered under the terms of the*
11 *project;*

12 *“(5) the conduct of studies to assess the need for,*
13 *or feasibility of, highway transportation improve-*
14 *ments in foreign countries; and*

15 *“(6) the gathering and dissemination of informa-*
16 *tion on foreign transportation markets and indus-*
17 *tries.*

18 *“(c) COOPERATION.—The Secretary may carry out*
19 *this section in cooperation with any appropriate—*

20 *“(1) Federal, State, or local agency;*

21 *“(2) authority, association, institution, or orga-*
22 *nization;*

23 *“(3) for-profit or nonprofit corporation;*

24 *“(4) national or international entity;*

25 *“(5) foreign country; or*

1 “(6) *person.*

2 “(d) *FUNDS.—*

3 “(1) *CONTRIBUTIONS.—Funds available to carry*
4 *out this section shall include funds deposited by any*
5 *cooperating organization or person into a special ac-*
6 *count of the Treasury established for this purpose.*

7 “(2) *ELIGIBLE USES OF FUNDS.—The funds de-*
8 *posited into the account, and other funds available to*
9 *carry out this section, shall be available to cover the*
10 *cost of any activity eligible under this section, includ-*
11 *ing the cost of—*

12 “(A) *promotional materials;*

13 “(B) *travel;*

14 “(C) *reception and representation expenses;*

15 *and*

16 “(D) *salaries and benefits.*

17 “(3) *REIMBURSEMENTS FOR SALARIES AND BEN-*
18 *EFITS.—Reimbursements for salaries and benefits of*
19 *Department of Transportation employees providing*
20 *services under this section shall be credited to the ac-*
21 *count.*

22 “(e) *REPORT—For each fiscal year, the Secretary shall*
23 *submit to the Committee on Environment and Public Works*
24 *of the Senate and the Committee on Transportation and*
25 *Infrastructure of the House of Representatives a report that*

1 *describes the destinations and individual trip costs of inter-*
2 *national travel conducted in carrying out activities de-*
3 *scribed in this section.*

4 **“§ 507. Surface transportation-environment coopera-**
5 ***tive research program***

6 *“(a) IN GENERAL.—The Secretary shall establish and*
7 *carry out a surface transportation-environment cooperative*
8 *research program.*

9 *“(b) CONTENTS.—The program carried out under this*
10 *section may include research—*

11 *“(1) to develop more accurate models for evalu-*
12 *ating transportation control measures and transpor-*
13 *tation system designs that are appropriate for use by*
14 *State and local governments (including metropolitan*
15 *planning organizations) in designing implementation*
16 *plans to meet Federal, State, and local environmental*
17 *requirements;*

18 *“(2) to improve understanding of the factors that*
19 *contribute to the demand for transportation;*

20 *“(3) to develop indicators of economic, social,*
21 *and environmental performance of transportation sys-*
22 *tems to facilitate analysis of potential alternatives;*

23 *“(4) to meet additional priorities as determined*
24 *by the Secretary in the strategic planning process*
25 *under section 508; and*

1 “(5) to refine, through the conduct of workshops,
2 symposia, and panels, and in consultation with stake-
3 holders (including the Department of Energy, the En-
4 vironmental Protection Agency, and other appro-
5 priate Federal and State agencies and associations)
6 the scope and research emphases of the program.

7 “(c) PROGRAM ADMINISTRATION.—The Secretary
8 shall—

9 “(1) administer the program established under
10 this section; and

11 “(2) ensure, to the maximum extent practicable,
12 that—

13 “(A) the best projects and researchers are se-
14 lected to conduct research in the priority areas
15 described in subsection (b)—

16 “(i) on the basis of merit of each sub-
17 mitted proposal; and

18 “(ii) through the use of open sollicita-
19 tions and selection by a panel of appro-
20 priate experts;

21 “(B) a qualified, permanent core staff with
22 the ability and expertise to manage a large
23 multiyear budget is used;

24 “(C) the stakeholders are involved in the
25 governance of the program, at the executive, over-

10–50

1 *all program, and technical levels, through the use*
2 *of expert panels and committees; and*

3 *“(D) there is no duplication of research ef-*
4 *fort between the program established under this*
5 *section and the new strategic highway research*
6 *program established under section 509.*

7 *“(d) NATIONAL ACADEMY OF SCIENCES.—The Sec-*
8 *retary may make grants to, and enter into cooperative*
9 *agreements with, the National Academy of Sciences to carry*
10 *out such activities relating to the research, technology, and*
11 *technology transfer activities described in subsections (b)*
12 *and (c) as the Secretary determines to be appropriate.*

13 **“§ 508. Surface transportation research technology de-**
14 **ployment and strategic planning**

15 *“(a) PLANNING.—*

16 *“(1) ESTABLISHMENT.—The Secretary shall—*

17 *“(A) establish, in accordance with section*
18 *306 of title 5, a strategic planning process*
19 *that—*

20 *“(i) enhances effective implementation*
21 *of this section through the establishment in*
22 *accordance with paragraph (2) of the Sur-*
23 *face Transportation Research Technology*
24 *Advisory Committee; and*

10–51

1 “(i) focuses on surface transportation
2 research funded through paragraphs (1),
3 (2), (4), and (5) of section 2001(a) of the
4 Safe, Accountable, Flexible, and Efficient
5 Transportation Equity Act of 2003, taking
6 into consideration national surface trans-
7 portation system needs and intermodality
8 requirements;

9 “(B) coordinate Federal surface transpor-
10 tation research, technology development, and de-
11 ployment activities;

12 “(C) at such intervals as are appropriate
13 and practicable, measure the results of those ac-
14 tivities and the ways in which the activities af-
15 fect the performance of the surface transportation
16 systems of the United States; and

17 “(D) ensure, to the maximum extent prac-
18 ticable, that planning and reporting activities
19 carried out under this section are coordinated
20 with all other surface transportation planning
21 and reporting requirements.

22 “(2) SURFACE TRANSPORTATION RESEARCH
23 TECHNOLOGY ADVISORY COMMITTEE.—

24 “(A) ESTABLISHMENT.—Not later than 90
25 days after the date of enactment of the Safe, Ac-

10–52

1 *countable, Flexible, and Efficient Transportation*
2 *Equity Act of 2003, the Secretary shall establish*
3 *a committee to be known as the ‘Surface Trans-*
4 *portation Research Technology Advisory Com-*
5 *mittee’ (referred to in this section as the ‘Com-*
6 *mittee’).*

7 “(B) *MEMBERSHIP.—The Committee shall*
8 *be composed of 12 members appointed by the*
9 *Secretary—*

10 “(i) *each of which shall have expertise*
11 *in a particular area relating to Federal*
12 *surface transportation programs,*
13 *including—*

14 “(I) *safety;*

15 “(II) *operations;*

16 “(III) *infrastructure (including*
17 *pavements and structures);*

18 “(IV) *planning and environment;*

19 “(V) *policy; and*

20 “(VI) *asset management; and*

21 “(ii) *of which—*

22 “(I) *3 members shall be individ-*
23 *uals representing the Federal Govern-*
24 *ment;*

25 “(II) *3 members—*

10–53

1 “(aa) shall be exceptionally
2 qualified to serve on the Com-
3 mittee, as determined by the Sec-
4 retary, based on education, train-
5 ing, and experience; and

6 “(bb) shall not be officers or
7 employees of the United States;

8 “(III) 3 members—

9 “(aa) shall represent the
10 transportation industry (includ-
11 ing the pavement industry); and

12 “(bb) shall not be officers or
13 employees of the United States;
14 and

15 “(IV) 3 members shall represent
16 State transportation departments from
17 3 different geographical regions of the
18 United States.

19 “(C) MEETINGS.—The advisory subcommit-
20 tees shall meet on a regular basis, but not less
21 than twice each year.

22 “(D) DUTIES.—The Committee shall pro-
23 vide to the Secretary, on a continuous basis, ad-
24 vice and guidance relating to—

10–54

1 “(i) the determination of surface trans-
2 portation research priorities;

3 “(ii) the improvement of the research
4 planning and implementation process;

5 “(iii) the design and selection of re-
6 search projects;

7 “(iv) the review of research results;

8 “(v) the planning and implementation
9 of technology transfer activities and

10 “(vi) the formulation of the surface
11 transportation research and technology de-
12 ployment and deployment strategic plan re-
13 quired under subsection (c).

14 “(E) AUTHORIZATION OF APPROPRIA-
15 TIONS.—There is authorized to be appropriated
16 from the Highway Trust Fund (other than the
17 Mass Transit Account) to carry out this para-
18 graph \$200,000 for each fiscal year.

19 “(b) IMPLEMENTATION.—The Secretary shall—

20 “(1) provide for the integrated planning, coordi-
21 nation, and consultation among the operating admin-
22 istrations of the Department of Transportation, all
23 other Federal agencies with responsibility for surface
24 transportation research and technology development,
25 State and local governments, institutions of higher

1 *education, industry, and other private and public sec-*
2 *tor organizations engaged in surface transportation-*
3 *related research and development activities; and*

4 *“(2) ensure that the surface transportation re-*
5 *search and technology development programs of the*
6 *Department do not duplicate other Federal, State, or*
7 *private sector research and development programs.*

8 *“(c) SURFACE TRANSPORTATION RESEARCH AND*
9 *TECHNOLOGY DEPLOYMENT STRATEGIC PLAN.—*

10 *“(1) IN GENERAL.—After receiving, and based*
11 *on, extensive consultation and input from stakeholders*
12 *representing the transportation community and the*
13 *Surface Transportation Research Advisory Com-*
14 *mittee, the Secretary shall, not later than 1 year after*
15 *the date of enactment of the Safe, Accountable, Flexi-*
16 *ble, and Efficient Transportation Equity Act of 2003,*
17 *complete, and shall periodically update thereafter, a*
18 *strategic plan for each of the core surface transpor-*
19 *tation research areas, including—*

20 *“(A) safety;*

21 *“(B) operations;*

22 *“(C) infrastructure (including pavements*
23 *and structures);*

24 *“(D) planning and environment; and*

25 *“(E) policy.*

10–56

1 “(2) *COMPONENTS.—The strategic plan shall*
2 *specify—*

3 “(A) *surface transportation research objec-*
4 *tives and priorities;*

5 “(B) *specific highway research projects to be*
6 *conducted;*

7 “(C) *recommended technology transfer ac-*
8 *tivities to promote the deployment of advances*
9 *resulting from the highway research conducted;*
10 *and*

11 “(D) *short- and long-term technology devel-*
12 *opment and deployment activities.*

13 “(3) *REVIEW AND SUBMISSION OF FINDINGS.—*
14 *The Secretary shall enter into a contract with the*
15 *Transportation Research Board of the National Acad-*
16 *emy of Sciences, on behalf of the Research and Tech-*
17 *nology Coordinating Committee of the National Re-*
18 *search Council, under which—*

19 “(A) *the Transportation Research Board*
20 *shall—*

21 “(i) *review the research and technology*
22 *planning and implementation process used*
23 *by Federal Highway Administration; and*

24 “(ii) *evaluate each of the strategic*
25 *plans prepared under this subsection—*

10–57

1 “(I) to ensure that sufficient
2 stakeholder input is being solicited and
3 considered throughout the preparation
4 process; and

5 “(II) to offer recommendations
6 relevant to research priorities, project
7 selection, and deployment strategies;
8 and

9 “(B) the Secretary shall ensure that the Re-
10 search and Technology Coordinating Committee,
11 in a timely manner, informs the Committee on
12 Environment and Public Works of the Senate
13 and the Committee on Transportation and Infra-
14 structure of the House of Representatives of the
15 findings of the review and evaluation under sub-
16 paragraph (A).

17 “(4) RESPONSES OF SECRETARY.—Not later
18 than 60 days after the date of completion of the stra-
19 tegic plan under this subsection, the Secretary shall
20 submit to the Committee on Environment and Public
21 Works of the Senate and the Committee on Transpor-
22 tation and Infrastructure of the House of Representa-
23 tives written responses to each of the recommenda-
24 tions of the Research and Technology Coordinating
25 Committee under paragraph (3)(A)(ii)(II).

