

# **SAFETEA**

## Safe, Accountable, Flexible and Efficient Transportation Equity Act of 2003

### Key Information

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U.S. Department of Transportation  
May 16, 2003

# Safe, Accountable, Flexible and Efficient Transportation Equity Act of 2003

Integral to improving the quality of our lives and to enhancing the productivity of our economy is a greater focus on transportation safety. Although we have made improvements in the rates of fatalities and injuries on our highways, the total numbers remain intolerable, and they are rising. Every year, nearly 43,000 people lose their lives on our highways and roads. Families are destroyed and promise is lost.

The economic costs are unacceptable as well. The total annual economic impact of all motor vehicle crashes is an astonishing \$230.6 billion. For these reasons, saving lives is the number one priority for the Department and for the Reauthorization of the Transportation Equity Act of the 21<sup>st</sup> Century (TEA-21).

The Bush Administration is committed to reducing highway fatalities and nothing would make a greater difference in these numbers than to increase the use of safety belts everywhere in America. The Administration's SAFETEA bill offers proposals to increase safety belt use and to take those actions that can make the achievement of this goal possible. Enactment of this bill would be an important step, we believe, in reducing highway fatalities and injuries, and providing greater flexibility to State and local governments to use these funds consistent with a comprehensive strategic highway safety plan.

The President's proposal would provide over \$201 billion in funding for highway and safety programs and nearly \$46 billion in funding for public transportation programs from fiscal year 2004 through fiscal year 2009.

Our nation's transportation systems face significant challenges in the areas of safety, security, congestion, intermodal connectivity and timely project delivery. Building upon the principles, values, and achievements of the Intermodal Surface Transportation Efficiency Act and TEA-21, our proposal addresses these challenges and creates a safer, simpler and smarter Federal program.



# Safe, Accountable, Flexible and Efficient Transportation Equity Act of 2003

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# Create a Safer Transportation System

President Bush and his Administration are committed to fostering the safest, most secure transportation system, even as we seek to enhance mobility, reduce congestion, and grow our economy. These are not incompatible goals. Indeed, it is essential that the nation's transportation system be both safe and secure, and efficient and productive.

## TEA-21 Successes

Highway safety programs authorized by TEA-21 have been integral to reducing death and injury on our highways through safety belt use promotion and alcohol-impaired driving countermeasures.

- Safety belt use increased to 75 percent, saving an estimated 13,000 people annually.
- The number of States that have .08 BAC laws in effect increased from 15 to 39 plus the District of Columbia.
- The number of States with open container laws increased from 14 to 36 plus the District of Columbia.
- The number of States with Repeat Offender laws increased from 4 to 33 plus the District of Columbia.

## Key SAFETEA Provisions

*Making substantial improvements in the safety of the Nation's surface transportation system. It is not acceptable that the Nation suffers nearly 43,000 deaths and over 3 million injuries annually on our highways.*

SAFETEA would more than double funding for highway safety improvements over TEA-21 levels through a new core highway safety infrastructure program in lieu of the existing Surface Transportation Program safety set-aside.

SAFETEA would create a new safety belt incentive program to strongly encourage States to enact primary safety belt laws and achieve substantially higher safety belt usage rates.

SAFETEA would combine the several safety programs administered by the National Highway Traffic Safety Administration into a consolidated grant program.

States would be granted broad new flexibility to transfer safety funds among the diverse safety programs administered by the Department if they develop performance-based comprehensive strategic highway safety plans that identify their highest priority safety improvements.

SAFETEA would provide increased funding for commercial vehicle safety and research programs enhancing the quality, stability, continuity, and uniformity of State commercial vehicle safety and enforcement programs.

SAFETEA would expand and improve safety auditing of "New Entrant" motor carriers.

# Simplify Federal Transportation Programs

## Expand State and Local Discretion

State and local decisionmakers are the most capable of addressing State and local transportation problems. The Federal Government's primary role should be to facilitate, enable, and maintain a national perspective.

**TEA-21 Successes** Almost 93 percent of Federal highway funds are delivered to the States through the core formula grant programs and are used consistent with state and local decision-making.

Since ISTEA, over \$7.7 billion has been transferred from Title 23 programs to public transportation programs, providing critical resources to supplement the basic public transportation authorization levels.

### Key SAFETEA Provisions

*Preserving funding flexibility to allow the broadest application of funds to transportation solutions, as identified by States and local communities.*

SAFETEA would expand State and local flexibility by eliminating most discretionary highway grant programs and making these funds available under the core highway formula grant programs.

SAFETEA would establish a new highway pilot program under which States could manage their Interstate Maintenance, National Highway System, Surface Transportation (except for the Transportation Enhancement funds), Highway Safety Improvement, Highway Bridge, and Minimum Guarantee program funds as a block grant. Under the pilot program, States would be required to work with the Department to develop and meet specific system performance measures.

SAFETEA would also improve the ability of State and local decision makers to provide public transportation in the most cost-effective way by streamlining program requirements, especially for smaller grantees, and restructuring Federal Transit Administration (FTA) programs into three major areas:

1. Urbanized Area Formula Grants, that would include the current formula grant as well as the formula Fixed Guideway Modernization funding;
2. Major Capital Investments, which would broaden the current New Starts program to include non-fixed guideway corridor improvements, such as Bus Rapid Transit; and
3. State Administered Programs, including the Rural, Elderly and Disabled, Job Access and Reverse Commute and New Freedom Initiative programs. The Job Access and Reverse Commute and New Freedom Initiative programs would be provided as flexible formula grants to the States.

## Improve Project Delivery

We can and must protect our environment while improving the efficiency of transportation project delivery, consistent with the President's Executive Order on Environmental Stewardship and Transportation Infrastructure Project Reviews.

### TEA-21 Successes

TEA-21 has been crucial in encouraging meaningful streamlining and stewardship. Using TEA-21 authority:

- The median time for completing environmental reviews for projects requiring an Environmental Impact Statement decreased from five and a half years to four and a half years.
- All fifty States have adopted initiatives for streamlining that clarify, amend, or re-invent the project development process.
- Forty-one States have created some level of delegated authority for historic resources that allows many projects to be processed quickly.
- Thirty-four States have agreed to provide personnel to State and Federal environmental agencies for the purposes of expediting reviews.
- Twenty-nine States have adopted agreements to merge the Federal Highway Administration's NEPA process and the Clean Water Act permitting process administered by the United States Army Corps of Engineers.

### Key SAFETEA Provisions

*Simplifying Federal transportation programs and continuing efforts to streamline project approval and implementation.*

SAFETEA would enhance the delivery of transportation projects and streamline the environmental review process by:

- Improving the linkage between the transportation planning and project development processes;
- Strengthening the provisions of current law that establish time frames for resource agencies to conduct environmental reviews and grant permits;
- Simplifying the processing of Categorical Exclusion approvals;
- Clarifying the legal standard applicable to determinations under Section 4(f) of the Department of Transportation Act of 1966 (49 U.S.C. 303) as to whether an alternative is feasible and prudent;
- Resolving the current overlap between Section 106 of the National Historic Preservation Act and Section 4(f);
- Providing for timely resolution of outstanding legal disputes by establishing a six-month statute of limitations for appeals on the adequacy of projects' environmental impact statements and other environmental documents; and
- Expanding the ability of States to use Federal-aid highway funds to provide resources to Federal agencies to expedite the environmental review process.

SAFETEA would protect and enhance our environment by:

- Revising the CMAQ program to better address the new air quality standards;
- Continuing a major emphasis on improving public transportation;
- Revising the High Occupancy Vehicle (HOV) lane provisions to encourage the use of cleaner and more fuel efficient vehicles;
- Encouraging the active consideration and implementation of context sensitive design principles and practices in all Federally-aided transportation projects; and
- Establishing a new Transportation, Energy, and Environment program to carry out multi-modal energy and climate change research.

SAFETEA would simplify the transportation planning process by:

- Combining the long-range metropolitan transportation plan and the shorter term Transportation Improvement Program into a single document;
- Aligning the transportation and air quality planning horizons for purposes of transportation conformity;
- Creating a single set of requirements applicable to both highway and public transportation planning.

# Make the Federal Transportation Programs Smarter

The President has urged every Federal agency to be more results-oriented, guided not by process but performance. In the context of transportation, that means:

- Using Federal surface transportation programs to increase the efficiency with which goods move throughout the transportation system;
- Expanding innovative financing options;
- Encouraging private sector participation;
- Enhancing operational capacity;
- Rewarding grantees that meet important goals;
- Promoting a seamless transportation system in which transportation modes are efficiently connected; and
- Increasing oversight to ensure large Federal investments are being protected.

## TEA-21 Successes

TEA-21's innovative loan and grant programs have further augmented both the highway and transit programs. The Transportation Infrastructure Finance and Innovation Act (TIFIA) provided almost \$3.6 billion in Federal credit assistance to eleven projects of national significance, representing \$15 billion in infrastructure improvements.

TEA-21 enhanced the Federal Highway Administration's oversight role on larger projects by requiring that projects with an estimated total cost of \$1 billion or more submit an annual Finance Plan.

## Key SAFETEA Provisions

*Strengthening the efficiency and integration of the Nation's system of goods movement by improving international gateways and points of intermodal connection.*

SAFETEA would expand the capacity and efficiency of the nation's freight system by:

- Dedicating a portion of National Highway System (NHS) funds for highway connections between the NHS and intermodal freight facilities, such as ports and freight terminals;
- Allowing Surface Transportation Program (STP) funds to be used for publicly owned intermodal freight transportation projects that address economic, congestion, security, safety, and environmental issues associated with freight transportation gateways;
- Allowing private freight rail projects to qualify for TIFIA credit assistance;
- Expanding the availability of tax-exempt private activity bonds to include highway projects and freight transfer facilities.

***Building on the intermodal approaches of ISTEA and TEA-21.***

SAFETEA would authorize a \$425 million grant program to fund capital improvements to improve intercity bus access to significant intermodal facilities.

***Focusing more on the management and performance of the system.***

SAFETEA would establish a ridership-based Performance Incentive Program using up to ten percent of Federal Transit Administration's Urbanized Area and Rural program funds.

SAFETEA would reward States that measurably improve their safety performance with increased Federal funds.

***Expanding the scope of innovative financing programs, in order to encourage greater private sector investment in the transportation system, and examining other means to augment existing trust funds and revenue streams.***

SAFETEA would expand the investment of private capital in the nation's surface transportation system by improving innovative financing tools by permitting state and local governments to issue tax-exempt private activity bonds to all Title 23 and Title 49-eligible projects that serve the general public;

SAFETEA would increase access to government loan assistance by lowering the TIFIA program's project threshold from \$100 million to \$50 million.

States would be allowed to establish user charges on Federal-aid highways, including the Interstate System, provided that the funds are re-invested in the facility and the charges are established as part of a program to manage congestion or improve air quality.

SAFETEA would allow States to permit Single Occupancy Vehicles (SOVs) on High Occupancy Vehicle lanes, so long as time-of-day variable charges are assessed on SOVs for such access (so-called HOT lanes).

***Fostering "intelligent everything" in the development and deployment of technology, such as pavement monitoring, message systems, remote sensing, and toll collection.***

SAFETEA would continue to foster the research, development and implementation of Intelligent Transportation Systems (ITS) technologies with greater emphasis on using these technologies to improve the performance and operation of transportation systems in a way that directly benefit transportation customers.

*Improve oversight and accountability for the expenditure of public funds, without negatively impacting the ability of States and local governments to deliver their programs.*

SAFETEA would strengthen the stewardship of Federal funds without treading on State prerogatives or creating red tape by:

- Requiring that project management plans and annual financial plans be submitted for all Federal-aid projects costing \$1 billion or more;
- Requiring that annual financial plans be prepared for all projects receiving \$100 million or more in Federal-aid funds;
- Establishing minimum cost-estimating standards in order to provide more reliable and consistent project cost expectations;
- Strengthening the Department's suspension and debarment policies to prevent contractors from continuing to defraud the government; and
- Allowing States to share in monetary recoveries from Federal fraud cases.



# SAFETEA

## Fact Sheets



# SAFETEA Fact Sheets

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**HIGHWAY SAFETY IMPROVEMENT PROGRAM  
FLEXIBILITY FOR SAFETY INITIATIVES**

Year	2003(TEA-21)	2004	2005	2006	2007	2008	2009
Authorization	NA*	\$1,000 M	\$1,100 M	\$1,200 M	\$1,300 M	\$1,400 M	\$1,500 M

\* For comparability, 10 percent STP set-aside in 2003 totaled \$648 M

**Program Purpose**

This new stand-alone “core” program reflects increased importance and emphasis on highway safety initiatives. It replaces the current statutory requirement that States set aside 10 percent of their Surface Transportation Program funds for carrying out the rail-highway crossings and hazard elimination programs. The new program is designed to provide States with funds to institute Highway Safety Improvement (HSIP) programs that: reduce the fatalities and injuries that occur annually on the highway system; reinforce the Federal Highway Administration’s (FHWA’s) safety partnerships; and complement National Highway Traffic Safety Administration (NHTSA) and the Federal Motor Carrier Safety Administration (FMCSA) safety programs.

**Program Requirements**

- In order to receive funds, States must have a process in place to analyze highway safety problems, identify opportunities for prevention of hazardous conditions, and produce a list of projects to be funded based upon the analysis and opportunities identified.
- The Secretary will formulate programmatic guidelines for the States’ use that include the following components:
  - Adoption of strategic and performance-based goals for the Highway Safety Improvement Program (HSIP) that address all roadways within the State and focus on areas of greatest need;
  - Advancement of the States’ capabilities in traffic records data collection, analysis, and integration with other sources of safety data;
  - Provide flexibility to the States to address potential as well as existing highway safety problems; and
  - Requirement that States establish an evaluation process to assess the results of safety improve projects and use the results to set priorities for future projects.
- States are to report their progress in implementing safety improvement projects and the effectiveness of the improvements to the Secretary.

**Eligibility**

Safety improvement projects on any public road or publicly owned bicycle or pedestrian pathway or trail will be eligible. A safety improvement project corrects or improves a hazardous roadway condition, or proactively addresses highway safety problems that may include: intersection improvements; installation of rumble strips and other warning devices; elimination of roadside obstacles; railway-highway grade crossing safety; pedestrian or bicycle safety; traffic calming; improving highway signage and pavement marking; installing traffic control devices at high crash locations or priority control systems for emergency vehicles at signalized intersections, safety conscious planning and improving crash data collection and analysis, etc.

## **HIGHWAY SAFETY IMPROVEMENT PROGRAM (Con't.)**

### **Flexibility**

- The States that adopt and implement a strategic highway safety plan are provided additional flexibility to use HSIP funds for public awareness, education, and enforcement activities otherwise not eligible if they are consistent with a strategic State highway safety plan and comprehensive safety planning process. To qualify for flexible safety funding under this section, the State strategic highway safety plan must:
  - Be based on a collaborative process that includes the State DOT, the Governor's representative for highway safety and other major stakeholders;
  - Address engineering, education, enforcement, and emergency services elements of highway safety;
  - Consider the results of existing State transportation and highway safety planning processes; and
  - Be certified by the Secretary, in consultation with FHWA and NHTSA.
- Development of a State strategic highway safety plan will not require changes in the planning processes, plans or programs of other State transportation or highway safety agencies.

### **Transfer of Funds**

Funds transferred between this section and section 402 may not exceed 50 percent of the authorization for this section or for section 402(k).

### **Funding/Formula**

Provides contract authority from the Highway Trust Fund, to be apportioned using a formula identical to the formula currently used for STP apportionments. Each State will receive a minimum of ½ of 1 percent.

### **Federal Share**

The Federal share payable will be 90 percent.

### **Safety Belt Encouragement**

Beginning in FY 2005, 10 percent of a State's HSIP funds must be obligated for section 402 programs, unless the State enacts a primary safety belt law or demonstrates safety belt usage of 90 percent or above. States subject to this provision must have a strategic highway safety plan and the activities funded must be consistent with the plan.

### **National Blue Ribbon Commission On Highway Safety**

- Establishes a National Blue Ribbon Commission on Highway Safety to develop a realistic national safety goal and a consensus within the highway safety community and the public in support of it.
- The Commission would conduct a comprehensive study to evaluate national highway safety needs in the areas of engineering, education, enforcement and emergency response to identify a realistic national goal for reducing highway fatalities, assist in developing a national consensus in support of the goal and provide the Secretary a comprehensive plan with specific strategies for achieving the goal.
- The Commission will have 15 members, including the Secretary of Transportation or his or her delegate, the Administrators of FHWA, FRA, NHTSA, and FMCSA, or their delegates and 10 members representing State and local government, law enforcement, the safety community, and public health, appointed by the Secretary and who have been nominated by the Senate Committee on Environment and Public Works and the Senate Committee on Commerce, Science, and Transportation, and by the House Committee on Transportation and Infrastructure.

**CONSOLIDATED HIGHWAY SAFETY GRANTS**

Year	2003	2004	2005	2006	2007	2008	2009
State & Community Formula Grants	\$165M	\$162M	\$167M	\$172M	\$177M	\$183M	\$189M
Performance Grants	\$0	\$175M	\$179M	\$183M	\$189M	\$195M	\$201M
Impaired Driving Grants	\$0	\$50M	\$50M	\$50M	\$50M	\$50M	\$50M

**Program Purpose**

- The highway safety program grants apportioned to the States (including the District of Columbia, Puerto Rico, the territories, and the Bureau of Indian Affairs) for their State and Community highway safety programs under 23 U.S.C. 402 provide the foundation for the States’ highway safety efforts.
- The new authorization would continue this program, and augment it through a new program of Performance Grants and Impaired Driving Grants. These new programs are described in the following pages.

**Funding Features**

- The State & Community Formula Grants would continue to be authorized from the Highway Trust Fund under the existing formula based on population (75 percent) and road mileage (25 percent). At least 40 percent of these funds are to be used to address local traffic safety problems.
- The Federal share for these grants would be 80 percent.

**Eligible Use of Funds**

- States would continue to use their Section 402 State & Community Formula Grants to support a full-range of highway safety programs, including occupant protection, impaired driving, motorcycle safety, emergency medical services, police traffic services, and roadway safety.

## HIGHWAY SAFETY PERFORMANCE/SAFETY BELT GRANTS

Year	2003	2004	2005	2006	2007	2008	2009
Performance Grants	\$0	\$175M	\$179M	\$183M	\$189M	\$195M	\$201M
<i>General Performance Grants</i>	\$0	\$50M	\$52M	\$54M	\$58M	\$61M	\$65M
<i>Primary safety belt use law grants</i>	\$0*	\$100M	\$100M	\$100M	\$100M	\$100M	\$100M
<i>Safety belt use rate grants</i>	\$0*	\$25M	\$27M	\$29M	\$31M	\$34M	\$36M

NOTE: Safety Belt Grants are set-asides from Performance Grants

### **Program Purpose**

- The new authorization would augment State and Community Formula Grants with a new program of performance grants.
- The *General Performance Grants* will provide incentive funds to the States based on the performance of their highway safety programs in three categories:
  1. motor vehicle crash fatalities,
  2. alcohol-related fatalities, and
  3. motorcycle, bicycle, and pedestrian crash fatalities.
- The *Safety Belt Performance* program consisting of the *Safety Belt Use Law Grant* and *Safety Belt Use Rate Grant Programs*, would promote the enactment of primary safety belt use laws in all States and the increase of safety belt use rates across the country.

### **Funding Features**

- *The General Performance Grants*, from the Highway Trust Fund, would be awarded to a State based upon the performance of its highway safety program (achievement and annual progress, as determined by the Secretary through a rulemaking proceeding) in the three categories noted above. The Federal share for these grants would be 80 percent.
- *Safety Belt Use Law Grant Program* could award up to a total of \$100 million in each fiscal year, out of the Highway Trust Fund, in two ways:
  - First, a State that enacted and is enforcing a primary safety belt use law for all passenger motor vehicles that became effective before December 31, 2002 would receive grants for each of FYs 2004 and 2005 equal to ½ of the size of its basic highway safety formula grant under Section 402 for FY 2003.
  - Second, a State that either enacts for the first time after December 31, 2002 and has in effect a primary safety belt use law for all passenger motor vehicles, or, if the State does not have such a law but has a safety belt use rate in the prior fiscal year of at least 90% could receive a one-time grant equal to 5 times the size of its basic highway safety formula grant under Section 402 for FY 2003.
  - The Federal share for these grants would be 100 percent.
- Under the *Safety Belt Use Rate Grant Program*, a State would be eligible to receive a grant for its safety belt use rate in the prior fiscal year, based on (i) its achievement or annual progress in its safety belt use rate, (ii) the amount appropriated for the grants for the fiscal year, and (iii) the ratio the funds apportioned to the State for Section 402 for the fiscal year bears to the funds apportioned for Section 402 for the fiscal year to all States that qualify for such a grant for the fiscal year. The Federal share for these grants would be 100 percent.

## **HIGHWAY SAFETY PERFORMANCE/SAFETY BELT GRANTS**

### **Eligible Use of Funds**

- A State allocated General Performance Grants must use the amount for activities eligible for assistance under Section 402, except that the State could use up to 50 percent of the amount for highway safety infrastructure activities consistent with the State's strategic highway safety plan
- A State allocated a Primary Safety Belt Use Law Grant may use the amount for Section 402 highway safety activities or for highway safety infrastructure activities consistent with the State's strategic highway safety plan.
- A State allocated a Safety Belt Use Rate Grant must use it for safety belt use programs under Section 402, except that it may use up to 50 percent of the amount for highway safety infrastructure activities consistent with the State's strategic highway safety plan.