10–58

1 “(d) *CONSISTENCY WITH GOVERNMENT PERFORM-*
2 *ANCE AND RESULTS ACT OF 1993.*—*The plans and reports*
3 *developed under this section shall be consistent with and*
4 *incorporated as part of the plans developed under section*
5 *306 of title 5 and sections 1115 and 1116 of title 31.*

6 **“§ 509. *New strategic highway research program***

7 “(a) *IN GENERAL.*—*The National Research Council*
8 *shall establish and carry out, through fiscal year 2009, a*
9 *new strategic highway research program.*

10 “(b) *BASIS; PRIORITIES.*—*With respect to the program*
11 *established under subsection (a)—*

12 “(1) *the program shall be based on—*

13 “(A) *National Research Council Special Re-*
14 *port No. 260, entitled ‘Strategic Highway Re-*
15 *search’; and*

16 “(B) *the results of the detailed planning*
17 *work subsequently carried out to scope the re-*
18 *search areas through National Cooperative Re-*
19 *search Program Project 20–58.*

20 “(2) *the scope and research priorities of the pro-*
21 *gram shall—*

22 “(A) *be refined through stakeholder input in*
23 *the form of workshops, symposia, and panels;*
24 *and*

25 “(B) *include an examination of—*

10–59

1 “(i) the roles of highway infrastruc-
2 ture, drivers, and vehicles in fatalities on
3 public roads;

4 “(ii) high-risk areas and activities as-
5 sociated with the greatest numbers of high-
6 way fatalities;

7 “(iii) the roles of various levels of gov-
8 ernment agencies and non-governmental or-
9 ganizations in reducing highway fatalities
10 (including recommendations for methods of
11 strengthening highway safety partnerships);

12 “(iv) measures that may save the
13 greatest number of lives in the short- and
14 long-term;

15 “(v) renewal of aging infrastructure
16 with minimum impact on users of facilities;

17 “(vi) driving behavior and likely crash
18 causal factors to support improved counter-
19 measures;

20 “(vii) reduction in congestion due to
21 nonrecurring congestion;

22 “(viii) planning and designing of new
23 road capacity to meet mobility, economic,
24 environmental, and community needs;

10–60

1 “(3) the program shall consider, at a minimum,
2 the results of studies relating to the implementation
3 of the Strategic Highway Safety Plan prepared by the
4 American Association of State Highway and Trans-
5 portation Officials; and

6 “(4) the research results of the program, ex-
7 pressed in terms of technologies, methodologies, and
8 other appropriate categorizations, shall be dissemi-
9 nated to practicing engineers as soon as practicable
10 for their use.

11 “(c) PROGRAM ADMINISTRATION.—In carrying out the
12 program under this section, the National Research Council
13 shall ensure, to the maximum extent practicable, that—

14 “(1) the best projects and researchers are selected
15 to conduct research for the program and priorities de-
16 scribed in subsection (b)—

17 “(A) on the basis of the merit of each sub-
18 mitted proposal; and

19 “(B) through the use of open solicitations
20 and selection by a panel of appropriate experts;

21 “(2) the National Research Council acquires a
22 qualified, permanent core staff with the ability and
23 expertise to manage a large research program and
24 multiyear budget;

10–61

1 “(3) *the stakeholders are involved in the govern-*
2 *ance of the program, at the executive, overall pro-*
3 *gram, and technical levels, through the use of expert*
4 *panels and committees; and*

5 “(4) *there is no duplication of research effort be-*
6 *tween the program established under this section and*
7 *the surface transportation-environment cooperative*
8 *research program established under section 507 or*
9 *any other research effort of the Department.*

10 “(d) *NATIONAL ACADEMY OF SCIENCES.—The Sec-*
11 *retary may make grants to, and enter into cooperative*
12 *agreements with, the National Academy of Sciences to carry*
13 *out such activities relating to research, technology, and tech-*
14 *nology transfer described in subsections (b) and (c) as the*
15 *Secretary determines to be appropriate.*

16 “(e) *REPORT ON IMPLEMENTATION OF RESULTS.—*

17 “(1) *IN GENERAL.—Not later than October 1,*
18 *2007, the Secretary shall enter into a contract with*
19 *the Transportation Research Board of the National*
20 *Academy of Sciences under which the Transportation*
21 *Research Board shall complete a report on the strate-*
22 *gies and administrative structure to be used for im-*
23 *plementation of the results of new strategic highway*
24 *research program.*

10-62

1 “(2) *COMPONENTS.*—*The report under para-*
2 *graph (1) shall include, with respect to the new stra-*
3 *tegic highway research program—*

4 “(A) *an identification of the most prom-*
5 *ising results of research under the program (in-*
6 *cluding the persons most likely to use the re-*
7 *sults);*

8 “(B) *a discussion of potential incentives for,*
9 *impediments to, and methods of, implementing*
10 *those results;*

11 “(C) *an estimate of costs that would be in-*
12 *curring in expediting implementation of those re-*
13 *sults; and*

14 “(D) *recommendations for the way in which*
15 *implementation of the results of the program*
16 *under this section should be conducted, coordi-*
17 *nated, and supported in future years, including*
18 *a discussion of the administrative structure and*
19 *organization best suited to carry out those re-*
20 *sponsibilities.*

21 “(3) *CONSULTATION.*—*In developing the report,*
22 *the Transportation Research Board shall consult with*
23 *a wide variety of stakeholders, including—*

24 “(A) *the American Association of State*
25 *highway Officials;*

10–63

1 “(B) *the Federal Highway Administration;*
2 *and*

3 “(C) *the Surface Transportation Research*
4 *Technology Advisory Committee.*

5 “(4) *SUBMISSION.—Not later than February 1,*
6 *2009, the Secretary shall submit to the Committee on*
7 *Environment and Public Works of the Senate and the*
8 *Committee on Transportation and Infrastructure of*
9 *the House of Representatives the report under this*
10 *subsection.*

11 **“§ 510. University transportation centers**

12 “(a) *CENTERS.—*

13 “(1) *IN GENERAL.—During fiscal year 2004, the*
14 *Secretary shall provide grants to 40 nonprofit institu-*
15 *tions of higher learning (or consortia of institutions*
16 *of higher learning) to establish centers to address*
17 *transportation design, management, research, develop-*
18 *ment, and technology matters, especially the edu-*
19 *cation and training of greater numbers of individuals*
20 *to enter into the professional field of transportation.*

21 “(2) *DISTRIBUTION OF CENTERS.—Not more*
22 *than 1 university transportation center (or lead uni-*
23 *versity in a consortia of institutions of higher learn-*
24 *ing), other than a center or university selected*

1 through a competitive process, may be located in any
2 State.

3 “(3) IDENTIFICATION OF CENTERS.—The univer-
4 sity transportation centers established under this sec-
5 tion shall—

6 “(A) comply with applicable requirements
7 under subsection (c); and

8 “(B) be located at the institutions of higher
9 learning specified in paragraph (4).

10 “(4) IDENTIFICATION OF GROUPS.—For the pur-
11 pose of making grants under this subsection, the fol-
12 lowing grants are identified:

13 “(A) GROUP A.—Group A shall consist of
14 the 10 regional centers selected under subsection
15 (b).

16 “(B) GROUP B.—Group B shall consist of
17 the following:

18 “(i) [_____].

19 “(ii) [_____].

20 “(iii) [_____].

21 “(iv) [_____].

22 “(v) [_____].

23 “(vi) [_____].

24 “(vii) [_____].

25 “(viii) [_____]

10-65

1 “(ix) [_____].

2 “(x) [_____].

3 “(xi) [_____].

4 “(C) GROUP C.—Group C shall consist of
5 the following:

6 “(i) [_____].

7 “(ii) [_____].

8 “(iii) [_____].

9 “(iv) [_____].

10 “(v) [_____].

11 “(vi) [_____].

12 “(vii) [_____].

13 “(viii) [_____].

14 “(ix) [_____].

15 “(x) [_____].

16 “(xi) [_____].

17 “(D) GROUP D.—Group D shall consist of
18 the following:

19 “(i) [_____].

20 “(ii) [_____].

21 “(iii) [_____].

22 “(iv) [_____].

23 “(v) [_____].

24 “(vi) [_____].

25 “(vii) [_____].

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1 “(viii) [_____].

2 “(b) *REGIONAL CENTERS.*—

3 “(1) *IN GENERAL.*—Not later than September 30,
4 2004, the Secretary shall provide to nonprofit institu-
5 tions of higher learning (or consortia of institutions
6 of higher learning) grants to be used during the pe-
7 riod of fiscal years 2005 through 2009 to establish
8 and operate 1 university transportation center in
9 each of the 10 Federal regions that comprise the
10 Standard Federal Regional Boundary System.

11 “(2) *SELECTION OF REGIONAL CENTERS.*—

12 “(A) *PROPOSALS.*—In order to be eligible to
13 receive a grant under this subsection, an institu-
14 tion described in paragraph (1) shall submit to
15 the Secretary a proposal, in response to any re-
16 quest for proposals that shall be made by the
17 Secretary, that is in such form and contains
18 such information as the Secretary shall pre-
19 scribe.

20 “(B) *REQUEST SCHEDULE.*—The Secretary
21 shall request proposals once for the period of fis-
22 cal years 2004 through 2006 and once for the pe-
23 riod of fiscal years 2007 through 2009.

24 “(C) *ELIGIBILITY.*—Any institution of
25 higher learning (or consortium of institutions of

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1 *higher learning) that meets the criteria described*
2 *in subsection (c) (including any institution iden-*
3 *tified in subsection (a)(4)) may apply for a*
4 *grant under this subsection.*

5 “(D) *SELECTION CRITERIA.*—*The Secretary*
6 *shall select each recipient of a grant under this*
7 *subsection through a competitive process on the*
8 *basis of—*

9 “(i) *the location of the center within*
10 *the Federal region to be served;*

11 “(ii) *the demonstrated research capa-*
12 *bilities and extension resources available to*
13 *the recipient to carry out this section;*

14 “(iii) *the capability of the recipient to*
15 *provide leadership in making national and*
16 *regional contributions to the solution of im-*
17 *mediate and long-range transportation*
18 *problems;*

19 “(iv) *the demonstrated ability of the*
20 *recipient to disseminate results of transpor-*
21 *tation research and education programs*
22 *through a statewide or regionwide con-*
23 *tinuing education program; and*

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1 “(v) *the strategic plan that the recipi-*
2 *ent proposes to carry out using funds from*
3 *the grant.*

4 “(E) *SELECTION PROCESS.—In selecting the*
5 *recipients of grants under this subsection, the*
6 *Secretary shall consult with, and consider the*
7 *advice of—*

8 “(i) *the Research and Special Pro-*
9 *grams Administration;*

10 “(ii) *the Federal Highway Administra-*
11 *tion; and*

12 “(iii) *the Federal Transit Administra-*
13 *tion.*

14 “(c) *CENTER REQUIREMENTS.—*

15 “(1) *IN GENERAL.—With respect to a university*
16 *transportation center established under subsection (a)*
17 *or (b), the institution or consortium that receives a*
18 *grant to establish the center—*

19 “(A) *shall annually contribute at least*
20 *\$250,000 to the operation and maintenance of*
21 *the center, except that payment by the institu-*
22 *tion or consortium of the salary required for*
23 *transportation-related faculty and staff for a pe-*
24 *riod greater than 90 days may not be counted*
25 *against that contribution;*

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1 “(B) shall have established, as of the date of
2 receipt of the grant, undergraduate or graduate
3 programs in—

4 “(i) civil engineering;

5 “(ii) transportation engineering;

6 “(iii) transportation systems manage-
7 ment and operations; or

8 “(iv) any other field significantly re-
9 lated to surface transportation systems, as
10 determined by the Secretary; and

11 “(C) not later than 120 days after the date
12 on which the institution or consortium receives
13 notice of selection as a site for the establishment
14 of a university transportation center under this
15 section, shall submit to the Secretary a 6-year
16 program plan for the university transportation
17 center that includes, with respect to the center—

18 “(i) a description of the purposes of
19 programs to be conducted by the center;

20 “(ii) a description of the under-
21 graduate and graduate transportation edu-
22 cation efforts to be carried out by the center;

23 “(iii) a description of the nature and
24 scope of research to be conducted by the cen-
25 ter;

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1 “(iv) a list of personnel, including the
2 roles and responsibilities of those personnel
3 within the center; and

4 “(v) a detailed budget, including the
5 amount of contributions by the institution
6 or consortium to the center; and

7 “(D) shall establish an advisory committee
8 that—

9 “(i) is composed of a representative
10 from each of the State transportation de-
11 partment of the State in which the institu-
12 tion or consortium is located, the Depart-
13 ment of Transportation, and the institution
14 or consortia, as appointed by those respec-
15 tive entities;

16 “(ii) in accordance with paragraph
17 (2), shall review and approve or disapprove
18 the plan of the institution or consortium
19 under subparagraph (C); and

20 “(iii) shall, to the maximum extent
21 practicable, ensure that the proposed re-
22 search to be carried out by the university
23 transportation center will contribute to the
24 national highway research and technology
25 agenda, as periodically updated by the Sec-

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1 *retary, in consultation with stakeholders*
2 *representing the highway community.*

3 “(2) *PEER REVIEW.*—

4 “(A) *IN GENERAL.*—*The Secretary shall re-*
5 *quire peer review for each report on research car-*
6 *ried out using funds made available for this sec-*
7 *tion.*

8 “(B) *PURPOSES OF PEER REVIEW.*—*Peer*
9 *review of a report under this section shall be car-*
10 *ried out to evaluate—*

11 “(i) *the relevance of the research de-*
12 *scribed in the report with respect to the*
13 *strategic plan under, and the goals of, this*
14 *section;*

15 “(ii) *the research covered by the report,*
16 *and to recommend modifications to indi-*
17 *vidual project plans;*

18 “(iii) *the results of the research before*
19 *publication of those results; and*

20 “(iv) *the overall outcomes of the re-*
21 *search.*

22 “(C) *INTERNET AVAILABILITY.*—*Each report*
23 *under this section that is received by the Sec-*
24 *retary shall be published—*

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1 “(i) by the Secretary, on the Internet
2 website of the Department of Transpor-
3 tation; and

4 “(ii) by the University Transportation
5 Center.

6 “(3) APPROVAL OF PLANS—A plan of an institu-
7 tion or consortium described in paragraph (1)(C)
8 shall not be submitted to the Secretary until such
9 time as the advisory committee established under
10 paragraph (1)(D) reviews and approves the plan.

11 “(4) FAILURE TO COMPLY.—If a recipient of a
12 grant under this subsection fails to submit a program
13 plan acceptable to the Secretary and in accordance
14 with paragraph (1)(C)—

15 “(A) the recipient shall forfeit the grant and
16 the selection of the recipient as a site for the es-
17 tablishment of a university transportation cen-
18 ter; and

19 “(B) the Secretary shall select a replace-
20 ment recipient for the forfeited grant.

21 “(5) APPLICABILITY.—This subsection does not
22 apply to any research funds received in accordance
23 with a competitive contract offered and entered into
24 by the Federal Highway Administration.

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1 “(d) *OBJECTIVES.—Each university transportation*
2 *center established under subsection (a) or (b) shall carry*
3 *out—*

4 “(1) *undergraduate or graduate education pro-*
5 *grams that include—*

6 “(A) *multidisciplinary coursework; and*

7 “(B) *opportunities for students to partici-*
8 *rate in research;*

9 “(2) *basic and applied research, the results and*
10 *products of which shall be judged by peers or other ex-*
11 *perts in the field so as to advance the body of knowl-*
12 *edge in transportation; and*

13 “(3) *an ongoing program of technology transfer*
14 *that makes research results available to potential*
15 *users in such form as will enable the results to be im-*
16 *plemented, used, or otherwise applied.*

17 “(e) *MAINTENANCE OF EFFORT.—To be eligible to re-*
18 *ceive a grant under this section, an applicant shall—*

19 “(1) *enter into an agreement with the Secretary*
20 *to ensure that the applicant will maintain total ex-*
21 *penditures from all other sources to establish and op-*
22 *erate a university transportation center and related*
23 *educational and research activities at a level that is*
24 *at least equal to the average level of those expenditures*

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1 *during the 2 fiscal years before the date on which the*
2 *grant is provided;*

3 *“(2) provide the annual institutional contribu-*
4 *tion required under subsection (c)(1); and*

5 *“(3) submit to the Secretary, in a timely man-*
6 *ner, for use by the Secretary in the preparation of the*
7 *annual research report under section 508(c)(5) of title*
8 *23, an annual report on the projects and activities of*
9 *the university transportation center for which funds*
10 *are made available under section 2001 of the Safe,*
11 *Accountable, Flexible, and Efficient Transportation*
12 *Equity Act of 2003 that contains, at a minimum, for*
13 *the fiscal year covered by the report, a description*
14 *of—*

15 *“(A) the goals of the center;*

16 *“(B) the educational activities carried out*
17 *by the center (including a detailed summary of*
18 *the budget for those educational activities);*

19 *“(C) teaching activities of faculty at the*
20 *center;*

21 *“(D) each research project carried out by*
22 *the center, including—*

23 *“(i) the identity and location of each*
24 *investigator working on a research project;*

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1 “(ii) the overall funding amount for
2 each research project (including the
3 amounts expended for the project as of the
4 date of the report);

5 “(iii) the current schedule for each re-
6 search project; and

7 “(iv) the results of each research
8 project through the date of submission of the
9 report, with particular emphasis on results
10 for the fiscal year covered by the report; and

11 “(E) overall technology transfer and imple-
12 mentation efforts of the center.

13 “(f) PROGRAM COORDINATION.—The Secretary shall—

14 “(1) coordinate the research, education, training,
15 and technology transfer activities carried out by re-
16 cipients of grants under this section; and

17 “(2) establish and operate a clearinghouse for,
18 and disseminate, the results of those activities.

19 “(g) FUNDING.—

20 “(1) NUMBER AND AMOUNT OF GRANTS.—The
21 Secretary shall make the following grants under this
22 subsection:

23 “(A) GROUP A.—For each of fiscal years
24 2004 through 2009, the Secretary shall make a
25 grant in the amount of \$20,000,000 to each of

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1 *the institutions in group A (as described in sub-*
2 *section (a)(4)(A)).*

3 “(B) *GROUP B.—The Secretary shall make*
4 *a grant to each of the institutions in group B (as*
5 *described in subsection (a)(4)(B)) in the amount*
6 *of—*

7 “(i) *\$4,000,000 for each of fiscal years*
8 *2004 and 2005; and*

9 “(ii) *\$6,000,000 for each of fiscal years*
10 *2006 and 2007.*

11 “(C) *GROUP C.—For each of fiscal years*
12 *2004 through 2007, the Secretary shall make a*
13 *grant in the amount of \$10,000,000 to each of*
14 *the institutions in group C (as described in sub-*
15 *section (a)(4)(C)).*

16 “(D) *GROUP D.—For each of fiscal years*
17 *2004 through 2009, the Secretary shall make a*
18 *grant in the amount of \$25,000,000 to each of*
19 *the institutions in group D (as described in sub-*
20 *section (a)(4)(D)).*

21 “(E) *LIMITED GRANTS FOR GROUPS B AND*
22 *C.—For each of fiscal years 2008 and 2009, of*
23 *the institutions classified in groups B and C (as*
24 *described in subsection (a)(4)(B)), the Secretary*
25 *shall select and make a grant in the amount of*

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1 \$10,000,000 to each of not more than 15 institu-
2 tions.

3 “(2) USE OF FUNDS—

4 “(A) IN GENERAL.—Of the funds made
5 available for a fiscal year to a university trans-
6 portation center established under subsection (a)
7 or (b)—

8 “(i) not less than \$250,000 shall be
9 used to establish and maintain new faculty
10 positions for the teaching of undergraduate,
11 transportation-related courses;

12 “(ii) not more than \$500,000 for the
13 fiscal year, or \$1,000,000 in the aggregate,
14 may be used to construct or improve trans-
15 portation-related laboratory facilities; and

16 “(iii) not more than \$300,000 for the
17 fiscal year may be used for student intern-
18 ships of not more than 180 days in dura-
19 tion to enable students to gain experience by
20 working on transportation projects as in-
21 terns with design or construction firms.

22 “(B) FACILITIES AND ADMINISTRATION
23 FEE.—Not more than 10 percent of any grant
24 made available to a university transportation
25 center (or any institution or consortium that es-

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1 *establishes such a center) for a fiscal year may be*
2 *used to pay to the appropriate nonprofit institu-*
3 *tion of higher learning any administration and*
4 *facilities fee (or any similar overhead fee) for the*
5 *fiscal year.*

6 “(3) *LIMITATION ON AVAILABILITY OF FUNDS.—*
7 *Funds made available under this subsection shall re-*
8 *main available for obligation for a period of 2 years*
9 *after September 30 of the fiscal year for which the*
10 *funds are authorized.*

11 “§511. ***Multistate corridor operations and manage-***
12 ***ment***

13 “(a) *IN GENERAL.—The Secretary shall encourage*
14 *multistate cooperative agreements, coalitions, or other ar-*
15 *rangements to promote regional cooperation, planning, and*
16 *shared project implementation for programs and projects*
17 *to improve transportation system management and oper-*
18 *ations.*

19 “(b) *INTERSTATE ROUTE I–95 CORRIDOR COALITION*
20 *TRANSPORTATION SYSTEMS MANAGEMENT AND OPER-*
21 *ATIONS.—*

22 “(1) *IN GENERAL.—The Secretary shall make*
23 *grants under this subsection to States to continue in-*
24 *telligent transportation system management and op-*
25 *erations in the Interstate Route I–95 corridor coal-*

1 *tion region initiated under the Intermodal Surface*
2 *Transportation Efficiency Act of 1991 (Public Law*
3 *102–240).*

4 *“(2) FUNDING.—Of the amounts made available*
5 *under section 2001(a)(4) of the Safe, Accountable,*
6 *Flexible, and Efficient Transportation Equity Act of*
7 *2003, the Secretary shall use to carry out this*
8 *subsection—*

9 *“(A) \$8,000,000 for fiscal year 2004;*

10 *“(B) \$10,000,000 for fiscal year 2005;*

11 *“(C) \$12,000,000 for fiscal year 2006;*

12 *“(D) \$12,000,000 for fiscal year 2007;*

13 *“(E) \$12,000,000 for fiscal year 2008; and*

14 *“(F) \$12,000,000 for fiscal year 2009.”.*

15 *(b) OTHER UNIVERSITY FUNDING.—No university*
16 *(other than university transportation centers specified in*
17 *section 510 of title 23, United States Code (as added by*
18 *subsection (a)) shall receive funds made available under sec-*
19 *tion 2001 to carry out research unless the university is se-*
20 *lected to receive the funds—*

21 *(1) through a competitive process that incor-*
22 *porates merit-based peer review; and*

23 *(2) based on a proposal submitted to the Sec-*
24 *retary by the university in response to a request for*
25 *proposals issued by the Secretary.*

1 (c) *CONFORMING AMENDMENT.*—Section 5505 of title
2 49, United States Code, is repealed.

3 **SEC. 2102. STUDY OF DATA COLLECTION AND STATISTICAL**
4 **ANALYSIS EFFORTS.**

5 (a) *DEFINITIONS.*—In this section:

6 (1) *ADMINISTRATION.*—The term “Administra-
7 tion” means the Federal Highway Administration.

8 (2) *BOARD.*—The term “Board” means the
9 Transportation Research Board of the National Acad-
10 emy of Sciences.

11 (3) *BUREAU.*—The term “Bureau” means the
12 Bureau of Transportation Statistics.

13 (4) *DEPARTMENT.*—The term “Department”
14 means the Department of Transportation.

15 (5) *SECRETARY.*—The term “Secretary” means
16 the Secretary of Transportation.

17 (b) *PRIORITY AREAS OF EFFORT.*—

18 (1) *STATISTICAL STANDARDS.*—The Secretary
19 shall direct the Bureau to assume the role of the lead
20 agency in working with other agencies of the Depart-
21 ment to establish, by not later the date that is 1 year
22 after the date of enactment of this Act, statistical
23 standards for the Department.