## IMPAIRED DRIVING

Year	2003	2004	2005	2006	2007	2008	2009
Authorization	\$0*	\$50M	\$50M	\$50M	\$50M	\$50M	\$50M

\* In FY 2003, \$150M was authorized for a variety of alcohol safety programs under 23 U.S.C. 163 and 23 U.S.C. 410.

### **Program Purpose**

The Impaired Driving Grants (new Section 402 (1)) under 23 U.S.C. 402 are intended to enable the States with a high number or rate of alcohol-related fatalities to identify the causes of these high numbers and rates. These grants will also help States develop and implement programs to reduce the fatalities significantly.

### **Funding Features**

Rather than distributing funds to a large number of States, the new grants would focus significant resources on those States with the highest numbers or highest rates of impaired driving fatalities.

The Federal share for grants under the program would be 100 percent in the first and second fiscal years, 75 percent in the third and fourth fiscal years, and 50 percent in the fifth and sixth fiscal years.

### **Eligible Use of Funds**

The program would provide funding to States with high numbers or high rates of alcohol-involved fatalities to:

- enable them to identify the sources of the problem,
- help them develop programs to address the problem, and
- help them carry out the programs and evaluate the results.

## **EMERGENCY MEDICAL SERVICES**

Year	2003	2004	2005	2006	2007	2008	2009
Authorization	0	\$10M	\$10M	\$10M	\$10M	\$10M	\$10M

### **Program Purpose**

The Emergency Medical Services program (new Section 407 of title 23) is a State formula grant program to improve coordination and support of emergency medical services (EMS) and 9-1-1 systems nationwide. It is also designed to strengthen transportation safety and public health, consistent with the President’s focus on reinforcing the nation’s emergency preparedness and first response capacity. The term ‘State,’ under the program, means any one of the fifty States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Secretary of the Interior on behalf of the Indian Tribes. The program would be administered at the State level through State EMS Offices. The funds proposed each fiscal year for the program would be an important catalyst to encourage the States to ensure greater coordination among the various elements of their EMS and 9-1-1 programs.

### **Funding Features**

The Emergency Medical Services program would be a newly created program funded out of the Highway Trust Fund. These funds would be subject to a deduction not to exceed 10 percent for the necessary costs of administering the provisions of the program, and the remainder would be apportioned among the States. The apportionment of these funds incorporates the exact formula for the apportionment of State and community highway safety funds under section 402 (c) of title 23. The Federal share of the cost of a project or program funded by the program would be 80 percent.

### **Eligible Use of Funds**

- The program authorizes the Secretary to provide financial assistance to States to aid them in conducting coordinated EMS services and 9-1-1 programs that are in accord with the provisions of the program.
- States would be required to administer the program through the State’s EMS office. State EMS offices have adequate powers and are suitably equipped and organized to carry out such programs. The State EMS office would be required to coordinate the program with the State’s highway safety office. The political subdivisions of a State would participate in and receive funds under such programs, consistent with the goal of achieving statewide coordination of emergency medical services and 9-1-1 activities.

## STATE TRAFFIC SAFETY INFORMATION SYSTEM IMPROVEMENTS

Year	2003	2004	2005	2006	2007	2008	2009
Authorization	0	\$50M	\$50M	\$50M	\$50M	\$50M	\$50M

### **Program Purpose**

The State Traffic Safety Information System Improvements program (new Section 412 of title 23) is an incentive grant program to encourage States (i.e., the fifty States, the District of Columbia, Puerto Rico, the territories, and the Secretary of the Interior on behalf of the Indian Tribes) to improve their traffic records data. Components of these traffic records systems include driver licensing, vehicle registration, citation, court and accident records related to traffic violations, traffic convictions, emergency medical services information and data on roadway characteristics. By improving the availability of timely, accurate, complete, uniform, integrated and accessible traffic safety data, State and Federal agencies will be better equipped to identify local, State and national transportation safety problems and to evaluate their programs and countermeasures.

### **Funding Features**

- The State Traffic Safety Information System Improvements program would be a newly created program funded out of the Highway Trust Funds. No State that is eligible for a first-year grant would receive less than \$300,000, if sufficient funds are available. No State that is eligible for a succeeding-year grant would receive less than \$500,000, if sufficient funds are available.
- To become eligible for a grant under the program, a State must certify to the Secretary that the State has adopted and used model data elements that were previously determined by the Secretary.
- The Federal share for these grants would be 80 percent.

### **Eligible Use of Funds**

- The program authorizes the Secretary to provide incentive grants to States to aid them in improving their traffic records data.
- States receiving these grants may use their funds only to implement the program.

## NATIONAL DRIVER REGISTER

Year	2003	2004	2005	2006	2007	2008	2009
Operations	\$2M	\$3.6M	\$4M	\$4M	\$4M	\$4M	\$4M

### **Program Purpose**

The purpose of the National Driver Register (NDR) is to facilitate the exchange of driver licensing information on problem drivers among the States and various Federal agencies. This information aids States and Federal agencies in making decisions concerning driver licensing, driver improvement, transportation safety, and driver employment. The National Highway Traffic Safety Administration administers the provisions of the NDR statute.

### **Funding Features**

The National Driver Register (NDR) program would be reauthorized without any changes to its provisions. The program would continue to be funded out of the Highway Trust Fund.

### **Eligible Use of Funds**

The National Driver Register (NDR) statute directs the Secretary to maintain and carry out the NDR to assist chief driving licensing officials of participating States in exchanging information about the motor vehicle driving records of problem drivers.

## HIGHWAY SAFETY RESEARCH AND DEVELOPMENT

Year	2003	2004	2005	2006	2007	2008	2009
Research and Development	\$72M	\$88.45M	\$90M	\$92M	\$94M	\$96M	\$99M

### **Program Purpose**

The Act continues the Section 403 Highway Safety Research and Development program under Title 23.

### **Funding Features**

The authorization covers fiscal years 2004-2009 and would be funded out of the Highway Trust Fund. Contract authority is provided for the funds for the program, consistent with the practice established under TEA-21.

### **Eligible Use of Funds**

Out of the funds provided for Section 403, the Act amends the program to specify allocations to be made of:

- \$2.226 million in each fiscal year to enhance coordination among Federal agencies involved with State, local, tribal and community-based emergency medical services.
- \$.20 million in each fiscal year for participation and cooperation in international activities to enhance highway safety.
- \$10 million in each fiscal year to conduct a nationally representative survey to collect on-scene motor vehicle crash causation data.

## MOTOR CARRIER SAFETY GRANTS

Year	2004	2005	2006	2007	2008	2009
MCSAP	\$164.6M	\$168M	\$172M	\$176M	\$180M	\$184M
Border Enforcement	\$32M	\$33M	\$33M	\$34M	\$35M	\$36M
CDL	\$22M	\$22M	\$23M	\$23M	\$24M	\$25M
TOTAL	\$218.6M	\$223M	\$228M	\$233M	\$239.0	\$245M

### **Program Purpose**

The Motor Carrier Safety Grant programs, including the Motor Carrier Safety Assistance Grant Program (MCSAP), Border Enforcement Grants, and Commercial Driver’s License Program Improvement Grants are primarily designed to promote State enforcement of and compliance with Federal Motor Carrier Safety Regulations (FMCSRs) and related statutory requirements.

### **Funding Features**

The Motor Carrier Safety Grant provisions extend contract authority funding for the existing MCSAP funding authorization (49 U.S.C. 31104) and create new contract authority funding lines for Border Enforcement Grants and Commercial Driver’s License Program Improvement Grants. The SAFETEA authorization covers fiscal years 2004-2009 and is a Highway Trust Fund (Highway account) authorization. In general, MCSAP grants require an 80/20 match. However, “high-priority” and incentive activities and “new entrant” safety audits are 100% Federally funded.

### **Eligible Use of Funds**

The program authorizes the Secretary to provide financial assistance:

- To States for the development or implementation of programs for improving motor carrier safety.
- To States for the enforcement of regulations, standards, and orders of the United States Government on commercial motor vehicle safety, hazardous materials transportation safety, and compatible State regulations, standards, and orders.
- To a State agency, local government, or other person for the full cost of research, development, demonstration projects, public education, and other special activities relating to commercial motor vehicle safety.
- For audits of new entrant motor carriers conducted pursuant to section 210 of the Motor Carrier Safety Improvement Act of 1999, 113 Stat. 1764.
- To a State that shares a border with Mexico or Canada for carrying out border commercial motor vehicle safety programs, related enforcement activities, and projects at the border.
- To a State to improve its implementation of the commercial driver’s license program.

**PERFORMANCE and REGISTRATION INFORMATION SYSTEM  
MANAGEMENT  
PRISM**

Year	2004	2005	2006	2007	2008	2009
Authorization	\$4M	\$4M	\$4M	\$4M	\$4M	\$4M

*\*included in the Motor Carrier Safety Grants TOTAL.*

**Program Purpose**

The Performance and Registration Information System Management (PRISM) program links Federal motor carrier safety information systems with State commercial vehicle registration and licensing systems. The program is designed to enable a State to determine the safety fitness of a motor carrier or registrant when they are applying for a license or registration, or while the license or registration is in effect. PRISM also assists States to deny, suspend, or revoke the commercial motor vehicle registration of a motor carrier or registrant that has been issued an operations out-of-service order by the Secretary.

**Funding Features**

Under TEA-21 and the Motor Carrier Safety Improvement Act of 1999 (MCSIA), the PRISM grants funding authorization was part of the contract authority for information systems codified at 49 U.S.C. 31107. The provisions of SAFETEA create a contract authority funding line specific to PRISM grants. The SAFETEA authorization covers fiscal years 2004-2009 and is a Highway Trust Fund (Highway account) authorization.

**Eligible Use of Funds**

The program authorizes the Secretary to provide financial assistance to States:

- To establish and maintain a clearinghouse and repository of information related to State registration and licensing of commercial motor vehicles, the registrants of such vehicles, and the motor carriers operating such vehicles. The clearinghouse and repository may include information on the safety fitness of each of the motor carriers and registrants and other information the Secretary considers appropriate, including information on motor carriers, commercial motor vehicles, and driver safety performance.

## FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

Year	2004	2005	2006	2007	2008	2009
Operations and Programs	\$224.4M	\$228M	\$233M	\$239M	\$244M	\$250M

### Program Purpose

This authorization provides a dedicated funding source for all FMCSA general operating expenses and all motor carrier programs, including: the Research & Technology Program; information management; regulatory development (including the medical registry & medical review board); operation of the PRISM program; outreach & education; and the safety and consumer telephone hotline.

### Funding Features

The Motor Carrier Safety Improvement Act of 1999 (MCSIA) amended 23 U.S.C. 104(a) to fund FMCSA administrative expenses and research & technology from a one-third of one percent takedown on the formula portion of the Federal Highway Administration (FHWA) Federal-aid Highways Program. The provisions of SAFETEA separate FMCSA administrative expenses from the Federal-aid Highway Program Section 104(a) administrative takedown mechanism and authorize a distinct contract authority line for FMCSA administrative expenses. The SAFETEA authorization covers fiscal years 2004-2009 and is a Highway Trust Fund (Highway account) authorization.

### Eligible Use of Funds

The Secretary is authorized to fund all FMCSA operating expenses and Federal programs, including:

- personnel costs; administrative infrastructure; rent; information technology; programs for research and technology, information management, regulatory development (including a medical review board and rules for medical examiners), performance and registration information system management (PRISM), , and outreach and education; other operating expenses and similar matters; and such other expenses as may from time to time become necessary to implement statutory mandates not funded from other sources.

## **HAZARDOUS MATERIAL TRANSPORTATION**

### **Program Purpose**

Federal hazardous materials transportation law directs the Department of Transportation to promulgate a national hazardous materials transportation safety, including security, program that will minimize the risks to life and property inherent in the commercial transportation of hazardous materials. These areas include clarification and modification of: hazmat transportation by air; representations and tampering with hazardous materials packaging; hazardous materials transportation safety and security; administrative authority for transportation service and infrastructure assurance research; United States Postal Service penalty authority; registration provisions of hazardous materials transportation law; shipping paper retention provisions; planning and training grants; enforcement authority; penalties; emergency waiver of preemption; and judicial review.

### **Program Changes**

- Clarifies that DOT has the authority, under Federal hazardous materials transportation law to regulate hazardous materials transportation conducted on all U.S.-registered aircraft.
- Modifies the definition of “commerce.”
- Clarifies and expands the list of persons subject to the requirements of Federal hazardous materials transportation law and the Hazardous Materials Regulations.
- Clarifies and expands DOT's enforcement authority under the Federal hazardous materials transportation law to discover hidden shipments of hazardous materials.
- Provides Research and Special Programs Administration (RSPA) with the authority to enter into "other transactions" agreements to conduct research into transportation service and infrastructure assurance and to carry out RSPA's research activities.
- Prohibits hazardous materials in the mail unless specifically authorized by law or Postal Service regulation.
- Changes the registration provisions of Federal hazmat law and clarifies the extent to which the prohibitions may apply to the transportation of explosives in commerce.
- Requires that each person, who prepares a shipping paper, to make the disclosures the Secretary prescribes by regulation.
- Clarifies and, in some instances, simplifies, existing authority regarding Planning and Training grants.
- Clarifies types of judicial relief, including civil penalties, which may be granted in action brought by the Attorney General.
- Amends the civil and criminal penalty provisions in the Federal hazardous materials transportation law and increases maximum civil penalty from \$27,500 to \$100,000 for each violation.
- Outlines the Secretary's current preemption authority and clarifies several aspects of that authority.
- Establishes the appropriate judicial forum for review of final agency actions in the areas of compliance, enforcement, civil penalties, rulemaking, and preemption. Provides for judicial review of final actions taken by the Secretary under Federal hazmat law in areas of compliance, enforcement, civil penalties, rulemaking, and preemption.

## **SANITARY FOOD TRANSPORTATION**

### **Program Purpose**

This proposal would streamline Federal responsibilities for ensuring the safety of food shipments. Primary responsibility would be transferred from the Department of Transportation to the Department of Health and Human Services, which would set practices to be followed by shippers, carriers, and others. Highway and railroad safety inspectors would be trained to spot threats to food safety and to report possible contamination.

### **Program Changes**

- This section sets forth the short title for the Sanitary Food Transportation Act of 2003. This title would reallocate responsibilities for food transportation safety among the Departments of Health and Human Services (HHS), Transportation, and Agriculture.
- This provision would require the Secretary of HHS to establish sanitary transportation practices to be followed by shippers, carriers, and others engaged in food transport. The Secretary of HHS could prescribe practices relating to matters such as sanitation, packaging and protective measures; limitations on the use of vehicles; information sharing between shippers and carriers; and record keeping, reporting, and compliance with inspections.
- Other Federal agencies, including the Secretaries of Transportation and Agriculture and the Administrator of the Environmental Protection Agency, would be required to assist the Secretary of HHS, upon request, in carrying out this section.

The Secretary of Transportation would be required to train DOT personnel who perform motor vehicle and railroad related safety inspections to identify practices and conditions that could pose a threat to food safety and to notify the Secretary of HHS and the Secretary of Agriculture of any instances of potential food contamination identified during those inspections.

## **TRUST FUNDS AND TAXES**

### **Extension of Highway-user Taxes**

- Extends at the already enacted rates the imposition of highway-user taxes through September 30, 2011. These taxes consist of gallonage taxes on highway motor fuel and truck related taxes, including an annual tax on heavy vehicle use, a weight-based tax on heavy truck tires and a retail sales tax on heavy truck and trailer sales. Each of these taxes, with the exception of 4.3 cents per gallon of the motor fuel taxes would have expired after September 30, 2005.
- The partial exemption from the gasoline tax for gasohol and other alcohol fuels is extended through September 30, 2014.

### **Transfer of Highway-user Taxes to the Highway Trust Fund**

- Generally, the deposit in the Highway Trust Fund of amounts equivalent to the proceeds of the highway-user taxes is extended through September 30, 2011.
- The Leaking Underground Storage Tank Trust Fund continues to receive 0.1 cent per gallon of the motor fuel tax through March 31, 2005, at which time the 0.1-cent levy terminates.
- The Mass Transit Account of the Highway Trust Fund continues to receive the same portion of the taxes on motor fuels as under current law, typically 2.86 cents per gallon with lesser amounts from liquefied petroleum gases, liquefied natural gas, and methanol from natural gas.
- The Highway Account of the Highway Trust Fund receives the proceeds of all highway-user fuel taxes not specifically directed to the Mass Transit Account or the Leaking Underground Storage Tank Trust Fund. It also receives all proceeds of the non-fuel taxes.
- Beginning October 1, 2003, the 2.5 cents per gallon of the gasohol tax currently deposited in the General Fund would be redirected to the Highway Account of the Highway Trust Fund.

### **Expenditures from the Highway Trust Fund**

Authority to expend Highway Trust Fund monies for authorized purposes is extended through September 30, 2011.

### **Aquatic Resources Trust Fund**

- Extends through September 30, 2011 at the already enacted rates the transfer of motorboat gasoline and special fuel taxes and small engine gasoline taxes from the Highway Trust Fund to the Aquatic Resources Trust Fund.
- Extends through September 30, 2009 the authority to expend Aquatic Resources Trust Fund Boat Safety Account and Sport Fish Restoration Account monies for authorized purposes.

## FEDERAL-AID HIGHWAYS OBLIGATION LIMITATION

Year	2003	2004	2005	2006	2007	2008	2009
Limitation	\$31,593M	\$29,294M	\$30,265M	\$31,326M	\$32,257M	\$33,104M	\$33,903M

### **Purpose**

SAFETEA requests and Appropriation Acts usually set a limitation on Federal-aid highway and highway safety construction program obligations. The limitation is a ceiling on the amount of contract authority that may be obligated within a specified time period, usually a fiscal year, regardless of the year in which the contract authority was made available. These limits are imposed in order to control the highway program spending in response to economic and budgetary conditions.

### **Distribution**

- The majority of the limitation is distributed among the States based on each State’s relative share of the total of apportioned funds subject to the limitation to all States for the fiscal year.
- Certain programs—the Emergency Relief Program, a portion of the Minimum Guarantee program (\$639 million per year), demonstration projects authorized prior to TEA-21, and balances from the old Minimum Allocation Program—are exempt from the obligation limitation and, from a Federal budgeting perspective, are mandatory programs.
- Prior to distribution, a portion of the limitation is set aside for FHWA’s administrative expenses (not to exceed the separate limitation on administrative expenses), other programs funded from the administrative takedown, the new Infrastructure Performance and Maintenance Program and each program allocated by the Secretary of Transportation, including.
- Also set aside prior to distribution is obligation limitation for the Appalachian Development Highway System and for \$2 billion of the Minimum Guarantee.
- The law provides for redistribution after August 1 of each year of the obligation limitation from each State or program unable to obligate its share of the limitation to States that are able to obligate more than their initial shares of the limitation.

### **Continuing Provisions**

- The obligation limitation is keyed to anticipated receipts to the Highway Account of the Highway Trust Fund and will be adjusted as new receipt projections and actual receipts become available.
- Limitation set aside for the Appalachian Development Highway System and a portion of the Minimum Guarantee (\$2 billion per year) is available until used. This limitation carries over at the end of each year and is not part of the August redistribution of obligation limitation described above.
- Limitation for research programs is available for 3 years.

## **GUARANTEED FUNDING**

Year	2004	2005	2006	2007	2008	2009	Total
Highways:							
Firewall	\$30,280M	\$31,270M	\$32,352M	\$33,307M	\$34,179M	\$35,005M	\$196,393M
Exempt	\$839M	\$839M	\$839M	\$839M	\$839M	\$839M	\$5,034M
Total	\$31,119M	\$32,109M	\$33,191M	\$34,146M	\$35,018M	\$35,844M	\$201,427M
Public Transportation:							
Firewall	\$5,936M	\$6,055M	\$6,181M	\$6,320M	\$6,476M	\$6,633M	\$37,600M
Total	\$37,055M	\$38,164M	\$39,372M	\$40,466M	\$41,494M	\$42,477M	\$239,027M

### **Guaranteed Funding**

- Extends TEA-21 provisions that guarantee that specified amounts of the authorized funding will be available for obligation each year.
- Updates the list of budget accounts included in guaranteed funding to reflect latest budget account structure.
- Guaranteed funding is made up of two parts: (1) discretionary spending that is protected by firewalls that effectively wall off specified amounts of highway and transit spending from other discretionary spending; and (2) for the highway program, small amounts of mandatory funding, that is, funding exempt from the obligation limitation (Emergency Relief and \$639 million per year of the Minimum Guarantee funding).
- The highway category firewall protects the Federal-aid highway program's obligation limitation, the programs of the Federal Motor Carrier Safety Administration, and the portions of the National Highway Traffic Safety Administration's programs funded from the Highway Trust Fund. The public transportation category firewall protects the programs or portions of programs funded from the Mass Transit Account of the Trust Fund.
- The highway category and mass transportation category firewalls assume certain projections of receipts to the Highway Account and the Mass Transit Accounts of the Highway Trust Fund and each will be adjusted up or down as new receipt projections and actual receipts become available. The adjustment will be determined each year, beginning with FY 2006, during the development of the President's Budget and updated at the time of the Mid-session Review of the budget.
- The calculation of the adjustment is modified to reduce the swings in funding experienced during the TEA-21 period. The portion of the adjustment based on looking back at actual receipts will remain the same—a comparison of the actual receipts and the estimated receipts specified in the Act. For example, the FY 2006 "look back" calculation will be based on FY 2004 receipts and will be submitted with the FY 2006 President's Budget submission in February 2005.
- The portion of the calculation based on prospective receipts has been modified. At the time of the Mid-session Review of the President's Budget, a "look ahead" comparison will be made. The comparison will be between the original estimate of receipts for the current year specified in the Act and the Mid-session Review estimate for that year. For example, the FY 2006 "look ahead" calculation will be based on estimated receipts for FY 2005 and will be submitted with the FY 2006 Mid-session Review in June 2005.

## **GUARANTEED FUNDING (Con't.)**

### **Revenue Aligned Budget Authority (RABA)**

- Beginning in FY 2006, authorizations for Federal-aid highway and highway safety construction programs funded for the Highway Account of the Highway Trust Fund will be adjusted (increased or decreased) whenever the highway firewall amount is adjusted to reflect actual receipts and more recent of Highway Account revenue, that is, the budget authority will be aligned with the revenue.
- In the case of an increase, a portion of the increase in authorizations is reserved for the Federal-aid highway and highway safety construction programs allocated by the Secretary of Transportation—programs that are not apportioned by statutory formula. The amount reserved is determined by calculating the ratio of the authorizations for the allocated programs to total authorizations from the Highway Account of for the Federal-aid highway and highway safety construction programs and applying this ratio to the additional authorizations. The resulting amount is divided among the various allocated programs in the same proportion that those programs receive authorizations exclusive of RABA.
- The remainder of the increased funding is distributed to the State proportional to their shares of Federal-aid highway and highway safety construction apportionments from the Highway Account. Each State's share is then divided proportionately among the following programs: Interstate Maintenance, National Highway System, Surface Transportation Program, Highway Bridge Program, Highway Safety Improvement Program, and the Congestion Mitigation and Air Quality Improvement Program.
- Should a decrease be necessary, the reduction in authorizations would be applied proportionally to all Highway Account authorizations for Federal-aid highway and highway safety construction programs except Emergency Relief.
- Beginning in FY 2006, authorizations for public transportation funding from the Mass Transit Account of the Highway Trust Fund will be adjusted (increased or decreased) whenever the mass transit firewall amount is adjusted. The adjustment would be applied proportionately to all Federal transit programs receiving funding from the Mass Transit Account.

## MINIMUM GUARANTEE

Year	2003(TEA -21)	2004	2005	2006	2007	2008	2009
Authorization*	\$6,421M	\$6,853M	\$7,074M	\$7,340M	\$7,572 M	\$7,805 M	\$8,008 M

\*Such sums as may be necessary are authorized. Amounts shown for 2004-2009 are estimates.

### Program Purpose

The Minimum Guarantee provides funding based on equity considerations. These include specific shares of overall program funds and a minimum return on contributions to the Highway Account of the Highway Trust Fund.

### Calculation

- SAFETEA specifies for each State (except Puerto Rico) a specific share of the aggregate annual funding for Interstate Maintenance (IM), National Highway System (NHS), Bridge, Congestion Mitigation and Air Quality Improvement (CMAQ), Surface Transportation Program (STP), Highway Safety Improvement Program (HSIP), Appalachian Development Highway System, Recreational Trails, Infrastructure Performance and Maintenance, and the Minimum Guarantee itself.
- The percentage shares are adjusted each year to ensure that each State's share of apportionments (except Puerto Rico's) for the specified programs is at least 90.5 percent of its share of contributions to the Highway Account based on the latest data available at the time of the apportionment. The shares of States falling below that minimum return will be increased and the shares of the remaining States will be decreased so that the shares continue to total 100 percent.
- No State (including Puerto Rico) may receive less than \$1 million per year in Minimum Guarantee funds.
- Minimum Guarantee funds are subject to the 1.4 percent takedown for the administrative costs of the Federal Highway Administration and the 1 percent takedown for Metropolitan Planning.

### Administration of Funds

- One-half of each State's share of Minimum Guarantee is administered as STP funds, except that the STP requirements for the setaside of funds for transportation enhancements and the suballocation of funds to sub-State areas do not apply.
- Each State's share of the remainder is divided among certain programs—IM, NHS, Bridge, CMAQ, STP, and HSIP—based on the share the State received for each program under the program formulas.

### Budgetary Controls

- Nationwide, \$639 million per year of Minimum Guarantee apportionments are exempt from the Federal-aid Highway Program obligation limitation.
- An additional \$2 billion annually receives an equivalent amount of special obligation limitation that does not expire.
- The remainder of the Minimum Guarantee funds is treated like all other funds subject to the obligation limitation.
- Each State receives shares of each type of obligation authority in proportion to its share of Minimum Guarantee apportionments.

## HIGHWAY USE TAX EVASION

Year	2003 (TEA -21)	2004	2005	2006	2007	2008	2009
IRS		\$20.05 M	\$48.0 M	\$48.0 M	\$38.0 M	\$4.5 M	\$4.5 M
States		\$ 4.5 M	\$ 4.5 M	\$ 4.5 M	\$ 4.5 M	\$4.5 M	\$4.5 M
Intergovern- mental Enforcement		\$ 2.0 M	\$ 2.0 M	\$ 2.0 M	\$ 2.0 M	\$ 2.0 M	\$ 2.0 M
Total authorization	\$5 M	\$26.55 M	\$54.5 M	\$54.5 M	\$44.5 M	\$11.0 M	\$11.0 M

### **Program Purpose**

The purpose of the Highway Use Tax Evasion program is to support the State and Federal efforts to enhance motor fuel tax enforcement.

### **Funding/Formula**

- Funds are allocated to the Internal Revenue Service (IRS) and the States.
- A new provision requires that \$2 million per year for 2004-2009 will be available only to carry our intergovernmental enforcement efforts, including research and training.
- Funds will be allocated to the IRS –
  - To complete, operate, and maintain the excise summary terminal activity reporting system (of the total allocated to IRS, \$10.5M in 2004, and \$4.5M per year in 2005-2009 will be dedicated to this activity)
  - To complete, operate, and maintain a registration system for pipelines, vessels, and barges, and operators of such pipelines, vessels, and barges, that make bulk transfers of taxable fuel.
  - To establish, operate, and maintain an electronic database of heavy vehicle highway use tax payments.
- Funds allocated to the States (100 percent Federal share) will supplement State highway use tax enforcement programs.
- Continues to permit ¼ of 1 percent of the Surface Transportation Program funds apportioned to a State each fiscal year, at 100 percent Federal share, to be used on initiatives to halt the evasion of payment of motor fuel taxes.

### **Program Changes**

- Requires annual reporting to the Secretary on examinations, criminal investigations, and audits by the States and the Internal Revenue Service (IRS).
- Requires semiannual (March and September) reports from the IRS to the Secretary on the automated fuel tracking system.

### **Eligibility**

Adds the following activities for which these funds can be used:

- Identification of tax evasion in the area of foreign imported fuel
- Assistance to States and Indian Tribes in addressing issues related to the collection of State motor fuel taxes.

## **HIGHWAY USER TAX ADMINISTRATION**

### **Purpose**

A number of modifications to the administration of highway-user taxes are designed to reduce evasion of Federal highway-user taxes. These modifications would enhance revenues to the Highway Trust Fund without raising highway-user taxes.

### **Changes to Fuel Tax Administration**

- Requires that only fuel transferred by registered pipeline, vessel, or barge would qualify for the fuel tax exemption of bulk transfers to registered terminals or refineries.
- Imposes civil penalties for the carrying of taxable fuels by unregistered pipelines, vessels or barges.
- Requires that vessels used in transportation of fuels display proof of registration on vessel. Impose penalty for failure to display registration.
- Requires that registered operators of terminals, refineries, pipelines, or vessels, or dealers in aviation fuel, with 25 or more reportable transactions per month file their information reports electronically for fuel tracking purposes.
- Imposes civil penalties for refusal of entry to allow fuel related inspections.
- Allows State or local fuel tax enforcement officers to inspect fuel tax records.

### **Changes to Heavy Vehicle Use Tax Administration**

- Require display of proof of payment decal/tax certificate on vehicles on which the Heavy Vehicle Use Tax has been paid.
- Eliminate the option of paying the Heavy Vehicle Use Tax in quarterly installments.
- Require that records relating to the Heavy Vehicle Use Tax be available for inspection by Federal and State enforcement agencies with responsibilities for such vehicles or taxes.

## **STATE INFRASTRUCTURE BANK PILOT PROGRAM**

### **Program Purpose**

The purpose of the State Infrastructure Bank (SIB) pilot program is to complement the traditional Federal-aid highway and transit programs by supporting certain projects that can be financed in whole or in part with loans or that can benefit from the provision of credit enhancements. By operating their own loan programs, states can gain more flexibility in financing their transportation projects.

### **Funding/Formula**

- No separate funding is provided for this program.
- To capitalize a state infrastructure bank, a State may contribute up to 10 percent of its allocations for the National Highway System, the Surface Transportation Program, Interstate Maintenance, Bridge and Minimum Guarantee into the highway account of the SIB established by the State.
- A State may also transfer 10 percent of the funds made available to the State, or other Federal transit grant recipient, for capital projects under Urbanized Area Formula Grants, Capital Investment Grants and Loans, and Other Than Urbanized Area programs into the transit account of the SIB established by the State.

### **Program Requirements**

- Limits participation to no more than five States.
- Requires States interested in participating in the program to submit an application for evaluation based on criteria the Secretary establishes and identified in statute.
- Applies the requirements of title 23 and title 49 United States Code to all projects financed by the SIB.
- Establishes separate highway and transit accounts within the SIB.
- Limits the amount of apportioned funds to be transferred to the bank to 10 percent of eligible funding categories.
- Federal guidelines regarding project construction and development apply to all projects financed by SIBS capitalized with Federal funds provided under this Act.

## **TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT (TIFIA) PROGRAM**

Year	2003 (TEA -21)	2004	2005	2006	2007	2008	2009
Authorization	\$ 130 M	\$ 130 M	\$ 130 M	\$ 130 M	\$ 130M	\$ 130M	\$ 130M
Credit Limitation	\$2.6 B	\$2.6 B	\$2.6 B	\$2.6 B	\$2.6 B	\$2.6 B	\$2.6 B

### **Program Purpose**

This program provides secured loans, loan guarantees, and lines of credit from the Federal government for surface transportation infrastructure projects of national or regional significance. Eligibility extends to any highway, transit or railroad project in excess of \$50 million, and can include intermodal facilities, border crossing infrastructure, expansion of multi-State highway trade corridors, and other investments with regional and national benefits. The program leverages Federal funds by requiring private sector participation in project financing.

### **Funding**

- A total of \$780 million of contract authority is provided to pay the estimated cost to the Federal government of providing credit assistance under TIFIA.
- Annual credit assistance of up to \$2.6 billion can be supported by the contract authority.
- Repayment of the Federal credit instruments is required to come from tolls, user fees, or other dedicated revenue sources.

### **Eligible Projects**

Projects must meet certain requirements in order to be eligible for funding under the TIFIA program:

- Any highway or transit project eligible for funding under 23 U.S.C. or 49 U.S.C. 53 is eligible for TIFIA. Other eligible projects may include international bridges; intercity rail or bus projects; and freight rail projects. SAFETEA expands the eligibility of freight rail projects to be consistent with the proposed Freight Transportation Gateways program (section 1205).
- Projects must meet the applicable Federal grant funding rules, including planning, right-of-way acquisition, competitive procurement and Buy America requirements Total eligible project costs must be at least \$50 million. SAFETEA reduces this threshold from the current level of \$100 million.

### **Program Requirements**

- The Secretary selects projects to receive TIFIA credit assistance through a competitive application process administered by the TIFIA Joint Program Office.
- TIFIA projects are selected on the basis of eight statutory criteria, including national or regional significance; creditworthiness; private participation; accelerating project schedules; the use of new technologies; the use of budget authority; environmental stewardship; and the reduction of Federal grant assistance.
- SAFETEA improves the usefulness of the line of credit, making it available to a borrower in order to avoid (instead of simply respond to) an event of default.

### **Federal Share**

The amount of the Federal loan or line of credit may not exceed 33 percent of the anticipated eligible project costs.

## **PRIVATE ACTIVITY BONDS**

### **Proposal Purpose**

The purpose of this proposal is to encourage private participation on surface transportation infrastructure projects by expanding the types of projects eligible for exempt facility bonds to include highway facilities and freight transfer facilities. This allows private entities to operate major infrastructure projects while maintaining the tax-exempt status of the bonds issued to finance the projects. These projects would also be excluded from State volume caps so that they can be advanced without displacing other types of projects eligible for exempt facility bonds.

### **Funding/Formula**

No separate funding is provided for this program.

### **Program Requirements**

- Highway facilities and surface freight transfer facilities are added to a list of other activities eligible for exempt facility bonds.
- Exempt facility bonds issued for highway facilities and surface freight transfer facilities are not subject to the annual volume cap for private activity bonds, but they may not exceed \$15 billion in the aggregate.

## TOLL PROGRAMS

### Program Purpose

- Modifies tolling provisions for Federal-aid highways. The Interstate System Rehabilitation and Reconstruction Pilot Program, established under TEA-21 to permit States to collect tolls on the Interstate for the purpose of reconstructing and rehabilitating Interstate highway corridors, is modified to ease the eligibility requirement for participation in the pilot program.
- The Variable Toll Pricing program, for alleviating congestion and reducing emissions, mainstreams the value pricing concept initiated in a pilot program under ISTEA and TEA-21.

### Funding/Formula

No separate funding is provided for these programs. Toll revenues received under the variable pricing program will first be used for debt service, reasonable return on private fund investments, and operation and maintenance costs. A State or public authority may use excess revenues for eligible Title 23 projects if they certify that the toll facility is being adequately maintained.

### Program Requirements

- *Interstate Toll Pilot:*
  - Replaces strict requirement that tolls must be the only way to improve the facility, with a requirement that tolling be the most efficient, economical, or expeditious way to advance the project.
  - Continues provision limiting the number of pilot projects to 3 Interstate facilities, which must be in different States.
  - Continues requirement that, if a metro area is affected, the metropolitan planning organization must be consulted.
  - Continues limitation on use of toll revenues.
  - Continues to prohibit the use of Interstate Maintenance funds while the facility is being tolled.
- *Variable Pricing Program:*
  - The Secretary may permit tolling on any highway, bridge, or tunnel, including Interstate, to manage existing high levels of congestion or reduce emissions in a nonattainment or maintenance area.
  - Agreement required identifying the goals to be achieved and associated performance measures.
  - Tolls must vary in price according to time of day, as appropriate.
  - State may permit vehicles with fewer than 2 occupants in HOV lanes as part of program.
  - The TEA-21 pilot program is repealed, but a State or public authority may continue to operate under existing agreements.
  - Federal share is not to exceed 80 percent.

## COMMERCIALIZED REST AREA PILOT PROJECTS

### **Program Purpose**

This new program provides authority for States to conduct pilot projects on Interstate Highways that would permit commercial operations at existing or new rest areas.

### **Funding/Formula**

No separate funding is authorized for this program.

### **Program Features**

- Permits rest areas in the pilot projects to include commercial operations that provide goods, services, and information that benefit the traveling public and the commercial motor carrier industry, and as deemed appropriate by the States, including:
  - Commercial advertising and displays if such advertising and media displays are exhibited solely within any facility constructed in the rest area; and not legible from the main traveled way
  - Programs to provide commercial vehicle operators with special services designed to enhance motor carrier and highway safety
  - State promotional or tourism-oriented items.
- States have one year from the date of enactment to submit proposals. Proposals must:
  - Describe the types of goods, services, and information to be provided
  - Include a plan for evaluating the results of the pilot projects
  - Help implement the strategies developed in the “Study of Adequacy of Parking Facilities” (required by TEA-21, sec. 4027)
  - Contain a review and update of the State's action plan for addressing commercial truck parking shortages.
- The States may permit the commercial operations to be run by a private operator.

### **Limitations**

- The Secretary must:
  - Determine that these commercial rest area projects will meet all of the design standards applicable to rest areas on the Interstate system (including lighting, security, and safe access to the Interstate roadway)
  - Consider the benefit to the traveling public and the impact on local businesses
- States must use the net income derived from the commercial operations for projects eligible under 23 USC.

## INTERSTATE MAINTENANCE PROGRAM

Year	2003 (TEA -21)	2004	2005	2006	2007	2008	2009
Authorization	\$4,218M	\$4,100M	\$4,100M	\$4,200M	\$4,400M	\$4,500M	\$4,700M

### Program Purpose

The Interstate Maintenance (IM) program provides funding for resurfacing, restoring, rehabilitating and reconstructing (4R) most routes on the Interstate System.

### Distribution of Funds

- Continues current apportionment formula, including ½ percent minimum combined IM and NHS apportionments.
- Does not extend the authorization in 23 USC 118(c) to set aside funds for the Interstate Maintenance Discretionary program.

### Other Provisions Relating to Interstate Highways

- *Tolling* -- modifies tolling provisions (see separate fact sheet, “Toll Programs”)
  - Modifies Interstate System Rehabilitation and Reconstruction Pilot Program, established under TEA-21 to permit States to collect tolls on the Interstate for the purpose of reconstructing and rehabilitating Interstate highway corridors, to ease the eligibility requirement for participation in the pilot program.
  - Mainstreams variable toll pricing, for alleviating congestion and improving air quality.
- *Commercialized Rest Area Pilot Projects*: Authorizes the Secretary to conduct pilot projects to acquire, construct, operate, convert, and maintain rest areas along Interstate highways. (see separate fact sheet, “Commercialized Rest Area Pilot Projects”)
- *Exemption of the Interstate System*: Exempts the Interstate Highway System, unless determined otherwise by the Secretary, with the advice of the Department of Interior, from consideration under both §303 and §106 processes as an historic property of national, State, or local significance. The exemption would relieve the States and Divisions of being unnecessarily burdened with compliance with these statutes as they work to upgrade or improve the Interstate system. The Advisory Council on Historic Preservation and the Federal Highway Administration are working to achieve the objective of this section through an administrative exemption, using a provision of the regulations that implement Section 106. If we are able to make progress towards such an administrative solution, we will advise the Congress that this additional legislation is no longer needed.
- *Use of High-Occupancy Vehicle (HOV) Lanes*: This section would amend section 102(a) of title 23, U.S.C., to clarify existing law and provide more flexibility to State and local agencies for effective management of HOV facilities.
- *Future Interstate System Routes*: Replaces the 12-year limit with a 25-year limit for designation of routes as future Interstate routes, to provide States ample opportunity to substantially complete construction of those routes, before the States must forfeit future Interstate designation status.

## NATIONAL HIGHWAY SYSTEM PROGRAM

Year	2003 (TEA -21)	2004	2005	2006	2007	2008	2009
Authorization	\$5,061M	\$5,000M	\$5,000M	\$5,100M	\$5,200M	\$5,400M	\$5,500 M

### Program Purpose

This program provides funding for improvements to rural and urban roads that are part of the NHS, including the Interstate System and designated connections to major intermodal terminals. Under certain circumstances, NHS funds may also be used to fund transit improvements in NHS corridors.

### Distribution of Funds

Continues current apportionment formula, including:

- *Territorial Highways Program* Setaside of \$36.4 million for carrying out 23USC 215 (1808(b))
- *Alaska Highway* Extends \$18.8 million annual set-aside, currently authorized through 2002 in 23USC 104(b)(1)(A), for 2004-2009.

*Freight Intermodal Connectors* Creates a new program for freight intermodal connections to the NHS and connectors to strategic military deployment ports. The amount of funds available to a State will be a percentage of its apportionment, determined by the number of miles of (freight/strategic) connectors in a State compared to the total NHS miles in that State; must be at least 2 percent of the State's total NHS apportionment. Exemption from set-aside allowed if State shows that connectors in the State are in good condition and providing an adequate level of service.

### Eligibility

New eligibilities in the use of NHS funds are provided for:

- *Environmental restoration and pollution abatement* To mitigate impacts of any transportation project funded under Title 23 (including the retrofit or construction of storm water treatment systems) to address water pollution or environmental degradation caused or contributed to by transportation facilities.
- *Invasive species control efforts* Allows participation in the control of invasive plant species and the establishment of native species related to projects funded under Title 23, which may include participation in statewide inventories of both invasive and desirable plant species and regional native plant habitat conservation and mitigation plans.
- *Brownfield remediation* Remediation associated with the construction of a project funded under this Title 23 on a brownfield site is eligible.
- *Real-time system management information program* Subject to project approval by the Secretary, a State may obligate NHS funds for activities related to the planning and deployment of real-time monitoring elements.

## FREIGHT TRANSPORTATION GATEWAYS FREIGHT INTERMODAL CONNECTORS

### Program Purpose

The purpose of the Freight Gateways program is to institutionalize freight considerations and needs into the traditional transportation development process and increase investments for intermodal improvements at our major freight gateways and connectors. In the interests of international freight security, quality of life in and around key freight gateways, and in recognition of the expected increase in congestion in these same areas, the Nation’s transportation system and its intermodal connectors must be prepared to accommodate expected traffic increases in an efficient and safe manner.