24 (2) *STATISTICAL ANALYSIS EFFORT.*—

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1 (A) *IN GENERAL.*—*The Bureau shall pro-*
2 *vide to the Secretary, on an annual basis, an*
3 *overview of the level of effort expended on statis-*
4 *tical analyses by each agency within the Depart-*
5 *ment.*

6 (B) *DUTY OF AGENCIES.*—*Each agency of*
7 *the Department shall provide to the Bureau such*
8 *information as the Bureau may require in car-*
9 *rying out subparagraph (A).*

10 (3) *NATIONAL SECURITY.*—*The Bureau shall—*

11 (A) *conduct a study of the ways in which*
12 *transportation statistics are and may be used for*
13 *the purpose of national security; and*

14 (B) *submit to the Transportation Security*
15 *Administration recommendations for means by*
16 *which the use of transportation statistics for the*
17 *purpose of national security may be improved.*

18 (4) *MODERNIZATION.*—*The Bureau shall develop*
19 *new protocols for adapting data collection and deliv-*
20 *ery efforts in existence as of the date of enactment of*
21 *this Act to deliver information in a more timely and*
22 *frequent fashion.*

23 (c) *STUDY.*—

24 (1) *IN GENERAL.*—*Not later than 90 days after*
25 *the date of enactment of this Act, the Secretary shall*

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1 *provide a grant to, or enter into a cooperative agree-*
2 *ment or contract with, the Board for the conduct of*
3 *a study of the data collection and statistical analysis*
4 *efforts of the Department with respect to the modes of*
5 *surface transportation for which funds are made*
6 *available under this Act.*

7 (2) *PURPOSE.—The purpose of the study shall be*
8 *to provide to the Department information for use by*
9 *agencies of the Department in providing to surface*
10 *transportation agencies and individuals engaged in*
11 *the surface transportation field higher quality, and*
12 *more relevant and timely, data, statistical analyses,*
13 *and products.*

14 (3) *CONTENT.—The study shall include—*

15 (A) *an examination and analysis of the ef-*
16 *forts, analyses, and products (with respect to*
17 *usefulness and policy relevance) of the Bureau as*
18 *of the date of the study, as compared with the*
19 *duties of the Bureau specified in subsections (c)*
20 *through (f) of section 111 of title 49, United*
21 *States Code;*

22 (B) *an examination and analysis of data*
23 *collected by, methods of data collection of, and*
24 *analyses performed by, agencies within the De-*
25 *partment; and*

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1 (C) recommendations relating to—

2 (i) the future efforts of the Department
3 in the area of surface transportation with
4 respect to—

5 (I) types of data collected;

6 (II) methods of data collection;

7 (III) types of analyses performed;

8 and

9 (IV) products made available by
10 the Secretary to the transportation
11 community and Congress;

12 (ii) the means by which the Depart-
13 ment may cooperate with State transpor-
14 tation departments to provide technical as-
15 sistance in the use of data collected by traf-
16 fic operations centers; and

17 (iii) duplication of efforts within the
18 Department, including ways in which—

19 (I) the duplication may be re-
20 duced or eliminated; and

21 (II) each agency of the Depart-
22 ment may cooperate with, and com-
23 plement the efforts of, the others.

24 (4) CONSULTATION.—In conducting the study,
25 the Board shall consult with such stakeholders, agen-

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1 *cies, and other entities as the Board considers to be*
2 *appropriate.*

3 (5) *REPORT.*—*Not later than 1 year after the*
4 *date on which a grant is provided, or a cooperative*
5 *agreement or contract is entered into, for a study*
6 *under paragraph (1)—*

7 (A) *the Board shall submit to the Secretary,*
8 *the Committee on Environment and Public*
9 *Works of the Senate, and the Committee on*
10 *Transportation and Infrastructure of the House*
11 *of Representatives a final report on the results of*
12 *the study; and*

13 (B) *the results of the study shall be*
14 *published—*

15 (i) *by the Secretary, on the Internet*
16 *website of the Department; and*

17 (ii) *by the Board, on the Internet*
18 *website of the Board.*

19 (6) *IMPLEMENTATION OF RESULTS.*—*The Bureau*
20 *shall, to the maximum extent practicable, implement*
21 *any recommendations made with respect to the results*
22 *of the study under this subsection.*

23 (7) *COMPLIANCE.*—

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1 (A) *IN GENERAL.*—*The Comptroller General*
2 *of the United States shall conduct a review of the*
3 *study under this subsection.*

4 (B) *NONCOMPLIANCE.*—*If the Comptroller*
5 *General of the United States determines that the*
6 *Bureau failed to conduct the study under this*
7 *subsection, the Bureau shall be ineligible to re-*
8 *ceive funds from the Highway Trust Fund until*
9 *such time as the Bureau conducts the study*
10 *under this subsection.*

11 (d) *CONFORMING AMENDMENTS.*—

12 (1) *Section 111 of title 49, United States Code,*
13 *is amended—*

14 (A) *by redesignating subsection (k) as sub-*
15 *section (m);*

16 (B) *by inserting after subsection (j) the fol-*
17 *lowing:*

18 “(k) *ANNUAL REPORT.*—

19 “(1) *IN GENERAL.*—*For fiscal year 2004 and*
20 *each fiscal year thereafter, the Bureau shall prepare*
21 *and submit to the Secretary an annual report that—*

22 “(A) *describes progress made in responding*
23 *to study recommendations for the fiscal year;*
24 *and*

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1 “(B) summarizes the activities and expendi-
2 ture of funds by the Bureau for the fiscal year.

3 “(2) AVAILABILITY.—The Bureau shall—

4 “(A) make the report described in para-
5 graph (1) available to the public; and

6 “(B) publish the report on the Internet
7 website of the Bureau.

8 “(3) COMBINATION OF REPORTS.—The report re-
9 quired under paragraph (1) may be included in or
10 combined with the Transportation Statistics Annual
11 Report required by subsection (j).

12 “(l) EXPENDITURE OF FUNDS.—Funds from the High-
13 way Trust Fund (other than the Mass Transit Account)
14 that are authorized to be appropriated, and made available,
15 in accordance with section 2001(a)(3) of the Safe, Account-
16 able, Flexible, and Efficient Transportation Equity Act of
17 2003 shall be used only for the collection and statistical
18 analysis of information relating to surface transportation
19 systems.”; and

20 (C) in subsection (m) (as redesignated by
21 subparagraph (A)), by inserting “surface trans-
22 portation” after “sale of”.

23 (2) The analysis for chapter 55 of title 49,
24 United States Code, is amended by striking the item
25 relating to section 5505 and inserting the following:

“5505. *University transportation centers.*”.

1 **SEC. 2103. CENTERS FOR SURFACE TRANSPORTATION EX-**
2 **CELLENCE.**

3 (a) *ESTABLISHMENT.*—*The Secretary shall establish*
4 *the centers for surface transportation excellence described in*
5 *subsection (b) to promote high-quality outcomes in support*
6 *of strategic national programs and activities, including—*

7 (1) *the environment;*

8 (2) *operations;*

9 (3) *surface transportation safety;*

10 (4) *project finance; and*

11 (5) *asset management.*

12 (b) *CENTERS.*—*The centers for surface transportation*
13 *excellence referred to in subsection (a) are—*

14 (1) *a Center for Environmental Excellence to*
15 *provide technical assistance, information sharing of*
16 *best practices, and training in the use of tools and de-*
17 *cision-making processes to assist States in planning*
18 *and delivering environmentally-sound surface trans-*
19 *portation projects;*

20 (2) *a Center for Operations Excellence to provide*
21 *support for an integrated and coordinated national*
22 *program for implementing operations in planning*
23 *and management (including standards development)*
24 *for the transportation system in the United States;*

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1 (3) *a Center for Excellence in Surface Transpor-*
2 *tation Safety to implement a program of support for*
3 *State transportation departments, including—*

4 (A) *the maintenance of an Internet site to*
5 *provide critical information on safety programs;*

6 (B) *the provision of technical assistance to*
7 *support a lead State transportation department*
8 *for each of the 22 safety emphasis areas (as iden-*
9 *tified by the Secretary); and*

10 (C) *the provision of training and education*
11 *to enhance knowledge of personnel of State trans-*
12 *portation departments in support of safety high-*
13 *way goals;*

14 (4) *a Center for Excellence in Project Finance—*

15 (A) *to provide support to State transpor-*
16 *tation departments in the development of finance*
17 *plans and project oversight tools; and*

18 (B) *to develop and offer training in state-*
19 *of-the-art financing methods to advance projects*
20 *and leverage funds; and*

21 (5) *a Center for Excellence in Asset Management*
22 *to develop and conduct research, provide training and*
23 *education, and disseminate information on the bene-*
24 *fits and tools for asset management.*

25 (c) *PROGRAM ADMINISTRATION.—*

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1 (1) *IN GENERAL.*—Before funds authorized under
2 this section for fiscal years 2005 through 2009 are ob-
3 ligated, the Secretary shall review and approve a
4 multiyear strategic plan to be submitted by each of
5 the centers.

6 (2) *TIMING.*—The plan shall be submitted before
7 the beginning of fiscal year 2005 and, subsequently,
8 shall be annually updated.

9 (3) *CONTENT.*—The plan shall include—

10 (A) a list of research and technical assist-
11 ance projects and objectives; and

12 (B) a description of any other technology
13 transfer activities, including a summary of
14 training efforts.

15 (4) *COOPERATION AND COMPETITION.*—

16 (A) *IN GENERAL.*—The Secretary shall
17 carry out this section by making grants to, or
18 entering into contracts, cooperative agreements,
19 and other transactions with—

20 (i) the National Academy of Sciences;

21 (ii) the American Association of State

22 Highway and Transportation Officials;

23 (iii) planning organizations;

24 (iv) a Federal laboratory;

25 (v) a State agency;

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1 (vi) an authority, association, institu-
2 tion, or organization; or

3 (vii) a for-profit or nonprofit corpora-
4 tion.

5 (B) COMPETITION; REVIEW.—All parties en-
6 tering into contracts, cooperative agreements, or
7 other transactions with the Secretary, or receiv-
8 ing grants, to perform research or provide tech-
9 nical assistance under this section shall be se-
10 lected, to the maximum extent practicable—

11 (i) on a competitive basis; and

12 (ii) on the basis of the results of peer
13 review of proposals submitted to the Sec-
14 retary.

15 (5) NONDUPLICATION.—The Secretary shall en-
16 sure that activities conducted by each of the centers
17 do not duplicate, and to the maximum extent prac-
18 ticable, are integrated and coordinated with similar
19 activities conducted by the Federal Highway Admin-
20 istration, the local technical assistance program, uni-
21 versity transportation centers, and other research ef-
22 forts supported with funds authorized by this title.

23 (d) AUTHORIZATION OF APPROPRIATIONS.—

24 (1) IN GENERAL.—For each of fiscal years 2004
25 through 2009, of the funds made available under sec-

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1 *tion 2001(a)(1)(A), the Secretary shall set aside*
2 *\$10,000,000 to carry out this section.*

3 (2) *ALLOCATION OF FUNDS.—Of the funds made*
4 *available under paragraph (1)—*

5 (A) *20 percent shall be allocated to the Cen-*
6 *ter for Environmental Excellence established*
7 *under subsection (b)(1);*

8 (B) *30 percent shall be allocated to the Cen-*
9 *ter for Operations Excellence established under*
10 *subsection (b)(2);*

11 (C) *20 percent shall be allocated to the Cen-*
12 *ter for Excellence in Surface Transportation*
13 *Safety established under subsection (b)(3);*

14 (D) *10 percent shall be allocated to the Cen-*
15 *ter for Excellence in Project Finance established*
16 *under subsection (b)(4); and*

17 (E) *20 percent shall be allocated to the Cen-*
18 *ter for Excellence in Asset Management estab-*
19 *lished under subsection (b)(5).*

20 (3) *APPLICABILITY OF TITLE 23.—Funds made*
21 *available under this section shall be available for obli-*
22 *gation in the same manner as if the funds were ap-*
23 *portioned under chapter 1 of title 23, United States*
24 *Code, except that the Federal share shall be 100 per-*
25 *cent.*

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1 ***Subtitle C—Intelligent***
2 ***Transportation System Research***

3 ***SEC. 2201. INTELLIGENT TRANSPORTATION SYSTEM RE-***
4 ***SEARCH AND TECHNICAL ASSISTANCE PRO-***
5 ***GRAM.***

6 (a) *IN GENERAL.*—Chapter 5 of title 23, United States
7 Code (as amended by section 2101), is amended by adding
8 at the end the following:

9 “SUBCHAPTER II—INTELLIGENT TRANSPOR-
10 TATION SYSTEM RESEARCH AND TECHNICAL
11 ASSISTANCE PROGRAM

12 “§ 521. ***Finding***

13 “Congress finds that continued investment in architec-
14 ture and standards development, research, technical assist-
15 ance for State and local governments, and systems integra-
16 tion is needed to accelerate the rate at which intelligent
17 transportation systems—

18 “(1) are incorporated into the national surface
19 transportation network; and

20 “(2) as a result of that incorporation, improve
21 transportation safety and efficiency and reduce costs
22 and negative impacts on communities and the envi-
23 ronment.