This program broadens the flexibility of States and metropolitan planning organizations in meeting today’s complex freight challenges through a combination of eligibility changes, innovative finance emphasis, and targeted investment.

Systemic, intermodal improvements for freight movement into and through major trade transport gateways and hubs, and improvements to the transportation infrastructure that connect these gateways to the Nation's mainline transportation networks will relieve congestion related to high levels of truck traffic and facilitate the movement of military vehicles and equipment.

### Funding/Formula

No separate funding is provided. Federal-aid funds may be used as follows:

- *STP – freight gateways*: Adds eligibility to Surface Transportation Program allowing a State to use its STP funds for publicly owned intermodal freight transportation projects that provide community and highway benefits by addressing economic, congestion, security, safety, and environmental issues associated with freight transportation gateways.
- *NHS – intermodal connectors*: Dedicates funds from each State’s NHS apportionment –
  - amount in each State determined by the proportion of freight/STRAHNET(Strategic Highway Network) connector miles in the State compared to the total NHS mileage in the State
  - minimum of 2 percent of State’s NHS apportionment
  - exemption allowed if State shows that connectors in the State are in good condition and providing an adequate level of service.
- *TIFIA*: Definition of “project” for the Transportation Infrastructure Finance and Innovation Act (TIFIA) program is amended to include "a public or private freight rail facility.”
- *Private Activity Bonds*: Surface freight transfer facilities are added to a list of other activities eligible for exempt facility bonds.

### Federal Share

Up to 90 percent Federal share for freight and STRAHNET connector improvements projects.

## **FREIGHT TRANSPORTATION GATEWAYS (Con't.)**

### **Eligibility**

#### *Surface Transportation Program (STP) Funds*

- Publicly-owned intermodal freight transfer facilities
- Access to such facilities
- Operational improvements for such facilities (including capital investment for Intelligent Transportation Systems)

#### *National Highway System (NHS) Funds*

- NHS routes connecting to intermodal freight terminals identified according to criteria set forth in the report to Congress entitled “Pulling Together: The National Highway System and its Connections to Major Intermodal Terminals” dated May 24, 1996, as modified
- STRAHNET connectors to strategic military deployment ports.

### **Program Features**

- Defines 'freight transportation gateway' as a nationally or regionally significant transportation port of entry or hub for domestic and global trade, military mobilization, and includes freight intermodal and Strategic Highway Network connections that provide access to and from these gateways.
- Integration into project development – Each State must ensure that intermodal freight transportation needs are integrated into the project development process, including transportation planning.
- Freight transportation coordinator position – Requires each State to designate a coordinator, who will be responsible for fostering public and private collaboration in regional solutions to freight transportation and freight gateway problems.
- States and localities are encouraged to adopt innovative financing strategies for freight gateway improvements, including new user fees and private sector investment.

## HIGHWAY BRIDGE PROGRAM

Year	2003 (TEA-21)	2004	2005	2006	2007	2008	2009
Authorization	\$3,619 M	\$3,400 M	\$3,500 M	\$3,700 M	\$3,800 M	\$3,900 M	\$4,000 M

### **Program Purpose**

Formerly the Highway Bridge Replacement and Rehabilitation Program, this program provides funds to assist States in improving the condition of their bridges through replacement, rehabilitation, and systematic preventative maintenance.

### **Funding/Formula**

- Continues current apportionment formula, including guaranteed minimum of 0.25 percent to each State, with no State receiving more than 10 percent.
- Eliminates set-aside for Bridge Discretionary program.

### **Program Changes**

- Adds systematic preventive maintenance as an eligible use of funds, consistent with section 116(d) of the NHS Designation Act.
- Removes requirement that a bridge must be determined “significantly important” to be eligible for funding.
- A State may carry out a project for preventive maintenance, seismic retrofit, or install scour countermeasures without regard to whether the bridge is eligible for replacement or rehabilitation.
- *Off-system bridges:*
  - Continues requirement that a minimum of 15 percent of a State’s apportioned funds be expended for bridge projects located on other than Federal-aid highways.
  - Eliminates 35 percent cap.
  - Allows bridge funds to be used for preventive maintenance on off-system bridges.
- Amends *Historic Bridge Program* to correct a conflict with the use of other Federal-aid funds for historic bridge preservation and increases the allowable limits under the Highway Bridge Program.
- Precludes highway bridges from being treated as “water resources projects” under the Wild and Scenic Rivers Act.

## **SURFACE TRANSPORTATION PROGRAM**

Year	2003 (TEA-21)	2004	2005	2006	2007	2008	2009
Authorization	\$5,905M	\$5,102M	\$5,202M	\$5,402M	\$5,514M	\$5,714M	\$5,807M

### **Program Purpose**

The Surface Transportation Program (STP) provides a flexible source of funds to be used on surface transportation infrastructure projects (except local streets and roads currently not eligible).

### **Distribution of Funds**

- Continues current apportionment formula, retaining set asides/sub-allocations for:
  - Railway-Highway Crossing Hazard Elimination in High Speed Rail Corridors -- \$5.25 million per year
  - 10 percent for Transportation Enhancements
  - Not to exceed \$10 million per year each for On-the-Job Training Supportive Services and Highway Skill Training
  - Urbanized areas with populations over 200,000
  - Special rule for areas of less than 5,000 population
- Changes to current set asides:
  - *Safety programs*: eliminates 10 percent set-aside from STP funds for safety construction programs (rail-highway crossings and hazard elimination), which will be funded through the newly created Highway Safety Improvement Program.
  - *Operation Lifesaver*: increases amount of setaside from \$500,000 to \$600,000 per year, to carry out a public information and education program to help prevent and reduce motor vehicle accidents, injuries, and fatalities at railway-highway crossings.
- Creates new set asides for:
  - *Planning Capacity Building*: \$20 million per year for research, program development, information collection and dissemination, and technical assistance to support enhancements in transportation planning.
  - *Bicycle and Pedestrian Safety Grants*: \$500,000 per year for 2004 through 2009 to provide dedicated funding for the continuation of the national bicycle and pedestrian clearinghouse.
  - *Transportation, Community, and System Preservation Program*: \$26 million per year for 2004 through 2009 for “mainstreaming” this former discretionary pilot program.

### **Eligibility**

New eligibilities in the use of STP funds are provided for:

- *Intermodal freight transportation projects*: STP funds may be used for publicly owned intermodal freight transportation projects that address economic, congestion, security, safety, and environmental issues associated with freight transportation gateways. Eligible projects include publicly-owned intermodal freight transfer facilities, access to such facilities, and operational improvements for such facilities (including capital investment for Intelligent Transportation Systems). Projects located in port terminals limited to transportation infrastructure modifications necessary to facilitate direct intermodal access into and out of the port.
- *Environmental restoration and pollution abatement* To mitigate impacts of any transportation project funded under Title 23 (including the retrofit or construction of storm water treatment

## **SURFACE TRANSPORTATION PROGRAM (Con't.)**

- systems) to address water pollution or environmental degradation caused or contributed to by transportation facilities.
- *Invasive species control efforts:* Allows participation in the control of invasive plant species and the establishment of native species related to projects funded under Title 23, which may include participation in statewide inventories of both invasive and desirable plant species and regional native plant habitat conservation and mitigation plans.
- *Brownfield remediation:* Remediation associated with the construction of a project funded under Title 23 on a brownfield site is eligible.
- *Transportation system management and operations:* Funds may be used for regional transportation operations collaboration and coordination activities that are associated with regional improvements, such as traffic incident management, technology deployment, emergency management and response, traveler information, and regional congestion relief.
- *Real-time system management information program:* Subject to project approval by the Secretary, a State may obligate STP funds for activities related to the planning and deployment of real-time monitoring elements.

## APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM PROGRAM

Year	2003 (TEA-21)	2004	2005	2006	2007	2008	2009
Authorization	\$450 M	\$450 M	\$450 M	\$450 M	\$450 M	\$450 M	\$450 M

### **Program Purpose**

The Appalachian Development Highway System (ADHS) Program continues funding for the construction of the Appalachian corridor highways in 13 States to promote economic development and to establish a State-Federal framework to meet the needs of the region.

### **Funding/Formula**

- Funded by contract authority, to remain available until expended.
- Funds are subject to the overall Federal-aid obligation limitation, and will receive no-year obligational authority equal to the authorization level.
- Funds will be apportioned among the States based on the latest available cost to complete estimate prepared by the Appalachian Regional Commission.
- Funds are subject to administrative takedown of up to 1.4 percent .

### **Eligible Use of Funds**

- Funds shall be available to construct highways and local access roads under Section 201 of the 1965 Appalachian Act.
- The use of toll credits is prohibited on the Appalachian Development Highway System.

### **Federal Share**

The Federal share remains at 80 percent.

## FEDERAL LANDS HIGHWAYS PROGRAM

Year	2003 (TEA -21)	2004	2005	2006	2007	2008	2009
Indian Reservation Roads	\$275 M	\$333 M	\$333 M	\$333 M	\$333 M	\$333 M	\$333 M
Recreational Roads		\$50 M	\$50 M	\$50 M	\$50 M	\$50 M	\$50 M
Park Road and Parkways	\$165 M	\$300 M	\$310 M	\$320 M	\$320 M	\$320 M	\$320 M
Refuge Roads	\$20 M	\$30 M	\$30 M	\$30 M	\$30 M	\$30 M	\$30 M
Forest Highways	\$162.4 M	\$200 M	\$200 M	\$200 M	\$200 M	\$200 M	\$200 M
Safety		\$40 M	\$40 M	\$40 M	\$40 M	\$40 M	\$40 M
Public Lands Highways Discretionary	\$83.6 M						
<b>Total</b>	<b>\$706 M</b>	<b>\$953 M</b>	<b>\$963 M</b>	<b>\$973 M</b>	<b>\$973 M</b>	<b>\$973 M</b>	<b>\$973 M</b>

### Program Purpose

The Federal Lands Highway Program (FLHP) provides funding for a coordinated program of public roads, bridges and transit facilities serving Federal and Indian lands.

### Program Structure

- Adds the following new program categories:
  - *Recreational Roads Program* -- provides funding for public roads that provide access to museums, lakes, reservoirs, visitors centers, gateways to major wilderness areas, public use areas, recreation and historic sites for which title is vested in the U.S. Government.
  - *Safety Program* -- provides funding to Federal Land Management agencies for transportation safety improvement projects, collection of safety information, transportation planning, bridge inspections, development and operation of safety management systems, highway safety education programs and other eligible activities under Chapter 4 of title 23, U.S.C.
- Continues the *Forest Highway*, *Indian Reservation Roads*, *Park Road and Parkways*, and *Refuge Roads* programs.
- Discontinues the *Public Lands Discretionary Program*.

### Program Changes

- *Forest Highway Program*: No changes proposed to program procedures, project selection, use of funds or forest highway definition.
- *Federal Share Payable*: Expands the ability of Federal land managing agencies to pay the non-Federal share of any Federal-aid project funded under 23 U.S.C. 104 to all title 23 Federal-aid highway programs and the Federal transit program funded under Chapter 53 of title 49 by using their own appropriated funds or FLHP funds.

## **FEDERAL LANDS HIGHWAYS PROGRAM (Con't.)**

- *Indian Reservation Roads (IRR) Program:* Revises the date on which the new IRR fund distribution formula regulation is published from April 1999 to April 2004, and the year in which the new formula is implemented from October 1999 to October 2004. Allows the use of IRR Bridge funds to be used for design as well as construction. Clarifies that an approved IRR Transportation Improvement Program is needed before entering into contracts or agreements under the Indian Self-Determination and Education Assistance Act.
- *Recreational Roads Program:* Recreation roads under the jurisdiction of the Bureau of Land Management, Bureau of Reclamation, Department of Defense, Forest Service, and U.S. Army Corps of Engineers are now eligible for funding. Maintenance and improvement projects addressed in the land use management plan for the Federal area do not require any additional environmental reviews or assessments.
- *Safety Program:* This program provides dedicated funds for transportation safety improvement projects, collection of safety information, development and operation of safety management systems, transportation planning, bridge inspection, highway safety education programs, and other eligible activities in Chapter 4 of title 23, U.S.C. Funding will be available to the Bureau of Reclamation, Bureau of Indian Affairs, Bureau of Land Management, Forest Service, Fish and Wildlife Service, Military Traffic Management Command, National Park Service and the U.S. Army Corps of Engineers.
- *Refuge Roads:* Expand the use of refuge road funds to include interpretive signage, maintenance of public roads in national fish hatcheries, payment of the non-Federal share of Federal-aid highway and transit projects, and maintenance and improvement of recreational trails. Funding used for trails would be limited to 5 percent of available funding per fiscal year.
- *Park Roads and Parkways:* No changes proposed to program procedures, project selection, use of funds and park road or parkways definitions. Program increases are in alignment with the President's goal to fix roads within national parks.
- *Lake Tahoe (CA/NV) planning and projects:* No change to this part of the program. This provision is moved to Chapter 53 of title 49, U.S.C.

### **Obligation Limitation**

- FLHP funds are subject to the overall Federal-aid obligation limitation each year.
- Program will receive obligational authority equal to the authorization level.
- Full obligation limitation is provided for future fiscal year carryover FLHP funds.

### **Definitions**

- The definition for "forest development roads and trails" was changed to align with terms used by the U.S. Forest Service.
- A definition for "Public Forest Service Road" was added.
- A definition for "recreation roads" was added.
- The new definition for "public lands highway" that was added by TEA-21 was changed to align with current Federal land terms.
- The old definition for "public lands highways" was deleted.
- The definition for "federal lands highway" was changed.

### **Funding Transfers**

Allows direct transfers of apportioned funds to Federal agencies, including the Federal Lands Highways Program, upon State request.

## **FEDERAL LANDS HIGHWAYS PROGRAM (Con't.)**

**Transit** (Note: for more detailed information, see FTA fact sheets)

In addition to FHWA's Federal Lands Highways program, transit funds are authorized for programs on Federal lands as follows:

- Indian Reservation Rural Transit Program provides grants to Indian tribes to establish, operate and maintain rural transit programs on Indian reservations and other tribal lands.
- National Park Legacy Project allows the Secretary to make grants to provide transit service to any Federally owned or managed park, refuge, or recreational area that is open to the general public.

### **Environment**

Refuge roads are exempt from the 4(f) provision.

## **TRIBAL TRANSPORTATION PROVISIONS**

### **Transfer of Highway and Transit Funds**

Allows a State to transfer apportioned Highway Trust Funds to another Federal agency. The project can be administered by the Federal agency under its procedures. This would make it possible for States to transfer funds to the Bureau of Indian Affairs (BIA). The BIA could then administer projects under their procedures including contracting with Indian tribe under the Indian Self-Determination and Education Assistance Act (ISDEAA).

### **Planning Capacity Building Initiative**

Funds could be used to enhance Indian tribes' ability to conduct joint transportation planning. Allows Secretary to enter into grants with tribal governments and tribal consortiums.

### **Federal Lands Highways Program**

- Changes current language in 23 USC 132 for projects undertaken by a Federal agency pursuant to an agreement between State and Federal agency. It adds a method that allows for transfer directly to the Federal agency.
- Current legislation allows all funds under Title 23 to be used by Indian tribes under the ISDEAA. Proposed language allows only funds under Chapter 2 and 125(e) (Emergency Relief) to be used in accordance with the ISDEAA and the approved Indian Reservation Road Transportation Improvement Program (IRR TIP).
- Allows IRR bridge funds to be used for preliminary engineering. Current law only allows the use of funds for construction available after approval of PS&E.
- Provides funds for Federal agencies for safety projects; 15 percent of the total funds to be allocated to BIA. The Secretary of Transportation and Secretary of the appropriate Federal agency may enter into contracts or agreements with Indian tribes for safety projects.

### **Emergency Medical Services**

Provides  $\frac{3}{4}$  of one percent to the Secretary of Interior for coordination of the Nationwide Emergency Medical Services Program.

### **Tribal Technical Assistance Centers**

Establishes the Federal share of the cost of the activities to be 100 percent.

### **Formula Grants for Other Than Urbanized Areas**

Establishes an Indian Reservation Rural Transit Program for States to provide transit funds to tribal governments. Provides for distribution of funding based on a plan developed by the State.

### **Transportation Planning**

Moves the Metropolitan and Statewide Planning provisions from sections 134 and 135 in Title 23 USC and Chapter 53 of Title 49 into a new chapter 52 of Title 49. Proposed sections include:

- Each State shall consider, at a minimum the concerns of Indian tribal governments.
- The statewide transportation plan shall be developed in consultation with the tribal governments.
- State Transportation Improvement Program (STIP) shall be developed in consultation with the tribal governments.

**INTELLIGENT TRANSPORTATION SYSTEMS  
PERFORMANCE INCENTIVE PROGRAM**

Year	2003 (TEA-21)	2004	2005	2006	2007	2008	2009
Authorization	\$ 85 M *	\$135 M	\$135 M	\$135 M	\$135 M	\$135 M	\$135 M

\* For comparability, the TEA-21 authorization for ITS Integration Program is shown

**Program Purpose**

This is a new formula program designed to provide States with financial incentives to support the deployment and integration of intelligent transportation systems based on the performance of these systems in reducing traffic congestion, improving transportation system reliability, providing better service to users of the highway system, and improving safety and security. This program builds upon the ITS Integration Program, a discretionary deployment incentives program authorized in TEA-21.

**Funding/Formula**

- Funds are subject to the overall Federal-aid obligation limitation.
- Requires the Secretary to issue regulations establishing a funding formula based on criteria that reflect each State's:
  - Reductions in delay due to incidents
  - Improvements in the operation and safety of signalized intersections
  - Reductions in delay and improvements in safety of work zones on the National Highway System
  - Improvements in the efficiency and reliability of transit services
  - Overall improvement in integrated regional transportation operations
  - Improvements in the quality and availability of traveler information
  - Improved crash notification; and
  - Improvements in the safety and productivity of commercial vehicle operations on the National Highway System.
- Until the formula is established, funds will be apportioned to the States according to the National Highway System (NHS) formula.
- Once established, the formula will be phased in over a 3-year period as follows:
  - First fiscal year -- 50 percent according to the new formula, 50 percent according to the NHS formula.
  - Second fiscal year -- 75 percent according to the new formula, 25 percent according to the NHS formula.
  - Third and subsequent fiscal years -- entirely based on the new formula.

**Use of Funds**

- For projects involving planning, deployment, integration, and operation of intelligent transportation systems, or any other project or activity designed to further improve system operations.
- Funds should be made available for projects in metropolitan planning areas, corridors, and other regions as appropriate.

**Federal Share**

The Federal share payable will be 80 percent with exceptions provided for in section 120(b) of title 23.

## **REAL-TIME SYSTEM MANAGEMENT INFORMATION PROGRAM**

### **Program Purpose**

This new program is designed to establish the nationwide capability to monitor, in real-time, the traffic and travel conditions of our Nation's major highways and to widely share that information to improve the security of the surface transportation system, address congestion problems, support improved response to weather events, and facilitate national and regional traveler information.

### **Funding/Formula**

- No separate funds are provided.
- Expanding eligibilities of current programs as follows:
  - Planning and deployment of real-time monitoring elements will be eligible use of National Highway System (NHS) and Surface Transportation Program (STP) funds
  - Planning of real-time monitoring elements would also be eligible under State Planning and Research Funds (SPR).

### **Program Requirements**

- Requires the Secretary to establish data exchange formats (for disseminating data among public sector entities and with the private sector) within one year of enactment of the bill.
- Requires each State to establish a statewide incident reporting system within two years of enactment of this bill.
- Directs State and local governments to explicitly address real-time highway and transit needs and the systems needed to meet those needs including coverage, monitoring systems, data fusion and archiving, and methods of information sharing and exchange within their intelligent transportation system regional architecture.
- Encourages States to incorporate explicitly the data exchange formats developed by the Secretary.

## COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS

Year	2003 (TEA -21)	2004	2005	2006	2007	2008	2009
Authorization	\$ 35.5 M *	\$ 25 M	\$ 25 M	\$ 25 M	\$ 25M	\$ 25M	\$ 25M

\* For comparability, the TEA -21 authorization for Commercial Vehicle ITS Infrastructure Deployment is shown

### **Program Purpose**

The purpose of this program is to advance the technological capability and promote the deployment of intelligent transportation system applications for commercial vehicle operations, including commercial vehicle, commercial driver, and carrier-specific information systems and networks. These funds will complete the core development of Commercial Vehicle Information Systems and Networks (CVISN) and encourage expanded deployment through grants to States.

### **Funding/Formula**

Funds are subject to the overall Federal-aid obligation limitation and will receive obligational authority equal to the authorization level.

### **Program Requirements**

- *Core deployment grants:* Eligible States may receive an aggregate amount not to exceed \$2.5 million, including funds previously received for CVISN core deployment (under sections 4001(e) and 5001(a)(5) and (6) of TEA-21).
- *Expanded deployment grants:* Each year, any remaining funds not distributed as core deployment grants may be distributed as expanded deployment grants equally among eligible States, but not to exceed \$1 million per State.
- Funds may only be used for the core or expanded deployment of CVISN.
- In order to qualify for core deployment grants, States must:
  - Have a CVISN program plan;
  - Certify that its CVISN deployment is consistent with the national ITS architecture and standards; and
  - Agree to interoperability tests.
- States with completed CVISN core deployments will be eligible for expanded deployment grants.