10-93

1 **“§ 522. Goals and purposes**

2 “(a) *GOALS.—The goals of the intelligent transpor-*
3 *tation system research and technical assistance program*
4 *include—*

5 “(1) *enhancement of surface transportation effi-*
6 *ciency and facilitation of intermodalism and inter-*
7 *national trade—*

8 “(A) *to meet a significant portion of future*
9 *transportation needs, including public access to*
10 *employment, goods, and services; and*

11 “(B) *to reduce regulatory, financial, and*
12 *other transaction costs to public agencies and*
13 *system users;*

14 “(2) *the acceleration of the use of intelligent*
15 *transportation systems to assist in the achievement of*
16 *national transportation safety goals, including the en-*
17 *hancement of safe operation of motor vehicles and*
18 *nonmotorized vehicles, with particular emphasis on*
19 *decreasing the number and severity of collisions;*

20 “(3) *protection and enhancement of the natural*
21 *environment and communities affected by surface*
22 *transportation, with particular emphasis on assisting*
23 *State and local governments in achieving national en-*
24 *vironmental goals;*

25 “(4) *accommodation of the needs of all users of*
26 *surface transportation systems, including—*

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1 “(A) operators of commercial vehicles, pas-
2 senger vehicles, and motorcycles;

3 “(B) users of public transportation users
4 (with respect to intelligent transportation system
5 user services); and

6 “(C) individuals with disabilities; and

7 “(5)(A) improvement of the ability of the United
8 States to respond to emergencies and natural disas-
9 ters; and

10 “(B) enhancement of national security and de-
11 fense mobility.

12 “(b) PURPOSES.—The Secretary shall carry out activi-
13 ties under the intelligent transportation system research
14 and technical assistance program to, at a minimum—

15 “(1) assist in the development of intelligent
16 transportation system technologies;

17 “(2) ensure that Federal, State, and local trans-
18 portation officials have adequate knowledge of intel-
19 ligent transportation systems for full consideration in
20 the transportation planning process;

21 “(3) improve regional cooperation, interoper-
22 ability, and operations for effective intelligent trans-
23 portation system performance;

24 “(4) promote the innovative use of private re-
25 sources;

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1 “(5) assist State transportation departments in
2 developing a workforce capable of developing, oper-
3 ating, and maintaining intelligent transportation
4 systems;

5 “(6) maintain an updated national ITS archi-
6 tecture and consensus-based standards while ensuring
7 an effective Federal presence in the formulation of do-
8 mestic and international ITS standards;

9 “(7) advance commercial vehicle operations com-
10 ponents of intelligent transportation systems—

11 “(A) to improve the safety and productivity
12 of commercial vehicles and drivers; and

13 “(B) to reduce costs associated with com-
14 mercial vehicle operations and Federal and State
15 commercial vehicle regulatory requirements;

16 “(8) evaluate costs and benefits of intelligent
17 transportation systems projects;

18 “(9) improve, as part of the Archived Data User
19 Service and in cooperation with the Bureau of Trans-
20 portation Statistics, the collection of surface transpor-
21 tation system condition and performance data
22 through the use of intelligent transportation system
23 technologies; and

24 “(10) ensure access to transportation informa-
25 tion and services by travelers of all ages.

10–96

1 **“§ 523. Definitions**2 *“In this subchapter:*

3 *“(1) COMMERCIAL VEHICLE INFORMATION SYS-*
4 *TEMS AND NETWORKS.—The term ‘commercial vehicle*
5 *information systems and networks’ means the infor-*
6 *mation systems and communications networks that*
7 *support commercial vehicle operations.*

8 *“(2) COMMERCIAL VEHICLE OPERATIONS.—*

9 *“(A) IN GENERAL.—The term ‘commercial*
10 *vehicle operations’ means motor carrier oper-*
11 *ations and motor vehicle regulatory activities as-*
12 *sociated with the commercial movement of goods*
13 *(including hazardous materials) and passengers.*

14 *“(B) INCLUSIONS.—The term ‘commercial*
15 *vehicle operations’, with respect to the public sec-*
16 *tor, includes—*

17 *“(i) the issuance of operating creden-*
18 *tials;*

19 *“(ii) the administration of motor vehi-*
20 *cle and fuel taxes; and*

21 *“(iii) roadside safety and border cross-*
22 *ing inspection and regulatory compliance*
23 *operations.*

24 *“(3) INTELLIGENT TRANSPORTATION INFRA-*
25 *STRUCTURE.—The term ‘intelligent transportation in-*
26 *frastructure’ means fully integrated public sector in-*

10–97

1 *telligent transportation system components, as defined*
2 *by the Secretary.*

3 “(4) *INTELLIGENT TRANSPORTATION SYSTEM.*—
4 *The term ‘intelligent transportation system’ means*
5 *electronics, communications, or information proc-*
6 *essing used singly or in combination to improve the*
7 *efficiency or safety of a surface transportation system.*

8 “(5) *NATIONAL ITS ARCHITECTURE.*—*The term*
9 *‘national ITS architecture’ means the common frame-*
10 *work for interoperability adopted by the Secretary*
11 *that defines—*

12 “(A) *the functions associated with intel-*
13 *ligent transportation system user services;*

14 “(B) *the physical entities or subsystems*
15 *within which the functions reside;*

16 “(C) *the data interfaces and information*
17 *flows between physical subsystems; and*

18 “(D) *the communications requirements as-*
19 *sociated with the information flows.*

20 “(6) *STANDARD.*—*The term ‘standard’ means a*
21 *document that—*

22 “(A) *contains technical specifications or*
23 *other precise criteria for intelligent transpor-*
24 *tation systems that are to be used consistently as*
25 *rules, guidelines, or definitions of characteristics*

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1 *so as to ensure that materials, products, proc-*
2 *esses, and services are fit for their purposes; and*

3 “(B) may—

4 “(i) support the national ITS architec-
5 *ture; and*

6 “(ii) promote—

7 “(I) the widespread use and adop-
8 *tion of intelligent transportation sys-*
9 *tem technology as a component of the*
10 *surface transportation systems of the*
11 *United States; and*

12 “(II) interoperability among in-
13 *telligent transportation system tech-*
14 *nologies implemented throughout the*
15 *States.*

16 **“§ 524. General authorities and requirements**

17 “(a) SCOPE.—*Subject to this subchapter, the Secretary*
18 *shall carry out an ongoing intelligent transportation system*
19 *research program—*

20 “(1) to research, develop, and operationally test
21 *intelligent transportation systems; and*

22 “(2) to provide technical assistance in the na-
23 *tionwide application of those systems as a component*
24 *of the surface transportation systems of the United*
25 *States.*

1 “(b) *POLICY.*—*Intelligent transportation system oper-*
2 *ational tests and projects funded under this subchapter shall*
3 *encourage, but not displace, public-private partnerships or*
4 *private sector investment in those tests and projects.*

5 “(c) *COOPERATION WITH GOVERNMENTAL, PRIVATE,*
6 *AND EDUCATIONAL ENTITIES.*—*The Secretary shall carry*
7 *out the intelligent transportation system research and tech-*
8 *nical assistance program in cooperation with—*

9 “(1) *State and local governments and other pub-*
10 *lic entities;*

11 “(2) *the private sector;*

12 “(3) *Federal laboratories (as defined in section*
13 *501); and*

14 “(4) *colleges and universities, including histori-*
15 *cally black colleges and universities and other minor-*
16 *ity institutions of higher education.*

17 “(d) *CONSULTATION WITH FEDERAL OFFICIALS.*—*In*
18 *carrying out the intelligent transportation system research*
19 *program, the Secretary, as appropriate, shall consult*
20 *with—*

21 “(1) *the Secretary of Commerce;*

22 “(2) *the Secretary of the Treasury;*

23 “(3) *the Administrator of the Environmental*
24 *Protection Agency;*

10–100

1 “(4) *the Director of the National Science Foun-*
2 *dation; and*

3 “(5) *the Secretary of Homeland Security.*

4 “(e) *TECHNICAL ASSISTANCE, TRAINING, AND INFOR-*
5 *MATION.—The Secretary may provide technical assistance,*
6 *training, and information to State and local governments*
7 *seeking to implement, operate, maintain, or evaluate intel-*
8 *ligent transportation system technologies and services.*

9 “(f) *TRANSPORTATION PLANNING.—The Secretary*
10 *may provide funding to support adequate consideration of*
11 *transportation system management and operations (includ-*
12 *ing intelligent transportation systems) within metropolitan*
13 *and statewide transportation planning processes.*

14 “(g) *INFORMATION CLEARINGHOUSE.—The Secretary*
15 *shall—*

16 “(1) *maintain a repository for technical and*
17 *safety data collected as a result of federally sponsored*
18 *projects carried out under this subchapter; and*

19 “(2) *on request, make that information (except*
20 *for proprietary information and data) readily avail-*
21 *able to all users of the repository at an appropriate*
22 *cost.*

23 “(h) *ADVISORY COMMITTEES.—*

24 “(1) *IN GENERAL.—In carrying out this sub-*
25 *chapter, the Secretary—*

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1 “(A) may use 1 or more advisory commit-
2 tees; and

3 “(B) shall designate a public-private orga-
4 nization, the members of which participate in
5 on-going research, planning, standards develop-
6 ment, deployment, and marketing of ITS pro-
7 grams, products, and services, and coordinate the
8 development and deployment of intelligent trans-
9 portation systems in the United States, as the
10 Federal advisory committee authorized by section
11 5204(h) of the Transportation Equity Act for the
12 21st Century (112 Stat. 454).

13 “(2) FUNDING.—Of the amount made available
14 to carry out this subchapter, the Secretary may use
15 \$1,500,000 for each fiscal year for advisory commit-
16 tees described in paragraph (1).

17 “(3) APPLICABILITY OF FEDERAL ADVISORY COM-
18 MITTEE ACT.—Any advisory committee described in
19 paragraph (1) shall be subject to the Federal Advisory
20 Committee Act (5 U.S.C. App.).

21 “(i) PROCUREMENT METHODS.—The Secretary shall
22 develop and provide appropriate technical assistance and
23 guidance to assist State and local agencies in evaluating
24 and selecting appropriate methods of deployment and pro-
25 curement for intelligent transportation system projects car-

10–102

1 ried out using funds made available from the Highway
2 Trust Fund, including innovative and nontraditional meth-
3 ods such as Information Technology Omnibus Procurement
4 (as developed by the Secretary).

5 “(j) *EVALUATIONS.*—

6 “(1) *GUIDELINES AND REQUIREMENTS.*—

7 “(A) *IN GENERAL.*—The Secretary shall
8 issue revised guidelines and requirements for the
9 evaluation of operational tests and other intel-
10 ligent transportation system projects carried out
11 under this subchapter.

12 “(B) *OBJECTIVITY AND INDEPENDENCE.*—
13 The guidelines and requirements issued under
14 subparagraph (A) shall include provisions to en-
15 sure the objectivity and independence of the eval-
16 uator so as to avoid any real or apparent con-
17 flict of interest or potential influence on the out-
18 come by—

19 “(i) parties to any such test; or

20 “(ii) any other formal evaluation car-
21 ried out under this subchapter.

22 “(C) *FUNDING.*—The guidelines and re-
23 quirements issued under subparagraph (A) shall
24 establish evaluation funding levels based on the

10–103

1 *size and scope of each test that ensure adequate*
2 *evaluation of the results of the test or project.*

3 “(2) *SPECIAL RULE.*—*Any survey, questionnaire,*
4 *or interview that the Secretary considers necessary to*
5 *carry out the evaluation of any test or program as-*
6 *essment activity under this subchapter shall not be*
7 *subject to chapter 35 of title 44.*

8 **“§ 525. National ITS Program Plan**

9 “(a) *IN GENERAL.*—

10 “(1) *UPDATES.*—*Not later than 1 year after the*
11 *date of enactment of the Safe, Accountable, Flexible,*
12 *and Efficient Transportation Equity Act of 2003, the*
13 *Secretary, in consultation with interested stakeholders*
14 *(including State transportation departments) shall*
15 *develop a 5-year National ITS Program Plan.*

16 “(2) *SCOPE.*—*The National ITS Program Plan*
17 *shall—*

18 “(A) *specify the goals, objectives, and mile-*
19 *stones for the research and deployment of intel-*
20 *ligent transportation systems in the contexts of—*

21 “(i) *major metropolitan areas;*

22 “(ii) *smaller metropolitan and rural*
23 *areas; and*

24 “(iii) *commercial vehicle operations;*

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1 “(B) specify the manner in which specific
2 programs and projects will achieve the goals, ob-
3 jectives, and milestones referred to in subpara-
4 graph (A), including consideration of a 5-year
5 timeframe for the goals and objectives;

6 “(C) identify activities that provide for the
7 dynamic development, testing, and necessary re-
8 vision of standards and protocols to promote and
9 ensure interoperability in the implementation of
10 intelligent transportation system technologies,
11 including actions taken to establish standards;
12 and

13 “(D) establish a cooperative process with
14 State and local governments for—

15 “(i) determining desired surface trans-
16 portation system performance levels; and

17 “(ii) developing plans for accelerating
18 the incorporation of specific intelligent
19 transportation system capabilities into sur-
20 face transportation systems.

21 “(b) REPORTING.—The National ITS Program Plan
22 shall be transmitted and biennially updated as part of the
23 surface transportation research and technology development
24 strategic plan developed under section 508(c).

1 **“§ 526. National ITS architecture and standards**

2 “(a) *IN GENERAL.*—

3 “(1) *DEVELOPMENT, IMPLEMENTATION, AND*
4 *MAINTENANCE.*—*In accordance with section 12(d) of*
5 *the National Technology Transfer and Advancement*
6 *Act of 1995 (15 U.S.C. 272 note; 110 Stat. 783), the*
7 *Secretary shall develop, implement, and maintain a*
8 *national ITS architecture and supporting standards*
9 *and protocols to promote the widespread use and eval-*
10 *uation of intelligent transportation system technology*
11 *as a component of the surface transportation systems*
12 *of the United States.*

13 “(2) *INTEROPERABILITY AND EFFICIENCY.*—*To*
14 *the maximum extent practicable, the national ITS ar-*
15 *chitecture shall promote interoperability among, and*
16 *efficiency of, intelligent transportation system tech-*
17 *nologies implemented throughout the United States.*

18 “(3) *USE OF STANDARDS DEVELOPMENT ORGANI-*
19 *ZATIONS.*—*In carrying out this section, the Secretary*
20 *shall use the services of such standards development*
21 *organizations as the Secretary determines to be ap-*
22 *propriate.*

23 “(b) *PROVISIONAL STANDARDS.*—

24 “(1) *IN GENERAL.*—*If the Secretary finds that*
25 *the development or selection of an intelligent trans-*
26 *portation system standard jeopardizes the timely*

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1 *achievement of the objectives identified in subsection*
2 *(a), the Secretary may establish a provisional*
3 *standard—*

4 *“(A) after consultation with affected parties;*
5 *and*

6 *“(B) by using, to the maximum extent prac-*
7 *ticable, the work product of appropriate stand-*
8 *ards development organizations.*

9 *“(2) CRITICAL STANDARDS.—If a standard iden-*
10 *tified by the Secretary as critical has not been adopt-*
11 *ed and published by the appropriate standards devel-*
12 *opment organization by the date of enactment of this*
13 *subchapter, the Secretary shall establish a provisional*
14 *standard—*

15 *“(A) after consultation with affected parties;*
16 *and*

17 *“(B) by using, to the maximum extent prac-*
18 *ticable, the work product of appropriate stand-*
19 *ards development organizations.*

20 *“(3) PERIOD OF EFFECTIVENESS.—A provisional*
21 *standard established under paragraph (1) or (2)*
22 *shall—*

23 *“(A) be published in the Federal Register;*
24 *and*

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1 “(B) remain in effect until such time as the
2 appropriate standards development organization
3 adopts and publishes a standard.

4 “(c) WAIVER OF REQUIREMENT TO ESTABLISH PROVI-
5 SIONAL CRITICAL STANDARD.—

6 “(1) IN GENERAL.—The Secretary may waive
7 the requirement under subsection (b)(2) to establish a
8 provisional standard if the Secretary determines that
9 additional time would be productive in, or that estab-
10 lishment of a provisional standard would be counter-
11 productive to, the timely achievement of the objectives
12 identified in subsection (a).

13 “(2) NOTICE.—The Secretary shall publish in
14 the Federal Register a notice that describes—

15 “(A) each standard for which a waiver of
16 the provisional standard requirement is granted
17 under paragraph (1);

18 “(B) the reasons for and effects of granting
19 the waiver; and

20 “(C) an estimate as to the date on which the
21 standard is expected to be adopted through a
22 process consistent with section 12(d) of the Na-
23 tional Technology Transfer and Advancement
24 Act of 1995 (15 U.S.C. 272 note; 110 Stat. 783).

25 “(3) WITHDRAWAL OF WAIVER.—

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1 “(A) *IN GENERAL.*—*The Secretary may*
2 *withdraw a waiver granted under paragraph (1)*
3 *at any time.*

4 “(B) *NOTICE.*—*On withdrawal of a waiver,*
5 *the Secretary shall publish in the Federal Reg-*
6 *ister a notice that describes—*

7 “(i) *each standard for which the waiv-*
8 *er has been withdrawn; and*

9 “(ii) *the reasons for withdrawing the*
10 *waiver.*

11 “(d) *CONFORMITY WITH NATIONAL ITS ARCHITEC-*
12 *TURE.*—

13 “(1) *IN GENERAL.*—*Except as provided in para-*
14 *graphs (2) and (3), the Secretary shall ensure that in-*
15 *telligent transportation system projects carried out*
16 *using funds made available from the Highway Trust*
17 *Fund conform to the national ITS architecture, ap-*
18 *plicable standards or provisional standards, and pro-*
19 *ocols developed under subsection (a).*

20 “(2) *DISCRETION OF SECRETARY.*—*The Sec-*
21 *retary may authorize exceptions to paragraph (1) for*
22 *projects designed to achieve specific research objectives*
23 *outlined in—*

24 “(A) *the National ITS Program Plan under*
25 *section 525; or*

1 “(B) *the surface transportation research*
2 *and technology development strategic plan devel-*
3 *oped under section 508(c).*

4 “(3) *EXCEPTIONS.—Paragraph (1) shall not*
5 *apply to funds used for operation or maintenance of*
6 *an intelligent transportation system in existence on*
7 *the date of enactment of this subchapter.*

8 **“§527. Commercial vehicle information systems and**
9 ***networks deployment***

10 “(a) *DEFINITIONS.—In this section:*

11 “(1) *COMMERCIAL VEHICLE INFORMATION SYS-*
12 *TEMS AND NETWORKS.—The term ‘commercial vehicle*
13 *information systems and networks’ means the infor-*
14 *mation systems and communications networks that*
15 *provide the capability to—*

16 “(A) *improve the safety of commercial vehi-*
17 *cle operations;*

18 “(B) *increase the efficiency of regulatory in-*
19 *spection processes to reduce administrative bur-*
20 *dens by advancing technology to facilitate in-*
21 *spections and increase the effectiveness of enforce-*
22 *ment efforts;*

23 “(C) *advance electronic processing of reg-*
24 *istration information, driver licensing informa-*

1 *tion, fuel tax information, inspection and crash*
2 *data, and other safety information;*

3 *“(D) enhance the safe passage of commercial*
4 *vehicles across the United States and across*
5 *international borders; and*

6 *“(E) promote the communication of infor-*
7 *mation among the States and encourage*
8 *multistate cooperation and corridor development.*

9 *“(2) COMMERCIAL VEHICLE OPERATIONS.—*

10 *“(A) IN GENERAL.—The term ‘commercial*
11 *vehicle operations’ means motor carrier oper-*
12 *ations and motor vehicle regulatory activities as-*
13 *sociated with the commercial movement of goods*
14 *(including hazardous materials) and passengers.*

15 *“(B) INCLUSIONS.—The term ‘commercial*
16 *vehicle operations’, with respect to the public sec-*
17 *tor, includes—*

18 *“(i) the issuance of operating creden-*
19 *tials;*

20 *“(ii) the administration of motor vehi-*
21 *cle and fuel taxes; and*

22 *“(iii) the administration of roadside*
23 *safety and border crossing inspection and*
24 *regulatory compliance operations.*

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1 “(3) *CORE DEPLOYMENT*.—The term ‘core de-
2 ployment’ means the deployment of systems in a
3 State necessary to provide the State with—

4 “(A) safety information exchange to—

5 “(i) electronically collect and transmit
6 commercial vehicle and driver inspection
7 data at a majority of inspection sites;

8 “(ii) connect to the Safety and Fitness
9 Electronic Records system for access to—

10 “(I) interstate carrier and com-
11 mercial vehicle data;

12 “(II) summaries of past safety
13 performance; and

14 “(III) commercial vehicle creden-
15 tials information; and

16 “(iii) exchange carrier data and com-
17 mercial vehicle safety and credentials infor-
18 mation within the State and connect to
19 Safety and Fitness Electronic Records sys-
20 tem for access to interstate carrier and com-
21 mercial vehicle data;

22 “(B) interstate credentials administration
23 to—

24 “(i)(I) perform end-to-end (including
25 carrier application) jurisdiction applica-

10–112

1 *tion processing, and credential issuance, of*
2 *at least the International Registration Plan*
3 *and International Fuel Tax Agreement cre-*
4 *dentials; and*

5 *“(II) extend the processing to other cre-*
6 *dentials, including intrastate, titling, over-*
7 *size or overweight requirements, carrier reg-*
8 *istration, and hazardous materials;*

9 *“(ii) connect to the International Reg-*
10 *istration Plan and International Fuel Tax*
11 *Agreement clearinghouses; and*

12 *“(iii)(I) have at least 10 percent of the*
13 *transaction volume handled electronically;*
14 *and*

15 *“(II) have the capability to add more*
16 *carriers and to extend to branch offices*
17 *where applicable; and*

18 *“(C) roadside electronic screening to elec-*
19 *tronically screen transponder-equipped commer-*
20 *cial vehicles at a minimum of 1 fixed or mobile*
21 *inspection site and to replicate the screening at*
22 *other sites.*

23 *“(4) EXPANDED DEPLOYMENT.—The term ‘ex-*
24 *panded deployment’ means the deployment of systems*
25 *in a State that—*

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1 “(A) exceed the requirements of a core de-
2 ployment of commercial vehicle information sys-
3 tems and networks;

4 “(B) improve safety and the productivity of
5 commercial vehicle operations; and

6 “(C) enhance transportation security.

7 “(b) PROGRAM.—The Secretary shall carry out a com-
8 mercial vehicle information systems and networks program
9 to—

10 “(1) improve the safety and productivity of com-
11 mercial vehicles and drivers; and

12 “(2) reduce costs associated with commercial ve-
13 hicle operations and Federal and State commercial
14 vehicle regulatory requirements.

15 “(c) PURPOSE.—It is the purpose of the program to
16 advance the technological capability and promote the de-
17 ployment of intelligent transportation system applications
18 for commercial vehicle operations, including commercial ve-
19 hicle, commercial driver, and carrier-specific information
20 systems and networks.