### **Federal Share**

Federal share is 50 percent for CVISN funds, up to 80 percent total (from all eligible sources).

## INFRASTRUCTURE PERFORMANCE AND MAINTENANCE PROGRAM

Year	2003 (TEA -21)	2004	2005	2006	2007	2008	2009
Authorization	NA	\$1,000 M	\$1,000 M	\$1,000 M	\$1,000 M	\$1,000 M	\$1,000 M

### **Program Purpose**

This is a new program to fund projects that preserve existing highway facilities or alleviate traffic chokepoints, particularly those “ready-to-go” projects that will produce immediate benefits while avoiding long-term commitment of funds.

### **Funding/Formula**

- Funds will be apportioned to the States (including the District of Columbia and Puerto Rico) using the same formula that is currently used to apportion STP funds. Each State shall receive a minimum ½ of 1 percent.
- Funds are contract authority, but are not subject to any deduction or set-aside requirement. Funds are available only for one year, and any funds not obligated by the end of the year in which they are apportioned will lapse.
- Funds will be subject to the overall Federal-aid highways obligation limitation, and will receive obligation limitation in an amount equal to contract authority (100 percent).
- Funds must be obligated by a State within six months of apportionment or they will be withdrawn, along with accompanying obligation limitation, and redistributed to States that have fully obligated their initial apportionment and demonstrated that they are able to obligate additional funds before the end of that fiscal year.

### **Transfer of Funds**

Funds under this program cannot be transferred to another Federal agency or any other program.

### **Eligibility**

Only highway projects that are already eligible under the Interstate Maintenance Program, National Highway System Program, or the Surface Transportation Program will be eligible for funding.

Projects must:

- Cost-effectively preserve, maintain, or otherwise extend the useful life of existing highway infrastructure elements, or
- Provide operational improvements, including traffic management and intelligent transportation system strategies and limited capacity enhancements, at points of recurring highway congestion.

### **Federal Share**

The Federal share payable will be determined by the location of the project (e.g., Interstate, 90 percent)

## **TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS**

### **Program Purpose**

The purpose of this section is to facilitate the effective integration of transportation systems management and operations activities, programs and projects into existing transportation programs and processes.

### **Funding/Formula**

- No separate funding is provided.
- Expands eligibilities of regular Federal-aid highway program funds as follows:
  - Makes improvements to transportation systems management and operations eligible under Congestion Mitigation and Air Quality Improvement Program (CMAQ)
  - Regional transportation operations collaboration and coordination would be added to the list of eligible activities under Surface Transportation Program (STP)

### **Program Requirements**

- Provides a definition for transportation system management and operations.
- Amends several existing definitions, including the definition of “construction” and adds new language to allow procurement flexibility necessary to take advantage of advanced operational practices and advanced technology.
- Authorizes the Secretary to improve regional transportation systems management and operation by encouraging:
  - Regional operations collaboration and coordination activities between transportation and public safety agencies
  - States to establish a system of basic real-time monitoring capability for the surface transportation system and provide the capability and means to share that data.

## **SURFACE TRANSPORTATION SYSTEM PERFORMANCE PILOT PROGRAM**

### **Program Purpose**

The purpose of this new pilot program is to test and evaluate the viability of allowing States the flexibility to manage their programs on a systematic, performance basis, across the programmatic lines by which the Federal-aid highway program is normally structured. The pilot will demonstrate the benefits of performance-based management and help determine how such an approach can be best incorporated into an effective Federally-assisted, State administered Federal-aid highway program.

### **Funding/Formula**

- No separate funding is provided -- this is an experiment in the management and use of a State's regular Federal-aid highway apportionments.
- Up to 5 States will be selected to participate. The Secretary will work closely with potential pilot States to determine ways to build into program-level oversight performance measures that reflect both State and national interests and to apply them with specific measurement of program effectiveness.

### **Apportionments:**

- State must enter into an agreement with the Secretary on performance goals and measures prior to receiving any apportionments.
- State may obligate funds apportioned to it under the following programs for any purpose for which Federal funds may be obligated by a State under 23USC:
  - Interstate Maintenance (IM)
  - National Highway System (NHS)
  - Surface Transportation Program (STP) (must reserve 10 percent for transportation enhancements)
  - Highway Safety Improvement Program
  - Minimum Guarantee
  - Bridge
- Individual projects may be advanced solely with Federal funds, but the State must agree to maintain its total (State and Federal) program expenditures at least at the average level of the three previous fiscal years.
- This pilot program will terminate six years following enactment of the Act, but funds obligated under the program will continue to be administered under the terms of the pilot program until expended.

### **Federal Share**

May be up to 100 percent (except for transportation enhancements).

## **SURFACE TRANSPORTATION SYSTEM PERFORMANCE PILOT PROGRAM (Con't.)**

### **Qualification Requirements**

- Applications will be prioritized by the Secretary according to the degree to which they address the following:
  - Long-term and short-term transportation goals
  - Plan for addressing any areas of national strategic importance (must include national security, interstate commerce, mobility, safety, and environmental stewardship)
  - Performance measures under which to measure progress and success toward reaching its goals
  - Planned method of distributing funding equitably across the State (including to urbanized areas with populations in excess of 200,000 population) and consultation with local government.
- A State must provide the public notice and opportunity to comment on its intent to participate in the pilot program at least 20 days prior to submitting the application.

### **Program Features**

- The Secretary and a State may agree that a State will:
  - Assume all or some of the Secretary's responsibilities under any Federal law, except for the responsibilities relating to Federally recognized tribes, for projects constructed with Federal funds under this pilot program.
  - Be subject to Federal laws to the same extent a Federal agency would.
- State must certify:
  - That it has laws and regulations that authorize the State to take actions necessary to carry out the assumed responsibilities
  - That it has laws and regulations comparable to the Federal Freedom of Information Act, reviewable by a court of competent authority
- The Secretary and participating State must enter into agreements annually on:
  - Assumption of responsibilities
  - Long and short-term goals
  - Performance measures

### **Limitations:**

- Secretary may not be relieved of any responsibilities under:
  - Title VI of the Civil Rights Act of 1964
  - Major project requirements under 106(h) of Title 23
  - Statewide and metropolitan planning requirements
  - Rulemaking authority under any Federal law
- States must meet annual certification and reporting requirements for obligation of funds and assessment of the program.

### **Termination of Participation**

- If a participating State fails to comply with any provisions of the section, the Secretary will take such actions as necessary to ensure compliance (including termination of the State's participation in the pilot program).
- If a State fails to meet the agreed upon performance measures in two consecutive years, then that State's participation in the pilot program will be terminated.

## **EMERGENCY RELIEF**

Year	2003 (TEA -21)	2004	2005	2006	2007	2008	2009
Authorization	\$100 M	\$200 M	\$200 M	\$200 M	\$200 M	\$200 M	\$200 M

### **Program Purpose**

The emergency relief (ER) program provides funds for the repair or reconstruction of Federal-aid highways and roads on Federal lands that have suffered serious damage as a result of

- Natural disasters, or
- Catastrophic failures from an external cause.

### **Funding/Formula**

Increases permanent annual funding authorization in 23 USC 125 from \$100 million to \$200 million. The increase will help to address the frequently encountered backlog of unmet needs and resulting need for annual supplemental appropriations.

## PROGRAM ADMINISTRATION

Listed below are brief descriptions of some SAFETEA provisions for which a separate fact sheet was not prepared.

### **Federal Share**

- *Sliding scale:* Amends 23 USC 120 to: (1) simplify the calculation of the sliding scale applicable to all projects; (2) remove the requirement for a State electing the increased Federal share to enter into an agreement; and (3) require a revision to the rates as needed.
  - Makes Recreational Trails funds eligible for sliding scale.

### **Certification of Public Road Mileage**

Eliminates the requirement that only the Governor can certify a State's public road mileage, which is one of the factors used to determine the funding each State receives for its highway safety program.

### **Critical Real Property Acquisition**

Provides that, in certain circumstances, Title 23 funds may participate in a State's costs incurred in acquiring parcels of real property, considered to be critical for any project proposed for funding under Title 23, prior to the completion of environmental reviews for property acquisition.

### **Federal Acquisition of Rights-of-Way**

- Simplifies and expedites the processes by which FHWA acquires right-of-way on behalf of State transportation departments, primarily in situations where the State cannot acquire the land on its own.
- Does not expand FHWA's acquisition authority and does not affect the current planning and environmental coordination that occurs prior to right-of-way acquisition.

### **Stewardship and Oversight**

- Requires the Secretary to establish an oversight program to monitor the effective and efficient use of funds authorized under Title 23, with a specific focus on financial integrity and project delivery.
- The Secretary is required to develop minimum standards for estimating project costs and to perform reviews of cost estimating practices and control.
- Under current law, projects under Title 23 with an estimated total cost of \$1 billion or more are required to submit an annual financial plan to the Secretary. SAFETEA adds a requirement to submit a project management plan for any such project and allows the Secretary to require the financial and project management plans for other projects at his discretion. In addition, States must develop annual financial plans for projects with a total cost estimate of \$100 million, to be made available for the Secretary's review if requested.

### **Territorial Highway Program**

- Updates and consolidates as much as possible in one place (23 USC 215) the statutory provisions in Title 23 governing the territorial highway program.
- Continues the current funding level for the program at \$36,400,000 per fiscal year. An equal amount of obligation authority will accompany the authorized funding.

## **PROGRAM ADMINISTRATION (Con't.)**

### **Future Interstate System Routes**

Replaces the 12-year limit with a 25-year limit for designation of routes as future Interstate routes, to provide States ample opportunity to substantially complete construction of those routes, before the States must forfeit future Interstate designation status.

### **Donations and Credits:**

Expands provisions in 23 USC 323 to include the value of donated services provided by local government employees, as already allowed for services donated by a person, to be credited to the non-Federal share for projects funded under Title 23 funds.

### **Design-Build**

Eliminates minimum dollar requirement for project to qualify.

### **International Ferries**

Allows a territory of the United States to undertake a ferryboat project using Federal funding even though there may be international waters between the islands comprising the territory.

### **Program Efficiencies – Finance**

- *Advance construction:* Amends provisions in 23 USC 115 to ease requirements and clarify use of advance construction funding.

## TRANSPORTATION ENHANCEMENTS

### **Program Purpose**

Transportation enhancements (TE) are transportation-related activities that strengthen the cultural, aesthetic, and environmental aspects of the Nation's transportation system.

### **Funding/Formula**

Retains the 10 percent transportation enhancements set-aside of Surface Transportation Program (STP) funds.

### **Eligible Activities**

Continues eligibility for any of the following activities, if such activity relates to surface transportation:

- Provision of facilities for pedestrians and bicycles
- Provision of safety and educational activities for pedestrians and bicyclists
- Acquisition of scenic easements and scenic or historic sites,
- Scenic or historic highway programs (including the provision of tourist and welcome center facilities)
- Landscaping and other scenic beautification
- Historic preservation
- Rehabilitation and operation of historic transportation buildings, structures, or facilities (including historic railroad facilities and canals)
- Preservation of abandoned railway corridors (including the conversion and use thereof for pedestrian or bicycle trails)
- Control and removal of outdoor advertising
- Archaeological planning and research
- Environmental mitigation to address water pollution due to highway runoff or reduce vehicle-caused wildlife mortality while maintaining habitat connectivity
- Establishment of transportation museums.

### **Assumption of Responsibilities**

- Allows the Secretary to assign to a State agency some or all of the Department's responsibilities under Federal law, except responsibilities relating to Federally recognized tribes, for activities that are eligible under Transportation Enhancements (whether funded from the TE set-aside or from other Title 23 funds, such as other STP, Minimum Guarantee, or the Congestion Mitigation and Air Quality Improvement Program). The State agency would assume full responsibility for complying with such laws and, consequently, full liability for any failure to comply.
- Requires a memorandum of understanding (MOU) between the Secretary and the State, setting forth the terms and conditions of assignment and assumption of responsibility, including State consent to accept the jurisdiction of Federal courts. MOU must be renegotiated every three years. The Secretary must conduct annual compliance reviews for the first three years, and periodically thereafter.
- States may continue to provide TE subgrants to tribal governments.

## TRANSPORTATION, COMMUNITY, AND SYSTEM PRESERVATION PROGRAM

Year	2003 (TEA -21)	2004	2005	2006	2007	2008	2009
Authorization	\$25 M *	\$26 M	\$26 M	\$26 M	\$26 M	\$26 M	\$26 M

\* Funding for TCSP Pilot program in TEA-21 was a separate authorization.

### **Program Purpose**

The purpose of this program is to encourage projects that will facilitate the planning, development, and implementation of strategies by States, Metropolitan Planning Organizations, federally-recognized tribes and local governments to integrate transportation, community, and system preservation plans and practices that improve the efficiency of the transportation system; reduce the impacts of transportation on the environment; reduce the need for costly future investments in public infrastructure; provide efficient access to jobs, services, and centers of trade; and examine development patterns and identify strategies to encourage private sector development patterns which achieve these goals.

### **Funding/Formula**

- Program will be funded through a \$26 million set-aside from the Surface Transportation Program (STP) in each of fiscal years 2004-2009.
- The funds will be apportioned as follows:
  - \$500,000 per year to each State, including D.C. and Puerto Rico
  - States must also make funds available to MPOs, federally-recognized tribes, and local governments in a manner and in amounts to be determined by the State
- *Note: The TCSP pilot program in TEA-21 had a separate authorization, and the Secretary awarded funds to individual projects.*

### **Assumption of Responsibility**

- Allows the Secretary to assign to a State some or all of the Department’s responsibilities under Federal law, except responsibilities relating to federally-recognized tribes, that are applicable to TCSP projects. The State would assume full responsibility for complying with such laws and, consequently, full liability for any failure to comply.
- Requires a memorandum of understanding (MOU) between the Secretary and the State, setting forth the terms and conditions of assignment and assumption of responsibility, including State consent to accept the jurisdiction of Federal courts. MOU must be renegotiated every three years. The Secretary must conduct annual compliance reviews for the first three years, and periodically thereafter.

## **BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS**

### **Purpose**

Many Federal programs provide for the construction of pedestrian walkways and bicycle transportation facilities and for carrying out nonconstruction projects related to safe pedestrian and bicycle use.

### **Funding/Formula**

- SAFETEA continues the broad eligibility for bicycle and pedestrian projects and programs under all Federal-aid funding categories.
- SAFETEA establishes an annual set-aside of \$500,000 from the Surface Transportation Program (STP), to provide dedicated funding for the continuation of the national bicycle and pedestrian clearinghouse.

### **Program Changes**

- Explicitly allows STP and CMAQ funds to be used for nonconstruction pedestrian safety projects. Current law only mentions pedestrian and bicycle construction projects and nonconstruction bicycle safety projects.
- Current language says when bridges are rehabilitated and/or replaced, facilities for bicyclists shall be provided on the bridge structure if there is existing bicycle use at each end of the bridge. Proposed language adds a requirement for pedestrian facilities on the bridge structure when there is existing pedestrian use at each end of the bridge.
- Reauthorizes a national bicycle and pedestrian clearinghouse to develop information and educational programs and to disseminate techniques and strategies for improving bicycle and pedestrian safety.
- Allows charging of user fees for maintenance and operation for shared use paths. Eligibility extends to paths not within highway right-of-way and does not apply to sidewalks or bicycle lanes, regardless of their location.
- The new Highway Safety Improvement Program specifically includes pedestrian and bicyclist safety in the list of eligible safety improvement projects.

### **Federal Share**

The Federal share of the construction of bicycle transportation facilities and pedestrian walkways and for carrying out non-construction projects related to safe pedestrian and bicycle use shall be the same as for other highway programs.

## CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM

Year	2003 (TEA -21)	2004	2005	2006	2007	2008	2009
Authorization	\$1,434 M	\$1,100 M	\$1,462 M	\$1,500 M	\$1,600 M	\$1,600M	\$1,600M

### Program Purpose

The primary purpose of the Congestion Mitigation and Air Quality Improvement Program (CMAQ) is to fund projects and programs in air quality nonattainment and maintenance areas for ozone, carbon monoxide (CO), and particulate matter which reduce transportation related emissions.

### Funding/Formula

- Changes the apportionment formula to include nonattainment and maintenance areas for fine particulate matter (PM-2.5) and for ozone under the new 8-hour standard. PM-2.5 areas are given the same weighting factor as current serious nonattainment areas for the 1-hour ozone standard.
  - *Note: EPA is expected to designate fine PM and 8-hour ozone areas as nonattainment in 2004, resulting in a large expansion in the number of U.S. citizens living in nonattainment areas.)*
- With respect to carbon monoxide, eliminates additional funding, previously provided for CO pollution, to counties that are not part of a CO nonattainment or maintenance area. Funding provided for ozone pollution is not affected under this provision.
- Allows Secretary to use 0.5 percent each year from the annual CMAQ apportionments for a national program of evaluation and assessment.

### Eligible Projects

- Clarifies that projects in nonattainment and maintenance areas must reduce emissions that contribute to the attainment or maintenance of the National Ambient Air Quality Standard (NAAQS) for the given pollutant.
- Clearly identifies eligibility for projects or programs to reduce vehicle emissions specifically citing truck, school bus and transit bus heavy-duty diesel retrofits.
- Changes eligible projects to include scrappage programs to remove high emitting vehicles from operation.

### Program Requirements

- Projects must contribute to air quality maintenance by reducing emissions through new or enhanced transportation facilities or services, rather than merely maintaining existing transportation facilities or services.
- Projects that reduce emissions of the pollutant or precursor that provides the greatest likelihood of contributing to attainment or maintenance of the associated criteria pollutant would receive priority.
- The metropolitan planning organization or State is encouraged to consult with the State air quality agency to review estimated emissions reductions of proposed CMAQ projects and programs.

**RECREATIONAL TRAILS PROGRAM**

Year	2003 (TEA -21)	2004	2005	2006	2007	2008	2009
Authorization	\$50 M	\$60 M	\$60 M	\$60 M	\$60 M	\$60 M	\$60 M

**Program Purpose**

The Recreational Trails Program (RTP) provides funds to develop and maintain recreational trails for motorized and non-motorized recreational trail users.

**Funding/Formula**

- Continues current apportionment formula: 50 percent equally among all eligible States and 50 percent in proportion to the amount of non-highway recreational fuel use (fuel used for off-highway recreation by snowmobiles, all-terrain vehicles, off-highway motorcycles, and off-highway light trucks).
- Funds are subject to the overall Federal-aid obligation limitation.
- State must spend at least 10 percent of RTP funds for grants, cooperative agreements, or contracts with qualified youth conservation or service corps to perform recreational trails program activities.

**Program Changes**

- State Recreational Trails Committees:
  - Strengthens committees to assure enhanced representation and public participation.
  - Expands concept of 30 percent minimum motorized and non-motorized funding to the committee membership.
  - If a State does not meet the committee requirements within a fiscal year, it is not eligible for an apportionment in the following fiscal year.
- Eliminates authority of a State recreational trail advisory committee to waive the requirement that 30 percent of a State’s apportionment for a fiscal year be used for uses relating to motorized recreation and another 30 percent be used for uses relating to non-motorized recreation.
- Exempts the RTP from certain requirements more appropriate for large highway projects:
  - Highway contracting requirements and requirements for Federal-aid highways
  - Maintenance of the Federal-aid highway system by State Dep’ts of Transportation
  - State and Metropolitan Planning requirements
  - Bicycle Transportation and Pedestrian Walkways requirements
  - Use of Highway Tolls

**Assumption of Responsibility**

- Allows the Secretary to assign to a State some or all of the Department’s responsibilities under Federal law, except responsibilities relating to Federally recognized tribes, that are applicable to RTP projects. The State would assume full responsibility for complying with such laws and, consequently, full liability for any failure to comply.
- Requires a memorandum of understanding (MOU) between the Secretary and the State, setting forth the terms and conditions of assignment and assumption of responsibility, including State consent to accept the jurisdiction of Federal courts. MOU must be renegotiated every three years. The Secretary must conduct annual compliance reviews for the first three years, and periodically thereafter.

## **RECREATIONAL TRAILS PROGRAM (Con't.)**

NOTE: States may continue to provide RTP subgrants to tribal governments.

### **Eligible Use of Funds**

- Permissible use of RTP funds apportioned to States amended to add:
  - Assessment of trail conditions for accessibility and maintenance.
  - Use of trail crews or youth conservation or service corps to perform recreational trails activities
- Broadens uses of RTP educational funds (limited to 5 percent of a State's apportionment) to include:
  - Support of non-law enforcement trail safety
  - Trail use monitoring patrols
  - Trail related training
- Permits RTP funds to be used as non-Federal share on other eligible Federal projects.

### **Federal Share**

- Federal share changed from a strict 80 percent to the sliding scale share used in the Federal-aid highway program.
- Pre-approval planning and environmental compliance costs can now be credited toward the non-Federal share for RTP projects, limited to costs incurred less than 18 months prior to project approval.

## NATIONAL SCENIC BYWAYS PROGRAM

Year	2003 (TEA-21)	2004	2005	2006	2007	2008	2009
Authorization	\$26.5 M	\$31.5 M	\$31.5 M	\$31.5 M	\$31.5 M	\$31.5 M	\$31.5 M

### Program Purpose

The National Scenic Byways Program provides for the designation by the Secretary of roads that have outstanding scenic, historic, cultural, natural, recreational, and archaeological qualities as All-American Roads (AAR), National Scenic Byways (NSB), or the new inclusive term “America’s Byways.” The program also provides funding for scenic byway projects on an AAR, an NSB, one of America’s Byways, or a State-designated scenic byway, and for planning, designing, and developing State scenic byway programs.