21 “(d) CORE DEPLOYMENT GRANTS.—

22 “(1) IN GENERAL.—The Secretary shall make
23 grants to eligible States for the core deployment of
24 commercial vehicle information systems and networks.

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1 “(2) *ELIGIBILITY.*—*To be eligible for a core de-*
2 *ployment grant under this subsection, a State shall—*

3 “(A) *have a commercial vehicle information*
4 *systems and networks program plan and a top*
5 *level system design approved by the Secretary;*

6 “(B) *certify to the Secretary that the com-*
7 *mercial vehicle information systems and net-*
8 *works deployment activities of the State (includ-*
9 *ing hardware procurement, software and system*
10 *development, and infrastructure modifica-*
11 *tions)—*

12 “(i) *are consistent with the national*
13 *intelligent transportation systems and com-*
14 *mercial vehicle information systems and*
15 *networks architectures and available stand-*
16 *ards; and*

17 “(ii) *promote interoperability and effi-*
18 *ciency, to the maximum extent practicable;*
19 *and*

20 “(C) *agree to execute interoperability tests*
21 *developed by the Federal Motor Carrier Safety*
22 *Administration to verify that the systems of the*
23 *State conform with the national intelligent*
24 *transportation systems architecture, applicable*

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1 standards, and protocols for commercial vehicle
2 information systems and networks.

3 “(3) *AMOUNT OF GRANTS.*—*The maximum ag-*
4 *gregate amount a State may receive under this sub-*
5 *section for the core deployment of commercial vehicle*
6 *information systems and networks may not exceed*
7 *\$2,500,000, including funds received under section*
8 *2001(a) of the Safe, Accountable, Flexible, and Effi-*
9 *cient Transportation Equity Act of 2003 for the core*
10 *deployment of commercial vehicle information systems*
11 *and networks.*

12 “(4) *USE OF FUNDS.*—

13 “(A) *IN GENERAL.*—*Subject to subpara-*
14 *graph (B), funds from a grant under this sub-*
15 *section may only be used for the core deployment*
16 *of commercial vehicle information systems and*
17 *networks.*

18 “(B) *REMAINING FUNDS.*—*An eligible State*
19 *that has completed the core deployment of com-*
20 *mercial vehicle information systems and net-*
21 *works, or completed the deployment before core*
22 *deployment grant funds are expended, may use*
23 *the remaining core deployment grant funds for*
24 *the expanded deployment of commercial vehicle*
25 *information systems and networks in the State.*

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1 “(e) *EXPANDED DEPLOYMENT GRANTS.*—

2 “(1) *IN GENERAL.*—For each fiscal year, from
3 the funds remaining after the Secretary has made
4 core deployment grants under subsection (d), the Sec-
5 retary may make grants to each eligible State, on re-
6 quest, for the expanded deployment of commercial ve-
7 hicle information systems and networks.

8 “(2) *ELIGIBILITY.*—Each State that has com-
9 pleted the core deployment of commercial vehicle in-
10 formation systems and networks shall be eligible for
11 an expanded deployment grant.

12 “(3) *AMOUNT OF GRANTS.*—Each fiscal year, the
13 Secretary may distribute funds available for ex-
14 panded deployment grants equally among the eligible
15 States in an amount that does not exceed \$1,000,000
16 for each State.

17 “(4) *USE OF FUNDS.*—A State may use funds
18 from a grant under this subsection only for the ex-
19 panded deployment of commercial vehicle information
20 systems and networks.

21 “(f) *FEDERAL SHARE.*—The Federal share of the cost
22 of a project payable from funds made available to carry
23 out this section shall be the share applicable under section
24 120(b), as adjusted under subsection (d) of that section.

1 “(g) *FUNDING.*—Funds authorized to be appropriated
2 to carry out this section shall be available for obligation
3 in the same manner and to the same extent as if the funds
4 were apportioned under chapter 1, except that the funds
5 shall remain available until expended.

6 “§ 528. **Research and development**

7 “(a) *IN GENERAL.*—The Secretary shall carry out a
8 comprehensive program of intelligent transportation system
9 research, development, and operational tests of intelligent
10 vehicles and intelligent infrastructure systems, and other
11 similar activities that are necessary to carry out this sub-
12 chapter.

13 “(b) *PRIORITY AREAS.*—Under the program, the Sec-
14 retary shall give priority to funding projects that—

15 “(1) assist in the development of an inter-
16 connected national intelligent transportation system
17 network that—

18 “(A) improves the reliability of the surface
19 transportation system;

20 “(B) supports national security;

21 “(C) reduces, by at least 20 percent, the cost
22 of manufacturing, deploying, and operating in-
23 telligent transportation systems network compo-
24 nents;

10–118

1 “(D) could assist in deployment of the
2 Armed Forces in response to a crisis; and

3 “(E) improves response to, and evacuation
4 of the public during, an emergency situation;

5 “(2) address traffic management, incident man-
6 agement, transit management, toll collection traveler
7 information, or highway operations systems with
8 goals of—

9 “(A) reducing metropolitan congestion by 5
10 percent by 2010;

11 “(B) ensuring that a national, interoperable
12 511 system, along with a national traffic infor-
13 mation system that includes a user-friendly,
14 comprehensive website, is fully implemented for
15 use by travelers throughout the United States by
16 September 30, 2010; and

17 “(C)(i) improving incident management re-
18 sponse, particularly in rural areas, so that rural
19 emergency response times are reduced by an av-
20 erage of 10 minutes; and

21 “(ii) subject to subsection (d), improving
22 communication between emergency care pro-
23 viders and trauma centers;

10–119

1 “(3) address traffic management, incident man-
2 agement, transit management, toll collection, traveler
3 information, or highway operations systems;

4 “(4) conduct operational tests of the integration
5 of at least 3 crash-avoidance technologies in passenger
6 vehicles;

7 “(5) incorporate human factors research, includ-
8 ing the science of the driving process;

9 “(6) facilitate the integration of intelligent infra-
10 structure, vehicle, and control technologies;

11 “(7) incorporate research on the impact of envi-
12 ronmental, weather, and natural conditions on intel-
13 ligent transportation systems, including the effects of
14 cold climates;

15 “(8) as determined by the Secretary, will im-
16 prove the overall safety performance of vehicles and
17 roadways, including the use of real-time setting of
18 speed limits through the use of speed management
19 technology;

20 “(9) examine—

21 “(A) the application to intelligent transpor-
22 tation systems of appropriately modified existing
23 technologies from other industries; and

10–120

1 “(B) the development of new, more robust
2 intelligent transportation systems technologies
3 and instrumentation;

4 “(10) develop and test communication tech-
5 nologies that—

6 “(A) are based on an assessment of the
7 needs of officers participating in a motor carrier
8 safety program funded under section 31104 of
9 title 49;

10 “(B) take into account the effectiveness and
11 adequacy of available technology;

12 “(C) address systems integration,
13 connectivity, and interoperability challenges;
14 and

15 “(D) provide the means for officers partici-
16 pating in a motor carrier safety program funded
17 under section 31104 of title 49 to directly assess,
18 without an intermediary, current and accurate
19 safety and regulatory information on motor car-
20 riers, commercial motor vehicles and drivers at
21 roadside or mobile inspection facilities;

22 “(11) enhance intermodal use of intelligent
23 transportation systems for diverse groups, including
24 for emergency and health-related services;

10–121

1 “(12) improve sensing and wireless communica-
2 tions that provide real-time information regarding
3 congestion and incidents;

4 “(13) develop and test high-accuracy, lane-level,
5 real-time accessible digital map architectures that can
6 be used by intelligent vehicles and intelligent infra-
7 structure elements to facilitate safety and crash avoid-
8 ance (including establishment of national standards
9 for an open-architecture digital map of all public
10 roads that is compatible with electronic 9-1-1 serv-
11 ices);

12 “(14) encourage the dual-use of intelligent trans-
13 portation system technologies (such as wireless com-
14 munications) for—

15 “(A) emergency services;

16 “(B) road pricing; and

17 “(C) local economic development; and

18 “(15) advance the use of intelligent transpor-
19 tation systems to facilitate high-performance trans-
20 portation systems, such as through—

21 “(A) congestion-pricing;

22 “(B) real-time facility management;

23 “(C) rapid-emergency response; and

24 “(D) just-in-time transit.

1 “(c) *OPERATIONAL TESTS.*—Operational tests con-
2 ducted under this section shall be designed for—

3 “(1) the collection of data to permit objective
4 evaluation of the results of the tests;

5 “(2) the derivation of cost-benefit information
6 that is useful to others contemplating deployment of
7 similar systems; and

8 “(3) the development and implementation of
9 standards.

10 “(d) *FEDERAL SHARE.*—The Federal share of the costs
11 of operational tests under subsection (a) shall not exceed
12 80 percent.

13 **“§ 529. Use of funds**

14 “(a) *IN GENERAL.*—For each fiscal year, not more
15 than \$5,000,000 of the funds made available to carry out
16 this subchapter shall be used for intelligent transportation
17 system outreach, public relations, displays, tours, and bro-
18 chures.

19 “(b) *APPLICABILITY.*—Subsection (a) shall not apply
20 to intelligent transportation system training, scholarships,
21 or the publication or distribution of research findings, tech-
22 nical guidance, or similar documents.”.

23 (b) *CONFORMING AMENDMENT.*—Title V of the Trans-
24 portation Equity Act for the 21st Century is amended by
25 striking subtitle C (23 U.S.C. 502 note; 112 Stat. 452).

1 “(3) *providing intercity bus intermodal pas-*
2 *senger facility grants.*

3 **§5572. Definitions**

4 *“In this subchapter—*

5 “(1) *‘capital project’ means a project for—*

6 “(A) *acquiring, constructing, improving, or*
7 *renovating an intermodal facility that is related*
8 *physically and functionally to intercity bus serv-*
9 *ice and establishes or enhances coordination be-*
10 *tween intercity bus service and transportation,*
11 *including aviation, commuter rail, intercity rail,*
12 *public transportation, seaports, and the National*
13 *Highway System, such as physical infrastruc-*
14 *ture associated with private bus operations at*
15 *existing and new intermodal facilities, including*
16 *special lanes, curb cuts, ticket kiosks and*
17 *counters, baggage and package express storage,*
18 *employee parking, office space, security, and*
19 *signage; and*

20 “(B) *establishing or enhancing coordination*
21 *between intercity bus service and transportation,*
22 *including aviation, commuter rail, intercity rail,*
23 *public transportation, and the National High-*
24 *way System through an integrated system of*
25 *public transportation information.*

1 “(2) ‘commuter service’ means service designed
2 primarily to provide daily work trips within the local
3 commuting area.

4 “(3) ‘intercity bus service’ means regularly
5 scheduled bus service for the general public which op-
6 erates with limited stops over fixed routes connecting
7 two or more urban areas not in close proximity,
8 which has the capacity for transporting baggage car-
9 ried by passengers, and which makes meaningful con-
10 nections with scheduled intercity bus service to more
11 distant points, if such service is available and may
12 include package express service, if incidental to pas-
13 senger transportation, but does not include air, com-
14 muter, water or rail service.

15 “(4) ‘intermodal passenger facility’ means pas-
16 senger terminal that does, or can be modified to, ac-
17 commodate several modes of transportation and re-
18 lated facilities, including some or all of the following:
19 intercity rail, intercity bus, commuter rail, intracity
20 rail transit and bus transportation, airport limousine
21 service and airline ticket offices, rent-a-car facilities,
22 taxis, private parking, and other transportation serv-
23 ices.

24 “(5) ‘local governmental authority’ includes—

25 “(A) a political subdivision of a State;

1 “(B) an authority of at least one State or
2 political subdivision of a State;

3 “(C) an Indian tribe; and

4 “(D) a public corporation, board, or com-
5 mission established under the laws of the State.

6 “(6) ‘owner or operator of a public transpor-
7 tation facility’ means an owner or operator of inter-
8 city-rail, intercity-bus, commuter-rail, commuter-bus,
9 rail-transit, bus-transit, or ferry services.

10 “(7) ‘recipient’ means a State or local govern-
11 mental authority or a nonprofit organization that re-
12 ceives a grant to carry out this section directly from
13 the Federal government.

14 “(8) ‘Secretary’ means the Secretary of Trans-
15 portation.