### Funding/Formula

- Funds are subject to the overall Federal-aid obligation limitation, and will receive obligational authority equal to the authorization level.
- Grants are awarded by the Secretary to:
  - Implement eligible projects on designated highways
  - Plan, design, and develop a State scenic byway program

### Program Characteristics

- Recognizes the inclusive term “America’s Byways,” that encompasses both National Scenic Byways (NSB’s) and All-American Roads (AAR’s).
  - *Note:* If State and byway representatives reach consensus on establishing a single designation category, then these amendments would provide the Secretary with the authority to use any of the three terms – National Scenic Byways, All-American Roads, or America’s Byways – as the single designation.
- Continues the designations of AARs and NSBs in accordance with criteria developed by the Secretary.
- Continues the requirement that a road be designated as a State scenic byway or a Federal land management agency byway before being considered for national designation.

### Eligibility

- Eligibility is expanded to include research, technical assistance, marketing and promotion projects and activities:
  - Including the Center for National Scenic Byways in Duluth, Minnesota
  - Giving priority to partnerships that leverage Federal funds
- Passing lanes are removed from eligibility.

### Federal Share

Federal share of the cost of projects or activities is 80 percent, except that:

- Federal Land management agencies may use their authorized funds for non-Federal match on Federal or Indian lands
- Research, technical assistance, marketing and promotion projects may be up to 100 percent

## **SURFACE TRANSPORTATION ENVIRONMENT AND PLANNING COOPERATIVE RESEARCH PROGRAM**

### **Program Purpose**

Creates a public-private cooperative research program in surface transportation-environment research to support the Nation's growth and meet public expectations for an improved transportation system (replaces the Surface Transportation-Environment Cooperative Research program in section 507 of Title 23).

### **Funding/Formula**

- FHWA would provide seed money to assist in the creation and implementation of this program, from a portion of the overall Surface Transportation Research, Development, and Deployment Program authorization.
- In addition to using funds authorized for this section, the organization that administers this program may seek and accept additional funding sources from public and private entities and be capable of attracting and accepting funding from the United States Department of Transportation, Environmental Protection Agency, Department of Energy, Fish and Wildlife and other Federal environmental agencies, states, local governments, nonprofit foundations, and the private sector.

### **Program Characteristics**

The program will be a collaborative public-private effort with an advisory body to create the agenda, involve stakeholders, carry out and evaluate research, and communicate findings. Research will focus on major, multi-year initiatives to advance knowledge and understanding of complex transportation-environment topics such as:

- Human health
- Ecology and natural systems
- Environmental and social justice
- Emerging technologies
- Land use
- Planning and performance measures
- Additional priorities

## TRANSPORTATION, ENERGY, AND ENVIRONMENT

Year	2003 (TEA - 21)	2004	2005	2006	2007	2008	2009
Authorization	\$0M	\$4.0M	\$3.0M	\$3.0M	\$3.0M	\$3.0M	\$3.0M
Highway Account of the Highway Trust Fund	\$0M	\$3.6M	\$2.2M	\$2.2M	\$2.2M	\$2.7M	\$2.7M
Mass Transit Account of the Highway Trust Fund	\$0M	\$0.4M	\$0.3M	\$0.3M	\$0.3M	\$0.3M	\$0.3M
Airport and Airway Trust Fund	\$0M	\$0.0M	\$0.5M	\$0.5M	\$0.5M	\$0.0M	\$0.0M

### **Program Purpose**

The Transportation, Energy, and the Environment section provides funds for a multimodal energy and climate change program to study the relationship of transportation, energy, climate change and climate variability as part of the National Climate Change Technology Initiative and the Climate Change Research Initiative. The activities would enable DOT to participate in national efforts to ensure energy security and reduce greenhouse gas emissions.

### **Distribution of Funds**

The Secretary may use the authorized funds independently, or make grants to, or enter into contracts or cooperative agreements with, government bodies, private entities, or institutions of higher education.

### **Eligibility**

- New eligibilities in the use of these funds include, but are not limited to research to:
  - Identify, develop and evaluate policies and strategies to improve energy efficiency and reduce greenhouse gas emissions from transportation sources;
  - Identify and evaluate the potential effects of climate change and variability on the nation's transportation systems, and strategies to address these effects;
- Activities to be undertaken in this program will be determined by an internal steering committee established by the Secretary of Transportation. The intermodal steering committee will include representatives from the Office of the Secretary and operating administrations of the Department as designated by the Secretary.

## **ENVIRONMENTAL STEWARDSHIP**

### **Funding for Environmental Programs**

Authorizes six-year funding totals at the following levels:

- CMAQ at \$ 8.9 billion, plus a portion of Minimum Guarantee funds
- Transportation Enhancements at 10 percent of the STP
- Park Roads & Parkways and Recreation Roads (to help fulfill President's National Park Legacy) at \$ 2.2 billion
- Recreational Trails at \$360 million
- Scenic Byways at \$189 million
- TCSP at \$156 million

### **Historic Preservation Staffing**

Authorizes States to use title 23 funds to assist State historic preservation offices, tribal historic preservation offices, or the Advisory Council on Historic Preservation in securing the resources needed to expedite historic preservation reviews. Directs the Secretary to encourage States to use this authority.

### **Modification To NHS/STP For Invasive Species, Wetlands, Brownfields, and Environmental Restoration**

Modifies the eligibility requirements of the National Highway System (NHS)/Surface Transportation Program (STP) programs as follows:

- *Environmental restoration* – adds new eligibility for NHS funds, and expands existing STP eligibility to apply to any STP project (currently applies only to reconstruction, rehabilitation, resurfacing, or restoration projects), to mitigate impacts of any transportation project funded under Title 23 (including the retrofit or construction of storm water treatment systems) to address water pollution or environmental degradation caused or contributed to by transportation facilities.
- *Invasive Species* – for both NHS and STP, adds new eligibility to allow participation in the control of invasive plant species and the establishment of native species related to projects funded under Title 23, which may include participation in statewide inventories of both invasive and desirable plant species and regional native plant habitat conservation and mitigation plans.
- *Brownfield remediation*—for both NHS and STP, adds eligibility to allow participation in the remediation associated with the construction of a project funded under this Title 23 on a brownfield site.

### **Context Sensitive Design**

Promotes context sensitive design by directing the Secretary to encourage the States to design projects that:

- Allow for the preservation of environmental, scenic, community, and/or historic values;
- Ensure safe use of the facility for both passenger and freight movement;
- Provide for consideration of the context of the locality;
- Encourage access for other modes of transportation; and
- Comply with 23 U.S.C. 109(a).

### **Use Of High-Occupancy Vehicle (HOV) Lanes**

Amends section 102(a) of title 23, U.S.C., to clarify existing law and provide more flexibility to State and local agencies for effective management of HOV facilities.

## **ENVIRONMENTAL STEWARDSHIP (Con't.)**

### **Idling Reduction Facilities In Interstate Rights-Of-Way**

Allows States to provide electrical facilities in Interstate rights-of-way to allow commercial vehicle operators to turn off their engines while parked and still have heating, air conditioning, electricity, and communication in the vehicle.

### **Historic Bridges**

- Increases the amount of bridge program funds that can be used to preserve historic bridges no longer used for motorized vehicle traffic from the estimated cost of demolition to twice the estimated cost of demolition.
- Clarifies that funding limitations for rehabilitating historic bridges apply only to bridge program funds and not to other categories of funds, such as transportation enhancements.

### **Assumption of Responsibility for Transportation Enhancements, Recreational Trails, and Transportation and Community and System Preservation Program Projects**

- Allows the Secretary to assign to a State agency some or all of the Department's responsibilities under Federal law, except responsibilities relating to Federally recognized tribes, that are applicable to Transportation Enhancement, Recreational Trails, and Transportation and Community and System Preservation Program projects. The State agency would assume full responsibility for complying with such laws and, consequently, full liability for any failure to comply.
- Requires a memorandum of understanding (MOU) between the Secretary and the State, setting forth the terms and conditions of assignment and assumption of responsibility; must be renegotiated every three years. The Secretary must conduct annual compliance reviews for the first three years, and periodically thereafter.

### **Transportation Planning**

Establishes an expanded policy basis for transportation planning, including emphasis on minimizing air and water pollution in the metropolitan and statewide transportation planning processes and encouraging performance-based approaches in the development of transportation plans and investments as guided by specified planning factors, which include protection and enhancement of the environment.

## **ENVIRONMENTAL REVIEW PROCESS**

### **Purpose**

New provisions will reduce delays in the delivery of surface transportation projects arising from the environmental review process, while continuing to ensure the protection of the human and natural environment. These provisions replace and supplement sections 1308 and 1309 of TEA-21 and are consistent with Executive Order No. 13274.

### **Characteristics**

- Provides the Secretary with authority to develop and implement expedited procedures (including environmental review procedures) for critical transportation security projects.
- Creates a series of measures for efficient environmental reviews in project decisionmaking, including the following items:
  - Encourages the use of the “Enlibra” principles adopted by the Nation Governors Association to the extent practicable in the development of transportation projects. These principles include:
    - Assigning responsibilities at the right level;
    - Using collaborative processes to break down barriers and find solutions;
    - Moving to a performance based system;
    - Separating subjective choices from objective data gathering;
    - Pursuing economic incentives whenever appropriate;
    - Ensuring environmental understanding;
    - Making sure environmental decision are fully informed;
    - Using appropriate geographic boundaries for environmental problems.
  - Clarifies the Congressional intent that efficient environmental reviews address both reducing delays and continuing to protect the environment.
  - Revises the requirement for coordinated environmental reviews by making it clear that: reviews may apply to a particular project, class of projects, or program; and local agencies and Federally recognized tribes (in addition to Federal and State agencies) may participate in memoranda of understanding to establish time periods for review.
  - Clarifies that the project sponsor has the authority to request that Federal agencies cooperate in the establishment of time periods for environmental reviews.
  - Reaffirms the authority of State and local governments to be joint lead agencies with the USDOT in preparing environmental documents. As such, the State or local government would be allowed to prepare the environmental document as long as the Department provides guidance, participates in the preparation, and independently reviews the document.
  - Clarifies the dispute resolution process by providing State Governors and heads of Federal agencies with the authority to initiate dispute resolution procedures in addition to the Secretary of Transportation.
  - Includes the USDOT and Federally-recognized Indian tribal governments in the category of affected Federal agencies that may receive funds to help expedite reviews. Also, funds available for the Federal Lands Highway Program may also be used for this purpose. Clarifies that these funds can be used to expedite individual projects, classes of projects or programs.
  - Establishes a new statute of limitations of 180 days for legal challenges to Federal agency decisions made in connection with the issuance of permits, licenses or approvals for surface transportation projects.

## **ENVIRONMENTAL REVIEW PROCESS (Con't)**

- Delegates authority to States for environmental approvals for projects defined in regulation as categorically excluded projects.
- Modernizes Section 4(f) provisions in the following ways:
  - Directs the Secretary to consider specific factors in making Section 4(f) determinations. These factors are:
    - The relative significance of the land of the resource being protected,
    - The views of the official with jurisdiction over the land,
    - The relative severity of the adverse effects on the protected activities, attributes, or features that qualify a resource for protection,
    - The ability to mitigate adverse effects, and
    - The magnitude of the adverse effects that would result from the selection of an alternative that avoids the use of the land of the resource.
  - Excludes from Section 4(f) those transportation improvements on Federal lands that enhance the value of the land from a Section 4(f) perspective.
  - Authorizes successful compliance with National Historic Preservation Act procedures to satisfy Section 4(f) responsibilities.
- Exempts the Interstate Highway System from historic preservation reviews unless the Secretary determines that individual elements of the system should receive protection under the National Historic Preservation Act. The Advisory Council on Historic Preservation and the Federal Highway Administration are working to achieve the objective of this provision through an administrative exemption, using a provision of the regulations that implement Section 106. If progress is made towards such an administrative solution, the Department of Transportation will advise the Congress that additional legislation is no longer needed.
- Allows States participating in the Surface Transportation System Performance Pilot Program to assume some or all of the responsibilities of the Secretary, including environmental reviews/approvals.
- Directs the Secretary and heads of other Federal agencies to presume that the results of the transportation planning process form the basis for environmental reviews, provided that certain conditions are met.

## PUBLIC TRANSPORTATION: URBANIZED AREA FORMULA PROGRAM (5307)

Year	2003 (Enacted)	2004	2005	2006	2007	2008	2009
Authorization	\$3,424M *	\$4,736M **	\$4,682M **	\$4,782M **	\$4,892M **	\$5,016M **	\$5,141M **

\*See Department of Transportation and Related Agencies Appropriations Act, 2003, Pub. L. 108-7.

\*\*Includes Fixed Guideway Modernization

### Program Purpose

The urbanized area formula program provides assistance to urbanized areas for capital projects, planning and mobility management, and transit enhancements. It also provides operating assistance for public transportation equipment and facilities in urbanized areas with populations of less than 200,000.

### Funding/Formula

- Provides total authorizations of \$29.2 billion.
- Continues the apportionment formula for urbanized areas based on (1) population, population density, and transit data for areas over 200,000 in population; and (2) on population and population density for areas under 200,000 in population.
- Moves the Fixed Guideway Modernization Program from the Capital Investment Program in TEA-21 to the Urbanized Area Formula Grants Program in SAFETEA.
- Continues the apportionment of the Fixed Guideway Modernization funds based on fixed guideway route miles and revenue vehicle miles.
- Establishes a Performance Incentive Program that would apportion funds based on increases in public transportation patronage. In fiscal years 2004 through 2006, a portion of funds could be used to establish the data collection needed to measure performance, including ridership for low income, elderly, and persons with disabilities.
- Is funded solely from the Mass Transit Account. Under TEA-21, 80 percent of the funds are derived from the Mass Transit Account and 20 percent from the General Fund.
- Continues 80 percent Federal share for capital expenses, with a 90 percent Federal share for the incremental costs of vehicle related equipment needed to comply with Clean Air and Americans with Disabilities Act requirements, and 50 percent Federal share for operating assistance, where permitted.
- Expands the sources of funds for the non-Federal match to include amounts a grantee receives under a service agreement with a State or local social service agency or a private social service organization.

### Eligibility

- Maintains current eligibility for capital expenses, including preventive maintenance, for all urbanized areas.
- Continues to make funds available for operating assistance in urbanized areas under 200,000 in population.
- Eliminates the set-aside for transit enhancements, while mandating that a recipient with a population of 200,000 or above certify that one percent will be expended for these purposes.

### Transferability

Continues existing flexibility by permitting funds to be used for a highway project.

**PUBLIC TRANSPORTATION STATE MANAGED PROGRAM:  
FORMULA PROGRAM FOR OTHER THAN URBANIZED AREAS (5311)**

Year	2003 (Enacted)	2004	2005	2006	2007	2008	2009
Authorization	\$239M*	\$359M	\$367M	\$374M	\$383M	\$392M	\$402M

\*<sup>1</sup> See Department of Transportation and Related Agencies Appropriations Act, 2003, Pub. L. 108-7.

**Program Purpose**

The Formula Grants for Other than Urbanized Areas Program provides transit capital and operating assistance through the States to rural areas (less than 50,000 in population). It also provides funding for the Indian Reservation Rural Transit Program.

**Funding/Formula**

- Is funded solely from the Mass Transit Account. Under TEA-21, 80 percent of the funds are derived from the Mass Transit Account and 20 percent from the General Fund.
- Provides up to 2 percent of the rural formula program funds for the Rural Transit Assistance Program (RTAP), of which not more than 15 percent may be available for the National RTAP program.
- Establishes a Performance Incentive Program that apportions funds based on increases in public transportation patronage in rural areas. In fiscal years 2004 through 2006, a portion of the available funds could be used to establish the data collection needed to measure performance.
- Continues statutory apportionment formula based on non-urbanized population.
- Continues 80 percent Federal share for public transportation capital expenses, with a 90 percent Federal share for the incremental costs of vehicle related equipment needed to comply with Clean Air and Americans with Disabilities Act requirements, and a 50 percent Federal share for public transportation operating expenses. The non-Federal share may be derived from a variety of sources, including other non-DOT Federal funds.

**Eligibility**

- Maintains existing eligibility of capital, operating, planning, research and technical assistance, at the discretion of the State.
- To be eligible for grants, projects must be included in a State program for public transportation service projects.

**Transferability**

Expands flexibility by allowing the transfer of funds from the other State managed programs into this program, provided that the funds are used for the purpose originally authorized.

**PUBLIC TRANSPORTATION:  
MAJOR CAPITAL INVESTMENTS PROGRAM (5309)**

Year	2003 (Enacted)	2004	2005	2006	2007	2008	2009
Authorization	*	\$1,515M	\$1,532M	\$1,563M	\$1,598M	\$1,638M	\$1,679M

\*See Department of Transportation and Related Agencies Appropriations Act, 2003, Pub. L. 108-7. For FY 2003, section 5309 includes funding for new starts, fixed guideway modernization, and bus and bus facilities. In SAFETEA, major capital investments provides funds for new starts, only.

**Program Purpose**

The Major Capital Investments Program provides transit capital assistance for new fixed guideway systems and extensions to existing fixed guideway systems, as well as new or extensions to non-fixed guideway transit corridor systems that meet the program criteria.

**Funding/Formula**

- Changes the percentage of Mass Transit Account funding from 80 percent to approximately 20 percent, and the percentage of General Fund amounts from 20 percent to approximately 80 percent.
- Continues the discretionary nature of the program. All projects would have to compete for funding using specific criteria to justify the major investment involved; projects seeking less than \$75 million in New Starts funds would be subject to simplified measures.
- Eliminates the statutory exemption from the evaluation and rating process for projects seeking \$25 million or less in New Starts funds.
- Formula funds rather than Major Capital Investment funds may be used to fund bus and bus-related capital projects that are not New Start projects.
- Ends discretionary grant program for bus and bus related capital projects.
- Moves Fixed Guideway Modernization program to the Urbanized Area Formula Grant Program.
- Sets a maximum New Starts share of 50 percent. Thirty percent of the non-New Starts share may be other Federal funds that are eligible to be expended for transportation.
- Removes 40 percent, 40 percent, 20 percent allocation formula among rail fixed guideway modernization, new fixed guideway systems and extensions, and bus and bus-related facilities, since this section now covers only New Starts major capital investments.

**Key Modifications**

- Clarifies that funds are not to be used for improvements to existing fixed guideway systems.
- Requires reports to Congress every four months.

**PUBLIC TRANSPORTATION STATE MANAGED PROGRAM:  
JOB ACCESS AND REVERSE COMMUTE PROGRAM (5308)**

Year	2003 (Enacted)	2004	2005	2006	2007	2008	2009
Authorization	\$104*	\$150M	\$153M	\$156M	\$160M	\$164M	\$168M

\*See Department of Transportation and Related Agencies Appropriations Act, 2003, Pub. L. 108-7.

**Program Purpose**

The Job Access and Reverse Commute program provides formula grants to the States for the development and maintenance of transportation projects that assist low-income individuals with access to employment and activities related to employment. States would solicit applications for grants and then award the grants on a competitive basis that takes into account local priorities.

**Funding/Formula**

- Funded solely from Mass Transit Account.
- Funds would be apportioned based on a formula that considers the number of low-income persons in each State.
- Provides a Federal share of up to 80 percent for public transportation capital projects and up to 50 percent for public transportation operating expenses. The non-Federal share may be derived from a variety of sources, including other non-DOT Federal funds.

**Eligibility**

- States are eligible as grant recipients and may provide funds on a competitive basis to a State or local public authority, a non-profit organization or a private operator of public transportation service. Requires that projects be selected from a locally developed coordinated public transit-human services transportation plan.
- States may use or suballocate to local communities up to 15 percent of the funds for planning, program administration, and technical assistance.

**Transferability**

Allows for the transfer of funds from this program to the Urbanized Area Formula Grant program or the Formula Grant for Other Than Urbanized Areas program, provided that the funds are used for the purpose authorized.

**PUBLIC TRANSPORTATION STATE MANAGED PROGRAM:  
NEW FREEDOM INITIATIVE (5317)**

Year	2003	2004	2005	2006	2007	2008	2009
Authorization	-0-	\$145M	\$148M	\$151M	\$154M	\$158M	\$162M

**Program Purpose**

The New Freedom Initiative provides formula grants to the States for new transportation services and transportation alternatives for individuals with disabilities beyond those required by the Americans with Disabilities Act of 1990, including motor vehicle programs that assist persons with disabilities with transportation to and from jobs or employment support services. States solicit applications for grants and then award the grants on competitive basis.

**Funding/Formula**

- Funded solely from Mass Transit Account.
- Provides up to 80 percent in Federal funding for public transportation capital projects and up to 50 percent in Federal funding for public transportation operating expenses. The non-Federal share may be derived from a variety of sources, including other non-DOT Federal funds.

**Eligibility**

- States are eligible as grant recipients and may provide funds on a competitive basis to a State or local public authority, a non-profit organization or a private operator of public transportation service. Requires projects be selected from a locally developed coordinated public transit-human services transportation plan.
- States may use or suballocate to local communities up to 15 percent of the funds for planning, administration, or technical assistance.

**Transferability**

Allows for the transfer of funds from this program to the Urbanized Area Formula Grant program or the Formula Grant program for Other Than Urbanized Areas, provided that the funds are used for the purpose authorized.

**PUBLIC TRANSPORTATION FORMULA GRANTS FOR SPECIAL NEEDS OF  
ELDERLY INDIVIDUALS  
AND INDIVIDUALS WITH DISABILITIES**

Year	2003 (Enacted)	2004	2005	2006	2007	2008	2009
Authorization	\$90M	\$87M	\$89M	\$91M	\$93M	\$95M	\$97M

\*See Department of Transportation and Related Agencies Appropriations Act, 2003, Pub. L. 108-7.

**Program Purpose**

The Formula Grants for Special Needs of Elderly Individuals and Individuals with Disabilities program provides transit capital assistance to the States for allocation to organizations or governmental authorities that offer specialized transportation services to elderly persons and to persons with disabilities.

**Funding/Formula**

- Funded solely from Mass Transit Account.
- Funds apportioned under a formula based on the elderly and disabled populations.
- Continues 90 percent Federal share for the incremental costs of public transportation vehicle related equipment needed to comply with the Clean Air Act Amendments and the Americans with Disabilities Act requirements and 80 percent Federal share for all other eligible costs. The non-Federal share may be derived from a variety of sources, including other non-DOT Federal funds.

**Eligibility**

- States are eligible as grant recipients and may provide funds to a private non-profit organization (funds may be provided to a governmental authority that coordinates services for the elderly or individuals with disabilities, if there are no non-profit organizations available to provide the service). Requires that projects be selected from a locally developed coordinated public transit-human services transportation plan.
- States may use or suballocate to local communities up to 15 percent of the funds for planning, administration, or technical assistance.

**Transferability**

Allows for the transfer of funds from this program to the Urbanized Area Formula Grant program or the Formula Grant program for Other Than Urbanized Areas, provided that the funds are used for the purpose authorized.

## **PUBLIC TRANSPORTATION: FORMULA PLANNING PROGRAMS**

Year	2003 (TEA -21)	2004	2005	2006	2007	2008	2009
Authorization	\$ 72.5 M	\$84.4 M *	\$140.8 M *	\$143.8 M *	\$147.2M *	\$151.0 M *	\$154.8 M *

\*Net funding after deducting \$5 M for Planning Capacity Building Program

### **Program Purpose**

The formula planning programs provide assistance through the States to Metropolitan Planning Organizations (MPO's) and to the States for State Planning and Research for a cooperative, continuous, and comprehensive framework for planning transportation capital investments.

### **Funding/Formula**

- Funded from both the Mass Transit Account and the General Fund.
- Funded as a takedown from Formula Grants and Research Programs and the Major Capital Investments Program.
  - In fiscal year 2004, a 1.25 percent takedown
  - In fiscal years 2005 through 2009, a 2 percent takedown.
- Continues the current statutory apportionment formula.
- Allows more than 80 percent Federal funding if approved by the Secretary of Transportation.

### **Eligibility**

- Maintains existing eligibility for planning studies and expands eligibility to peer reviews to support planning and environmental best practices.
- Continues to make funds available to States with a pass through to MPO's.
- Continues to make funds available to States for State Planning and Research.

## **INTERMODAL PASSENGER FACILITIES PROGRAM**

Year	2003 (TEA21)	2004	2005	2006	2007	2008	2009
Authorization	\$0	\$0	\$85 M	\$85 M	\$85 M	\$85 M	\$85 M

### **Program Purpose**

The Intermodal Passenger Facilities Program would accelerate intermodal integration among North America's passenger transportation modes through assuring intercity public transportation access to intermodal passenger facilities, encouraging the development of an integrated system of public transportation information and providing intercity bus intermodal passenger facility grants.

### **Funding/Formula**

- Proposes funding of \$10 million per year from the Highway Account of the Highway Trust Fund with \$75 million from the Mass Transit Account of the Highway Trust Fund.
- A grant shall not exceed 50 percent of the net project cost, as determined by the Secretary. However, the portion that is not funded under this section may include up to 30 percent from other Federal funds that are eligible to be expended for transportation.

### **Eligibility**

Authorizes the Secretary to make grants to State or local governmental authorities or nonprofit organizations to acquire, construct, improve or renovate an intermodal facility to establish or enhance coordination between intercity bus services and other modes of transportation, if the project is justified and has adequate financial commitment.

## **TRANSPORTATION PLANNING**

### **Purpose**

SAFETEA combines metropolitan and statewide transportation planning provisions from both titles 23 USC and Chapter 53 of 49 USC into a new Chapter 52 of title 49, establishing identical planning provisions.

### **Funding/Formula**

Funds for metropolitan planning organizations to conduct metropolitan planning are provided under title 23 and title 49. Funds for statewide planning are provided under title 23 and title 49. In addition, NHS, STP, and MG funds may be used for both metropolitan and statewide planning.

### **Program Requirements**

In order to receive Federal highway and transit funds and accomplish certain national objectives, metropolitan planning organizations (MPOs) are required to develop transportation plans for metropolitan planning areas of the State.

### **Proposed changes to metropolitan planning requirements are:**

- Change the “long-range plan” to the “plan”; extend the minimum update cycle from 3 to 5 years; combine the TIP into the plan; modify the plan approval and public involvement processes to reflect elimination of the TIP as a separate, stand-alone document; Governor need only approve the first 5 years of the plan; and the first five years of the plan become the focal point for project programming.
- Modify existing law to clarify the meaning of transportation management areas (TMAs); streamline and integrate the congestion management process into the overall planning process; extend the metropolitan planning certification to 5 years; clarify that failure to be certified will result in withholding of Federal funds.
- Gives standing, in NEPA, to studies developed as part of the planning process.
- Provide for better integration of transportation planning and air quality planning processes to more closely align the transportation and air quality planning horizons for purposes of transportation conformity.
- Extend from 3 to 5 years the required frequency for updating transportation plans and determining conformity.
- Modify existing law to provide consistency with statewide planning language; make security and safety each a separate planning factor; and add a reference to planned growth patterns.
- Encourage coordination of the transportation planning process with planning activities that are affected by transportation, including State and local planned growth, environmental protection, economic development, airport operations, housing, and freight.
- Require consideration of the impacts of plans and projects that may affect adjacent areas.
- Reflect a change in Census Bureau procedure and policy regarding definition of central cities and recognition that the OMB, not the Census Bureau, designates standard metropolitan statistical areas.
- Change terminology to indicate that the metropolitan planning process includes the urbanized area plus the area that is anticipated to become urbanized over a 20-year period.

## **TRANSPORTATION PLANNING (Con't.)**

### **Proposed changes to statewide planning requirements are:**

- Require the State transportation plan to be updated every 5 years, consistent with updates to the metropolitan plan.
- Provide 5-year increments and updates for the Statewide Transportation Improvement Program (STIP). This provides consistency with metropolitan planning provisions that allow selection of the first 5-years of projects in the metropolitan plan for advancement.
- Allow States to enter into compacts or agreements for planning cooperation and coordination since projects often have multi-State impacts.
- Modify the scope of the planning process to reflect the concept that transportation services are also developed through the planning process; require States to consider economic vitality for rural areas; make “security” a separate factor in the planning process; and promote consistency between transportation plans and growth patterns.
- Call for assessment of the existing transportation system in order to maximize its potential.
- Ensure that the projects programmed in the metropolitan transportation plans are brought into the STIP without modifications.

## STATE PLANNING AND RESEARCH

### Purpose

This program provides funding to the States to carry out transportation planning, research, development & technology transfer, and data collection.

### Funding/Formula

- Funds for this program are derived by set-asides from sums apportioned to the States under 23 USC 104 (except Metropolitan Planning and Recreational Trails), as well as Minimum Guarantee (previously set aside by administrative determination) and Highway Bridge program funds.
- The set-aside is increased from 2 percent to 2½ percent.
- The portion of SPR funds to be used only for RD&T activities is decreased from a minimum of 25 percent to a minimum of 20 percent of the SPR set-aside. However, since this reduction is offset by the increase in the set-aside percentage, the net effect on the level of SPR funds for RD&T is zero.

### Program Requirements

Includes a new requirement for minimum expenditures by each State to improve the quality of collection and reporting of strategic surface transportation data.

- Not less than 20 percent of the set-aside shall be spent to improve the collection and reporting of transportation data each fiscal year.
- The 20 percent requirement may be waived for a fiscal year if a State certifies that their strategic data collecting and reporting activities meet quality assurance guidelines.
- If the requirement is waived, the funds may be used for other eligible SPR activities.

### Eligibility

Clarifies activities that are eligible within the metropolitan and statewide planning processes including:

- Freight and safety planning.
- Transportation systems management and operations-related planning.
- Transportation-related land use planning.
- Transportation-related growth management activities.

Also specifies that the following are eligible for SPR funding:

- Planning capacity building activities.
- Asset management activities.

### Federal Share

The Federal share payable will be as provided for in section 120(b) of 23 USC (sliding scale) instead of a set 80 percent.

## PLANNING CAPACITY BUILDING INITIATIVE

Year	2003 (TEA -21)	2004	2005	2006	2007	2008	2009
Authorization	NA	\$25 M	\$25 M	\$25 M	\$25 M	\$25 M	\$25 M

### **Program Purpose**

This is a new initiative designed to provide States with funds to strengthen metropolitan and statewide transportation planning, and to enhance Tribal capacity to conduct joint transportation planning.

### **Funding/Formula**

Program will be funded through a \$20 million set-aside from the Surface Transportation Program (STP) in each of fiscal years 2004-2009. The Federal Transit Administration (FTA) is establishing a complementary program at \$5 million annually. Total funding for the program will be \$25 million per year.

### **Use of Funds**

- Funds are subject to the overall Federal-aid obligation limitation.
- Activities eligible for funding include research, program development, information collection and dissemination, and technical assistance. To carry out these activities, the Secretary may use the funds independently or make grants to, or enter into contracts, cooperative agreements and other transactions with:
  - Federal, State or local agencies
  - Federally-recognized Indian tribal governments or tribal consortiums
  - Authorities and associations
  - Nonprofit or for-profit corporations
  - Institutions of higher education
- This initiative will be administered by the Federal Highway Administration (FHWA) in cooperation with the Federal Transit Administration (FTA). Priority will be given to planning practices and processes that support:
  - Homeland security planning
  - Performance based planning
  - Safety planning
  - Operations planning
  - Freight planning
  - Environmental analysis and coordination during planning

### **Federal Share**

The Federal share payable will be up to 100 percent.

## **MULTI-STATE CORRIDOR PLANNING PROGRAM**

Year	2003 (TEA -21)	2004	2005	2006	2007	2008	2009
Authorization	*	\$76.5 M	\$84.0 M	\$84.0 M	\$84.0 M	\$84.0 M	\$84.0 M

\*Combined authorization of \$140M for National Corridor Planning and Development Program and Coordinated Border Infrastructure Program.

### **Program Purpose**

The purpose of the Multi-State Corridor Planning Program, which replaces TEA-21's National Corridor Planning and Development Program, is to support and encourage transportation planning from a broader perspective, transcending traditional State and modal boundaries, to meet evolving freight and passenger transportation needs of the 21<sup>st</sup> century.

### **Funding/Formula**

- Funds are discretionary, to be allocated by the Secretary, subject to the overall Federal-aid obligation limitation, and will receive obligational authority equal to the authorization level.
- Eligibility to receive and administer funds is limited to States and MPOs.

### **Selection Criteria**

Establishes selection criteria for studies:

- Existence and significance of signed and binding multi-jurisdictional agreements
- Endorsement of the study by elected State and local representatives
- Prospects for early completion of the study
- Whether the projects to be studied are located on corridors identified by section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991, as amended.

### **Eligible Projects**

Eligibility is limited to:

- Multi-state highway and multi-state, multi-modal planning studies
- Studies funded under this program must be consistent with the continuing, cooperative, and comprehensive planning processes required by sections 134 and 135 of title 23

### **Federal Share**

- The Federal share for a study, using funds from all Federal sources, is limited to 80 percent.
- The maximum share of funds from the Highway Trust Fund (other than the Mass Transit Account) may not exceed 50 percent of the total cost of such study.

## **BORDER PLANNING, OPERATIONS, AND TECHNOLOGY PROGRAM**

Year	2003 (TEA -21)	2004	2005	2006	2007	2008	2009
Authorization	*	\$76.5 M	\$84.0 M	\$84.0 M	\$84.0 M	\$84.0 M	\$84.0 M

\*Combined authorization of \$140M for National Corridor Planning and Development Program and Coordinated Border Infrastructure Program.

### **Program Purpose**

The purpose of this program is to improve bi-national transportation planning, operations, efficiency, information exchange, safety, and security for the United States borders with Canada and Mexico. This program replaces TEA-21's Coordinated Border Infrastructure Program.

### **Funding/Formula**

- Funds are subject to the overall Federal-aid obligation limitation, and will receive obligational authority equal to the authorization level.
- Eligibility to receive and administer funds is limited to States and Metropolitan Planning Organizations at or near an international land border in Alaska, Arizona, California, Idaho, Maine, Michigan, Minnesota, Montana, New Hampshire, New Mexico, New York, North Dakota, Texas, Vermont and Washington.
- Sets aside \$47 million in 2004 for construction of State border safety infrastructure facilities in Arizona, California, New Mexico, and Texas.
- Limit of \$500,000/year for information exchange projects.

### **Selection Criteria**

- Funds are to be allocated by the Secretary, giving priority to activities at the northern or southern borders of the United States that improve safety, security, freight movement, operations, or access to rail, marine, or air services.
- Projects are to be selected based on:
  - Expected benefits, including air quality benefits, in relation to costs
  - Prospects for early completion
  - Endorsement by formally constituted bi-national organizations with both Federal and State or provincial representation
  - Existence and significance of signed and binding multi-jurisdictional agreements
  - Contributions of other funds above the minimum required
  - Extent to which the project benefits are multi-modal

### **Eligibility**

Funds may be used for activities at or near international land borders, including:

- Highway and multi-modal planning or environmental studies
- Cross-border Port of Entry and safety inspection improvements, including operational enhancements and technology applications
- Technology and information exchange activities
- Right-of-way acquisition, design, and construction, where needed to add the enhancements or applications described in subparagraphs (B) and (C), or to decrease air pollution emissions from vehicles or inspection facilities at border crossings.

## **BORDER PLANNING, OPERATIONS, AND TECHNOLOGY PROGRAM (Con't.)**

### **Program Requirements**

- *Planning:*
  - Studies and projects funded under this program must be consistent with the continuing, cooperative, and comprehensive planning processes required by sections 134 and 135 of title 23.
  - Regionally significant projects must be on the transportation plans and program required by sections 134 and 135 of Title 23.
- *Projects in Canada and Mexico:* one or more border States may request funds to construct projects in Canada or Mexico
  - Projects limited to the improvement and efficiency of vehicle and cargo movements at international gateways and ports of entry at land border crossings
  - Funds would be provided to border State(s)
  - Requires cooperation of both the border State and Canada
  - Canada/Mexico must assure that the project will be constructed to standards equivalent to those in the US, and maintained and used over the useful life of the facility only for the purpose for which the funds were allocated
- Provides for transfer of funds to the General Services Administration for administration:
  - At the request of a State, funds allocated for a specific project may be transferred;
  - State must provide 20 percent match
  - Secretary may transfer funds directly to GSA

### **Federal Share**

The Federal share is 80 percent, except for funds transferred directly to the GSA by the Secretary, for which the Federal share is 100 percent.

## SURFACE TRANSPORTATION RESEARCH, DEVELOPMENT AND DEPLOYMENT PROGRAM

Year	2003 (TEA -21)	2004	2005	2006	2007	2008	2009
Authorization	\$153 M*	\$199 M	\$199 M	\$199 M	\$199 M	\$199 M	\$199 M

\*Total of two authorizations of \$103 & \$50 M for Surface Transportation Research and Technology Deployment Program respectively

### **Program Purpose**

The program funds surface transportation research, development and technology development activities to promote innovation in transportation infrastructure, services, and operations.

### **Funding/Formula**

- Combines the Surface Transportation Research and Technology Deployment programs of TEA-21 in a new program funded at \$199 million per year, covering highway RD&T activities relating to:
  - Infrastructure
  - Safety
  - Transportation Systems Management and Operations
  - Planning, Environment, and Real Estate
  - Exploratory Advanced Research
  - International Outreach
  - Policy Research
- Funds are subject to the overall Federal-aid obligation limitation, and will receive obligational authority equal to the authorization level.
- Limitation for research programs will continue to be available for 3 years

### **Simplify/Strengthen Overall Program**

- *Statement of Principles:* clarifies the Federal role in the support of surface transportation research and technology transfer activities, setting out principles and procedures for involvement in research and technology, including project selection, funding, management and conduct.
- *Simplifying Infrastructure Research Management:* establishes parallel structures for pavement and bridge/structures research: each having research, deployment, and long-term assessment elements
- *Operations elements in research:* clarifies eligibility and components of transportation system management and operations research and development activities, and adds freight security research initiatives as eligible components.
- *Surface Transportation Environment and Planning Cooperative Research Program:* establishes procedures for an environmental research agenda and collaborative public-private research program focused on six topic areas. See separate fact sheet.
- *Advanced Research Program:* revises to differentiate exploratory activities from more fundamental long-term advanced research.
- *Turner-Fairbank Highway Research Center:* recognizes Center as a leader in nationwide research to meet the transportation needs of the 21<sup>st</sup> century, emphasizing importance of continued maintenance and upgrading of the Center.

## **SURFACE TRANSPORTATION RESEARCH, DEVELOPMENT AND DEPLOYMENT PROGRAM (Con't.)**

### **Facilitate Research/Implementation Partnerships**

- *Transportation pooled fund projects*: encourages and provides authority for FHWA to pool resources with State DOT's and other transportation and research organizations for R&T activities of mutual interest.
- *Allowable Research Collaborators*: exempts entities such as TRB, AASHTO, State DOT's, cities, and counties from "prohibited sources" status in procurement, which has been a barrier to carrying out mutually beneficial R&T projects.
- *Matching Ratio*: provides flexibility in determining appropriate partner contributions.
- *Promotional Materials*: provides authority to the FHWA to purchase promotional items of nominal value for use in educational outreach and recruitment
- *"Other Transactions"*: expands use of this procurement mechanism to promote innovative contracting arrangements, initiate research faster, and facilitate cooperative research with stakeholder groups.

### **Improve Technology Deployment**

- *Technology Deployment Program*: provides for grants, cooperative agreements and contracts with States, other Federal agencies, universities and colleges, private sector entities, and nonprofit organizations to fund development, and technology transfer concerning innovative materials.
- *Innovative Pavement Research and Deployment Program*: promotes, demonstrates, supports, and documents the application of innovative pavement technologies, practices, performance, and benefits.
- *Innovative Bridge Research and Deployment Program*: promotes application of innovative designs, material, and methods in the construction, repair, and rehabilitation of bridges and other highway structures.
- *Safety Innovation Deployment Program*: establishes a program to demonstrate the application of innovative technologies in highway safety.
- *Advanced Travel Forecasting Procedures*: accelerates the deployment of the Transportation Analysis Simulation System (TRANSIMS) by State departments of transportation and metropolitan planning organizations. See separate fact sheet.

### **Other**

- *Seismic Research*: eliminated, as the major goals and objectives have been achieved.
- *Conditions and Performance Report*: changes due date to "July 31, 2004 and July 31 of every second year thereafter."

## **ADVANCED TRAVEL FORECASTING PROCEDURES PROGRAM**

### **Program Purpose**

This section proposes to continue the development and deployment of the Transportation Analysis Simulation System (TRANSIMS) established under TEA-21 to improve urban travel analysis and planning analytical procedures. This section would expand the program to include statewide transportation planning and shift the focus from development to deployment.

### **Funding/Formula**

Funded through the overall Surface Transportation Research, Development, and Deployment Program authorization in section 5101(a)(1). No statutorily specified amount.

### **Program Characteristics**

The program will provide funding to:

- Assist State departments of transportation and metropolitan planning organizations in the implementation of TRANSIMS (no more than 75 percent of the funds made available for this program may be used for this purpose).
- Develop methods to demonstrate a wide spectrum of TRANSIMS application to support metropolitan and statewide transportation planning, including integrating highway and transit operational considerations such as regional signal system changes into the transportation planning process.
- Provide training and technical assistance for the implementation and application of TRANSIMS to State Departments of Transportation, local governments, and Metropolitan Planning Organizations with responsibility for travel modeling.

The program may also support the development of methods to plan for the transportation response to chemical and biological terrorism and other security concerns.

## TRAINING AND EDUCATION

Year	2003 (TEA -21)	2004	2005	2006	2007	2008	2009
Authorization	\$20 M	\$26 M	\$26 M	\$26 M	\$26 M	\$26 M	\$26 M

**Program Purpose**

Program provides funds to develop and conduct education and training programs for transportation professionals, to provide access to surface transportation technology and to attract qualified students to the field of transportation.