16 “(9) ‘State’ means a State of the United States,
17 the District of Columbia, Puerto Rico, the Northern
18 Mariana Islands, Guam, American Samoa, and the
19 Virgin Islands.

20 “(10) ‘urban area’ means an area that includes
21 a municipality or other built-up place that the Sec-
22 retary, after considering local patterns and trends of
23 urban growth, decides is appropriate for a local pub-
24 lic transportation system to serve individuals in the
25 locality.

1 **“§ 5573. Assurance of access to intermodal passenger**
2 **facilities**

3 *“Intercity buses and other modes of transportation*
4 *shall, to the maximum extent practicable, have access to*
5 *publicly funded intermodal passenger facilities, including*
6 *those passenger facilities seeking funding under section*
7 *5574.*

8 **“§ 5574. Intercity bus intermodal passenger facility**
9 **grants**

10 *“(a) GENERAL AUTHORITY.—The Secretary of Trans-*
11 *portation may make grants under this section to recipients*
12 *in financing a capital project, as defined in section 5572*
13 *of this chapter, only if the Secretary finds that the proposed*
14 *project is justified and has adequate financial commitment.*

15 *“(b) COMPETITIVE GRANT SELECTION.—The Secretary*
16 *shall conduct a national solicitation for applications for*
17 *grants under this section. Grantees shall be selected on a*
18 *competitive basis.*

19 *“(c) SHARE OF NET PROJECT COSTS.—A grant shall*
20 *not exceed 50 percent of the net project cost, as determined*
21 *by the Secretary.*

22 *“(d) REGULATIONS.—The Secretary may promulgate*
23 *such regulations as are necessary to carry out this section.*

24 **“§ 5575. Funding**

25 *“(a) HIGHWAY ACCOUNT.—*

1 “(1) *There is authorized to be appropriated from*
2 *the Highway Trust Fund (other than the Mass Tran-*
3 *sit Account) to carry out this subchapter \$10,000,000*
4 *for each of fiscal years 2005 through 2009.*

5 “(2) *The funding made available under para-*
6 *graph (1) of this subsection shall be available for obli-*
7 *gation in the same manner as if such funds were ap-*
8 *portioned under chapter 1 of title 23 and shall be sub-*
9 *ject to any obligation limitation imposed on funds for*
10 *Federal-aid highways and highway safety construc-*
11 *tion programs.*

12 “(b) *PERIOD OF AVAILABILITY.—Amounts made avail-*
13 *able by subsection (a) of this section shall remain available*
14 *until expended.”.*

15 “(b) *CONFORMING AMENDMENT.—The analysis for*
16 *chapter 55 of title 49, United States Code, is amended by*
17 *adding at the end the following:*

“SUBCHAPTER III—INTERMODAL PASSENGER FACILITIES

Sec.

“5571. *Policy and Purposes.*

“5572. *Definitions.*

“5573. *Assurance of access to intermodal facilities.*

“5574. *Intercity bus intermodal facility grants.*

“5575. *Funding.”.*

1 **TITLE IV—FEDERAL AID IN**
2 **SPORT FISH RESTORATION**
3 **ACT AMENDMENTS**

4 **SEC. 4001. AMENDMENT OF FEDERAL AID IN FISH RESTORA-**
5 **TION ACT.**

6 *Except as otherwise expressly provided, whenever in*
7 *this title an amendment or repeal is expressed in terms of*
8 *an amendment to, or repeal of, a section or other provision,*
9 *the reference shall be considered to be made to a section or*
10 *other provision of the Act entitled “An Act to provide that*
11 *the United States shall aid the States in fish restoration*
12 *and management projects, and for other purposes,” ap-*
13 *proved August 9, 1950 (64 Stat. 430; 16 U.S.C. 777 et seq.).*

14 **SEC. 4002. AUTHORIZATION OF APPROPRIATIONS.**

15 *Section 3 (16 U.S.C. 777b) is amended—*

16 *(1) by striking “the succeeding fiscal year.” in*
17 *the third sentence and inserting “succeeding fiscal*
18 *years.”; and*

19 *(2) by striking “in carrying on the research pro-*
20 *gram of the Fish and Wildlife Service in respect to*
21 *fish of material value for sport and recreation.” and*
22 *inserting “to supplement the 55.3 percent of each an-*
23 *annual appropriation to be apportioned among the*
24 *States, as provided for in section 4(b) of this Act.”.*

1 **SEC. 4003. DIVISION OF ANNUAL APPROPRIATIONS.**

2 *Section 4 (16 U.S.C. 777c) is amended—*

3 *(1) by striking subsections (a) through (d) and*
4 *redesignating subsections (e), (f), and (g) as sub-*
5 *sections (b), (c), and (d);*

6 *(2) by inserting before subsection (b), as redesign-*
7 *ated, the following:*

8 *“(a) IN GENERAL.—For fiscal years 2004 through*
9 *2009, each annual appropriation made in accordance with*
10 *the provisions of section 3 of this Act shall be distributed*
11 *as follows:*

12 *“(1) COASTAL WETLANDS.—18 percent to the*
13 *Secretary of the Interior for distribution as provided*
14 *in the Coastal Wetlands Planning, Protection, and*
15 *Restoration Act (16 U.S.C. 3951 et seq.).*

16 *“(2) BOATING SAFETY.—18 percent to the Sec-*
17 *retary of Homeland Security for State recreational*
18 *boating safety programs under section 13106 of title*
19 *46, United States Code.*

20 *“(3) CLEAN VESSEL ACT.—1.9 percent to the*
21 *Secretary of the Interior for qualified projects under*
22 *section 5604(c) of the Clean Vessel Act of 1992 (33*
23 *U.S.C. 1322 note).*

24 *“(4) BOATING INFRASTRUCTURE.—1.9 percent to*
25 *the Secretary of the Interior for obligation for quali-*
26 *fied projects under section 7404(d) of the Sportfishing*

1 *and Boating Safety Act of 1998 (16 U.S.C. 777g–*
2 *1(d)).*

3 “(5) *NATIONAL OUTREACH AND COMMUNICA-*
4 *TIONS.—1.9 percent to the Secretary of the Interior*
5 *for the National Outreach and Communications Pro-*
6 *gram under section 8(d) of this Act. Such amounts*
7 *shall remain available for 3 fiscal years, after which*
8 *any portion thereof that is unobligated by the Sec-*
9 *retary for that program may be expended by the Sec-*
10 *retary under subsection (b) of this section.*

11 “(6) *SET-ASIDE FOR EXPENSES FOR ADMINIS-*
12 *TRATION OF THIS CHAPTER.—*

13 “(A) *In general.—2.1 percent to the Sec-*
14 *retary of the Interior for expenses for adminis-*
15 *tration incurred in implementation of this Act,*
16 *in accordance with this section, section 9, and*
17 *section 14 of this Act.*

18 “(B) *APPORTIONMENT OF UNOBLIGATED*
19 *FUNDS.—If any portion of the amount made*
20 *available to the Secretary under subparagraph*
21 *(A) remains unexpended and unobligated at the*
22 *end of a fiscal year, that portion shall be appor-*
23 *tioned among the States, on the same basis and*
24 *in the same manner as other amounts made*
25 *available under this Act are apportioned among*

1 *the States under subsection (b) of this section,*
2 *within 60 days after the end of that fiscal year.*
3 *Any amount apportioned among the States*
4 *under this subparagraph shall be in addition to*
5 *any amounts otherwise available for apportion-*
6 *ment among the States under subsection (b) for*
7 *the fiscal year.”;*

8 (3) *by striking “of the Interior, after the dis-*
9 *tribution, transfer, use, and deduction under sub-*
10 *sections (a), (b), (c), and (d), respectively, and after*
11 *deducting amounts used for grants under section 14,*
12 *shall apportion the remainder” in subsection (b), as*
13 *redesignated, and inserting “shall apportion 55.3 per-*
14 *cent”;*

15 (4) *by striking “per centum” each place it ap-*
16 *pears in subsection (b), as redesignated, and inserting*
17 *“percent”;*

18 (5) *by striking “subsections (a), (b)(3)(A),*
19 *(b)(3)(B), and (c)” in paragraph (1) of subsection*
20 *(d), as redesignated, and inserting “paragraphs (1),*
21 *(3), (4), and (5) of subsection (a)”;* and

22 (6) *by adding at the end the following:*

23 “(e) *TRANSFER OF CERTAIN FUNDS.—Amounts avail-*
24 *able under paragraphs (3) and (4) of subsection (a) that*
25 *are unobligated by the Secretary after 3 fiscal years shall*

1 *be transferred to the Secretary of Homeland Security and*
2 *shall be expended for State recreational boating safety pro-*
3 *grams under section 13106(a) of title 46, United States*
4 *Code.”.*

5 **SEC. 4004. MAINTENANCE OF PROJECTS.**

6 *Section 8 (16 U.S.C. 777g) is amended—*

7 *(1) by striking “in carrying out the research*
8 *program of the Fish and Wildlife Service in respect*
9 *to fish of material value for sport or recreation.” in*
10 *subsection (b)(2) and inserting “to supplement the*
11 *55.3 percent of each annual appropriation to be ap-*
12 *portioned among the States under section 4(b) of this*
13 *Act.”; and*

14 *(2) by striking “subsection (c) or (d) of section*
15 *4” in subsection (d)(3) and inserting “paragraph (5)*
16 *or (6) of section 4(a)”.*

17 **SEC. 4005. BOATING INFRASTRUCTURE.**

18 *Section 7404(d)(1) of the Sportfishing and Boating*
19 *Safety Act of 1998 (16 U.S.C. 777g–1(d)(1)) is amended*
20 *by striking “section 4(b)(3)(B)” and inserting “section*
21 *4(a)(4)”.*

22 **SEC. 4006. REQUIREMENTS AND RESTRICTIONS CON-**
23 **CERNING USE OF AMOUNTS FOR EXPENSES**
24 **FOR ADMINISTRATION.**

25 *Section 9 (16 U.S.C. 777h) is amended—*

1 (1) *by striking “section 4(d)(1)” in subsection*
2 *(a) and inserting “section 4(a)(6)”;* and

3 (2) *by striking “section 4(d)(1)” in subsection*
4 *(b)(1) and inserting “section 4(a)(6)”.*

5 **SEC. 4007. PAYMENTS OF FUNDS TO AND COOPERATION**
6 **WITH PUERTO RICO, THE DISTRICT OF CO-**
7 **LUMBIA, GUAM, AMERICAN SAMOA, COMMON-**
8 **WEALTH OF THE NORTHERN MARINA IS-**
9 **LANDS, AND VIRGIN ISLANDS.**

10 *Section 12 (16 U.S.C. 777k) is amended by striking*
11 *“in carrying on the research program of the Fish and Wild-*
12 *life Service in respect to fish of material value for sport*
13 *or recreation.” and inserting “to supplement the 55.3 per-*
14 *cent of each annual appropriation to be apportioned among*
15 *the States under section 4(b) of this Act.”.*

16 **SEC. 4008. MULTISTATE CONSERVATION GRANT PROGRAM.**

17 *Section 14 (16 U.S.C. 777m) is amended—*

18 (1) *by striking so much of subsection (a) as pre-*
19 *cedes paragraph (2) and inserting the following:*

20 “(a) *IN GENERAL.—*

21 “(1) *AMOUNT FOR GRANTS.—For each of fiscal*
22 *years 2004 through 2009, 0.9 percent of each annual*
23 *appropriation made in accordance with the provi-*
24 *sions of section 3 of this Act shall be distributed to*
25 *the Secretary of the Interior for making multistate*

1 *conservation project grants in accordance with this*
2 *section.”;*

3 *(2) by striking “section 4(e)” each place it ap-*
4 *pears in subsection (a)(2)(B) and inserting “section*
5 *4(b)”;* and

6 *(3) by striking “Of the balance of each annual*
7 *appropriation made under section 3 remaining after*
8 *the distribution and use under subsections (a), (b),*
9 *and (c) of section 4 for each fiscal year and after de-*
10 *ducting amounts used for grants under subsection*
11 *(a)—” in subsection (e) and inserting “Of amounts*
12 *made available under section 4(a)(6) for each fiscal*
13 *year—”.*