**Program Elements**

- *National Highway Institute (NHI)*
  - Program to provide education and training to a broader group of transportation professionals.
  - The NHI may assess and collect fees from organizations receiving training to defray the costs of the NHI in developing or administering education and training programs under the authorizing subsection.
  - States may use up to ½ of 1 percent of STP funds for the payment of up to 80 percent of the cost of NHI training.
  - Provisions are added to address the broader education and training responsibilities of NHI that:
    - Include a reference to “transportation system management and operations” in types of courses to be developed and administered
    - Refer to environmental interests to more accurately reflect current priorities
    - Provide latitude for NHI to address evolving program areas
    - Recognize that the motor carrier education and training responsibilities have transferred to FMCSA.
- *Local Technical Assistance Program (LTAP)*
  - Program to provide access to surface transportation technology, administered through the national network of Technology Transfer Centers in each State and Puerto Rico and through the six regional centers serving over 540 native American tribal governments.
  - New provisions are added concerning the Federal share for the Local Technical Assistance Program that:
    - Provide for a 50 percent cost sharing for LTAP expenditures
    - Allow technology and training funds to be used as part of the non-Federal share of the costs
    - Establish a no-match requirement for Tribal Technical Assistance Program (TTAP) Centers.
    - Withdraw the authority for University Transportation Centers (UTCs) to use LTAP funds as matching funds by removing the reference to §504(b) from §5505(f) of 49 USC

## **TRAINING AND EDUCATION (Con't.)**

- *Eisenhower Transportation Fellowship Program*
  - Continues to allow the Secretary to make grants for research fellowships, including this program to attract qualified students to the field of transportation.
- *Surface Transportation Workforce Development, Training, and Education*
  - New section is added to encourage States to support activities associated with training and professional development for transportation workers, transportation career awareness, student transportation career preparation.
  - Transportation workforce development, training, and education would be eligible for funding under the Interstate Maintenance, National Highway System, Bridge, and Surface Transportation programs. Eligible activities would include:
    - Tuition and direct educational expenses (excluding salaries) in connection with the education and training of employees of State and local transportation agencies
    - Employee professional development
    - Student internships
    - University or community college support
    - Education outreach activities to develop interest and promote participation in surface transportation careers

### **Federal Share**

The Federal share payable will be 100 percent unless otherwise determined by the Secretary or specified otherwise in this Act.

## BUREAU OF TRANSPORTATION STATISTICS

Year	2003 (TEA-21)	2004	2005	2006	2007	2008	2009
Authorization	\$31M	\$31.6M	\$32.2M	\$32.9M	\$33.6M	\$34.4M	\$35.3M

### **Program Purpose**

The Bureau of Transportation Statistics (BTS) was created by P.L. 102-240, the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). BTS' mission is to lead in developing transportation data and information of high quality and to advance their effective use in both public and private transportation decision-making. The agency focuses on multimodal and intermodal data and analysis.

### **Funding**

- BTS is authorized as an allocated program under the Federal-aid Highway Program. The BTS authorization is part of the highway guarantee and its obligation limitation is set aside at 100 percent of contract authority. BTS funding in SAFETEA totals \$200M over six years, compared to \$186M under TEA-21.
- Funding for BTS' aviation data and analysis activities is authorized separately, from the Airport and Airways Trust Fund.

### **New Initiatives**

- SAFETEA proposes to sharpen the agency's focus around five core data programs and two crosscutting research programs. The data programs will develop useful, timely, and reliable freight, travel, economic, airline, and geospatial data. The research programs will develop and publish key indicators of national transportation system performance and improve statistical and data collection methods to ensure the accuracy and usefulness of transportation data.
- The BTS redirection will allow the agency to focus in depth on these key areas:
  - *Freight Statistics*: replace an infrequent, incomplete freight flow survey with a continuous data collection program that fills critical gaps.
  - *Travel Statistic*: develop a more comprehensive data collection program that will provide more detailed data on modal choice, travel costs, trip times, intermodal connections, and transportation accessibility and reliability.
  - *Transportation Economics*: explain how transportation activity, investment, and disruption impacts the larger economy.
  - *Airline Statistics*: deliver timely data and analysis on airline activity, performance, and financial condition.
  - *Geospatial Information*: map transportation and related data for planning, policy, and security.
  - *Transportation System Performance*: develop reliable indicators of how well the transportation system performs in achieving goals such as mobility, safety, and productivity.
  - *Methods and Standards*: ensure that BTS data meet the highest standards of accuracy, reliability, and confidentiality.

## INTELLIGENT TRANSPORTATION SYSTEMS (ITS) RESEARCH

Year	2003 (TEA -21)	2004	2005	2006	2007	2008	2009
Authorization	\$ 110 M	\$ 121 M	\$ 121 M	\$ 121 M	\$ 121M	\$ 121M	\$ 121M

### **Program Purpose**

- The ITS program provides for the research, development, and operational testing necessary to develop and deploy advanced technology to improve the safety and performance of the Nation’s surface transportation systems. The program encourages public-private partnerships and private sector investment.
- See separate fact sheets on ITS Performance Incentives and CVISN for other aspects of the ITS program.

### **Funding/Formula**

- Funds will continue to be subject to the overall Federal-aid obligation limitation, and will receive obligational authority equal to the authorization level.
- Limitation for research programs will continue to be available for 3 years

### **Program Requirements**

- In general, SAFETEA proposes the continuation of the ITS Research Program as contained in Subtitle C of TEA-21, but modifies the language to make technical changes and reflect new programmatic priorities.
- *National Architecture and Standards*: modifies the term “National Architecture” to eliminate the reference to adoption by the Secretary; this is not a requirement of TEA-21 and is not being proposed as a requirement in this bill.
- Consultation with Federal Officials is amended to include reference to the proposed Homeland Security Department, reflecting the new emphasis on transportation security.
- Redefines priority areas for research - the Secretary shall give higher priority to funding projects that:
  - *Enhance mobility and productivity*: through improved traffic management, incident management, transit management, freight management, road weather management, toll collection, traveler information, or highway operations systems;
  - *Enhance safety*: through improved crash-avoidance and protection, crash and other notification, commercial vehicle operations, and infrastructure-based or cooperative safety systems;
  - *Enhance security*: through improved response to security related emergencies, and the development of systems designed to promote the end-to-end movement of containers and select hazardous materials/dangerous goods transportation; and
  - *Facilitate the integration* of intelligent infrastructure, vehicle, and control technologies.

## **INTELLIGENT TRANSPORTATION SYSTEMS (ITS) RESEARCH (Con't.)**

### **Program Administration**

- Reflects completion of several specific TEA-21 requirements dealing with procurement methods, critical standards, and the provision on spectrum.
- Deletes provision for use of innovative financing for ITS research, as it has been determined that there is no need for this financing mechanism.
- Continues restrictions on:
  - *Outreach and Public Relations*: no more than \$5M/year for ITS outreach, public relations, displays, scholarships, tours, and brochures
  - *Operational Tests* – funding to be used primarily for the development of ITS infrastructure and not for construction of the physical highway and transit infrastructure

### **Federal Share**

- The Federal share of the cost of a project or activity shall be 100 percent unless otherwise determined by the Secretary or specified otherwise in this Act.
- The Federal share of the cost of operational tests and demonstration shall not exceed 80 percent.

## UNIVERSITY TRANSPORTATION RESEARCH PROGRAM

Year	2003	2004	2005	2006	2007	2008	2009
Program	\$32.5M	\$32.5M	\$32.5M	\$32.5M	\$32.5M	\$32.5M	\$32.5M

### **Program Purpose**

This program changes the existing University Transportation Center program under TEA-21 into a new University-Industry-Government Partnerships program. The new program will be competitively awarded and subject to peer review as part of a process to encourage research and educational partnerships in more than one mode of transportation. This new program contains stronger criteria for university participation for all funds granted under this section, including the requirement that a university partner with at least one private sector partner and at least one non-federal government public sector partner.

### **Funding Features**

- The SAFETEA authorization covers fiscal years 2004-2009 at \$32.5M annually, extending funding provisions provided under TEA-21.
- The annual funding is derived, in part, from the Highway Account of the Highway Trust Fund (\$26.5M from FHWA) and partly through the Mass Transit Account of the Highway Trust Fund (\$6.0M from the Mass Transit Account) authorization.

### **Eligible Use of Funds**

- The program authorizes the Secretary to enter into grants to nonprofit institutions of higher learning to address transportation management and research and development matters, with special attention to increasing the number of highly skilled individuals in the field of transportation through transportation education programs.
- All grantees are also required to conduct technology transfer activities to disseminate the results of their research and education activities.
- All funds granted under this section must meet the new criteria, and the Federal share of costs under an individual grant may not exceed 50 percent of costs.
- Non-Federal share may include funds provided under section 503 and 505 of title 23, United States Code.

## MULTIMODAL RESEARCH PROGRAM

Year	2003 (TEA-21)	2004	2005	2006	2007	2008	2009
Authorization For heavy duty vehicle technology	\$0M *	\$0M	\$24M	\$25M	\$23M	\$18M	\$10M
Authorization For hydrogen infrastructure safety research and development	\$0M	\$1M	\$15M	\$13M	\$11M	\$9M	\$6M

\* The TEA-21 Advanced Vehicle Technologies Program authorized \$50 million for FY 2003, but no funds were appropriated in FY 2003.

### **Program Purpose**

- The Multimodal Research Program provides funds to conduct applied research, development, demonstration and testing of technologies that have multimodal transportation applications. The Department will cooperate with relevant Federal agencies to coordinate research within the larger Federal framework.
- *Advanced Heavy-Duty Vehicle Technologies* replaces the Advanced Vehicle Technologies Program established under TEA-21. It is designed to integrate emerging multimodal heavy-duty vehicle technologies into the transportation network to provide seamless, safe, secure and efficient transportation. As a significant focus of this program, emerging technologies and their applications will be examined for their potential to further DOT's transportation safety mission.
- *Hydrogen Infrastructure Safety Research and Development* is a new program that fosters development, demonstration, and deployment of the safe, economically viable hydrogen transportation and refueling infrastructure necessary for a hydrogen economy, in support of the National Energy Plan and the President's Hydrogen Fuel Initiative. This program authorizes the resources DOT needs to meet its statutory responsibility for ensuring hydrogen infrastructure safety.

### **Distribution of Funds**

- For heavy-duty vehicle technology research, funds would be from authorized Federal-aid highway funds.
- For hydrogen infrastructure safety research and development, funds would be from the General Fund.

### **Eligibility**

- The program authorizes the Secretary to enter into grants, cooperative agreements, and other transactions with Federal and other public agencies (including State and local governments), universities and private organizations and other persons to carry out the Multimodal Research Program.

## HIGH SPEED RAIL PROGRAM

Year	2004	2005	2006	2007	2008	2009
Planning	\$25M	\$25M	\$25M	\$25M	\$25M	\$25M
Technology	\$25M	\$25M	\$25M	\$25M	\$25M	\$25M

### **Program Purpose**

The high-speed rail program is designed to extend the life of an existing high-speed rail corridor planning and technology development program.

### **Funding Features**

- The high-speed rail provisions would extend authorizations of appropriations for the existing high-speed rail assistance program created in the Swift Rail Development Act of 1994 (49 U.S.C. 26101 *et seq.*).
- The authorization covers fiscal years 2004-2009 and is a General Fund authorization, which means that the funds must be made available in an Appropriations Act before the program can be implemented.
- The Secretary is authorized to provide financial assistance for up to 50 percent of the publicly financed costs of corridor planning activities and up to the full cost of technology improvements.

### **Eligible Use of Funds**

- The program authorizes the Secretary to provide financial assistance to:
  - Public agencies for high speed rail corridor planning activities and certain other pre-construction activities, including right of way acquisition;
  - Any United States business, educational institution, State or local government, public authority, or Federal agency to support the development of high-speed rail technology improvements.
- The Administration's bill also proposes to expand the eligible program planning activities to include planning that promotes an effective and efficient system of conventional speed intercity rail passenger operations.

## COMMERCIAL REMOTE SENSING PROGRAM

Year	2003	2004	2005	2006	2007	2008	2009
Program	\$10M*	\$10M*	\$0M	\$0M	\$0M	\$0M	\$0M

\*Authorized at \$10M from the General Fund but no funds were appropriated for FY 2003.

### **Program Purpose**

The Commercial Remote Sensing Products program provides direction to the Secretary to validate commercial remote sensing products and spatial information technologies for application to national transportation infrastructure, and safety and operations issues. Under SAFETEA, section 5113(b) of TEA-21 is amended to provide direction for the Secretary to maintain a national policy for the use of commercial remote sensing in transportation applications and to develop new applications consistent with this policy.

### **Funding Features**

SAFETEA does not provide for any new authorization but TEA-21 provides a General Fund authorization through fiscal year 2004. The funds must be made available in an Appropriations Act before the program can be implemented.

### **Eligible Use of Funds**

No new authorization is provided, but SAFETEA continues the provision that the Secretary shall carry out this section in cooperation with the Commercial Remote Sensing Program of the National Aeronautics and Space Administration, and a team of university-led research consortia.

# **SAFETEA**

Safe, Accountable, Flexible and Efficient  
Transportation Equity Act of 2003

## **TABLES**

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U.S. Department of Transportation  
May 16, 2003

## SAFETEA Tables

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1. SAFETEA Funding Levels
2. Federal Highway Administration Six Year Aggregate Summary of Apportionments by State
3. Federal Highway Administration Six Year Aggregate Summary of Apportionments by Program
4. Primary Safety Belt Incentive Grants Under SAFETEA
5. Federal Transit Administration Estimated Fiscal Year 2004-2009 Apportionments/Allocations By State for Selected FTA Programs

**Authorizations - Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003**

<u>Amounts in Millions of Dollars</u>	<u>FY 2004</u>	<u>FY 2005</u>	<u>FY 2006</u>	<u>FY 2007</u>	<u>FY 2008</u>	<u>FY 2009</u>	<u>Total</u>	<u>Average</u>
Title I -- Federal Aid Highways								
Interstate Maintenance Program	4,100.000	4,100.000	4,200.000	4,400.000	4,500.000	4,700.000	26,000.000	4,333.333
National Highway System Program	5,000.000	5,000.000	5,100.000	5,200.000	5,400.000	5,500.000	31,200.000	5,200.000
Highway Bridge Program	3,400.000	3,500.000	3,700.000	3,800.000	3,900.000	4,000.000	22,300.000	3,716.667
Surface Transportation Program	5,102.000	5,202.000	5,402.000	5,514.000	5,714.000	5,807.000	32,741.000	5,456.833
Congestion Mitigation/Air Quality Improvement Program	1,100.000	1,462.000	1,500.000	1,600.000	1,600.000	1,600.000	8,862.000	1,477.000
Highway Safety Improvement Program	1,000.000	1,100.000	1,200.000	1,300.000	1,400.000	1,500.000	7,500.000	1,250.000
Appalachian Development Highway System	450.000	450.000	450.000	450.000	450.000	450.000	2,700.000	450.000
Recreational Trails Program	60.000	60.000	60.000	60.000	60.000	60.000	360.000	60.000
Federal Lands Highway Program	953.000	963.000	973.000	973.000	973.000	973.000	5,808.000	968.000
Indian Reservation Roads	[333.000]	[333.000]	[333.000]	[333.000]	[333.000]	[333.000]	[1,998.000]	[333.000]
Recreation Roads	[50.000]	[50.000]	[50.000]	[50.000]	[50.000]	[50.000]	[300.000]	[50.000]
Park Roads and Parkways	[300.000]	[310.000]	[320.000]	[320.000]	[320.000]	[320.000]	[1,890.000]	[315.000]
Refuge Roads	[30.000]	[30.000]	[30.000]	[30.000]	[30.000]	[30.000]	[180.000]	[30.000]
Forest Highways	[200.000]	[200.000]	[200.000]	[200.000]	[200.000]	[200.000]	[1,200.000]	[200.000]
Safety	[40.000]	[40.000]	[40.000]	[40.000]	[40.000]	[40.000]	[240.000]	[40.000]
Multi-State Corridor Planning	76.500	84.000	84.000	84.000	84.000	84.000	496.500	82.750
Border Planning, Operations, and Technology Program	76.500	84.000	84.000	84.000	84.000	84.000	496.500	82.750
National Scenic Byways Program	31.500	31.500	31.500	31.500	31.500	31.500	189.000	31.500
Intelligent Transportation System Performance Incentive Program	135.000	135.000	135.000	135.000	135.000	135.000	810.000	135.000
Highway Use Tax Evasion	26.550	54.500	54.500	44.500	11.000	11.000	202.050	33.675
Commercial Vehicle Information Systems and Networks Deployment	25.000	25.000	25.000	25.000	25.000	25.000	150.000	25.000
Infrastructure Performance and Maintenance Program	1,000.000	1,000.000	1,000.000	1,000.000	1,000.000	1,000.000	6,000.000	1,000.000
Minimum Guarantee (estimate)	6,852.756	7,073.520	7,339.997	7,572.484	7,805.210	8,007.939	44,651.906	7,441.984
Revenue Aligned Budget Authority	0.000	0.000	ssambn *	ssambn *	ssambn *	ssambn *	ssambn *	ssambn *
Transportation Infrastructure Finance and Innovation	130.000	130.000	130.000	130.000	130.000	130.000	780.000	130.000
National Blue Ribbon Commission on Safety	3.000	1.000	1.000	1.000	0.500	0.500	7.000	1.167
Transportation, Energy, and Environment	4.000	3.000	3.000	3.000	3.000	3.000	19.000	3.167
Emergency Relief	200.000	200.000	200.000	200.000	200.000	200.000	1,200.000	200.000
Total --Title I	29,725.806	30,658.520	31,672.997	32,607.484	33,506.210	34,301.939	192,472.956	32,078.826
Title II--Highway Safety								
State and Community Highway Safety Programs - Formula Grants	162.000	167.000	172.000	177.000	183.000	189.000	1,050.000	175.000
State and Community Highway Safety Programs - Performance Grants	175.000	179.000	183.000	189.000	195.000	201.000	1,122.000	187.000
State and Community Highway Safety Programs - Impaired Driving Grants	50.000	50.000	50.000	50.000	50.000	50.000	300.000	50.000
Highway Safety Research and Development	88.452	90.000	92.000	94.000	96.000	99.000	559.452	93.242
Emergency Medical Services Activities	[2.226]	[2.226]	[2.226]	[2.226]	[2.226]	[2.226]	[13.356]	[2.226]
International Cooperation Activities	[0.200]	[0.200]	[0.200]	[0.200]	[0.200]	[0.200]	[1.200]	[0.200]
National Motor Vehicle Crash Causation Study	[10.000]	[10.000]	[10.000]	[10.000]	[10.000]	[10.000]	[60.000]	[10.000]
Emergency Medical Services Grants	10.000	10.000	10.000	10.000	10.000	10.000	60.000	10.000
State Traffic Safety Information System Improvement Grants	50.000	50.000	50.000	50.000	50.000	50.000	300.000	50.000
National Driver Register	3.600	4.000	4.000	4.000	4.000	4.000	23.600	3.933
Total - Title II	539.052	550.000	561.000	574.000	588.000	603.000	3,415.052	569.175

**Authorizations - Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003**

<u>Amounts in Millions of Dollars</u>	<u>FY 2004</u>	<u>FY 2005</u>	<u>FY 2006</u>	<u>FY 2007</u>	<u>FY 2008</u>	<u>FY 2009</u>	<u>Total</u>	<u>Average</u>
<b>Title III--Federal Transit Administration</b>								
Alaska Railroad	4.850	4.850	4.850	4.850	4.850	4.850	29.100	4.850
Urbanized Area Formula Grants (Including Rail Modernization)	4,735.739	4,682.317	4,782.141	4,892.390	5,016.165	5,140.947	29,249.699	4,874.950
Formula Grants for Other Than Urbanized Areas	359.386	366.574	374.198	382.618	392.069	401.596	2,276.440	379.407
Formula Grants for Special Needs of Elderly Individuals and Individuals with Disabilities	87.039	88.780	90.626	92.665	94.954	97.261	551.325	16.210
Job Access and Reverse Commute Grants	150.000	152.987	156.169	159.683	163.627	167.604	950.071	158.345
New Freedom Program	145.000	147.890	150.966	154.362	158.175	162.019	918.412	153.069
Rural Transportation Accessibility Incentive Program	6.950	6.950	6.950	6.950	6.950	6.950	41.700	6.950
National Parks Legacy Program	0.000	30.000	30.000	30.000	30.000	30.000	150.000	25.000
Planning Programs	89.369	145.818	148.839	152.178	155.955	159.768	851.926	141.988
Major Capital Investment Grants (Net of Planning)	1,514.918	1,531.934	1,563.193	1,597.870	1,638.223	1,679.198	9,525.336	1,587.556
Intermodal Facilities Intercity Bus Grants	0.000	75.000	75.000	75.000	75.000	75.000	375.000	62.500
Bus Testing Facility	3.000	3.494	3.567	3.647	3.737	3.828	21.272	3.545
Research and Technology	43.750	44.619	45.547	46.572	47.722	48.882	277.091	46.182
University Transportation Research	6.000	6.000	6.000	6.000	6.000	6.000	36.000	6.000
National Transit Database	3.500	3.700	3.900	4.100	4.300	4.500	24.000	4.000
Administration	76.500	77.931	79.513	81.270	83.334	85.434	483.982	80.664
Revenue Aligned Budget Authority	0.000	0.000	ssambn *	ssambn *	ssambn *	ssambn *	ssambn *	ssambn *
<b>Total --Title III</b>	<b>7,226.000</b>	<b>7,368.843</b>	<b>7,521.459</b>	<b>7,690.155</b>	<b>7,881.061</b>	<b>8,073.836</b>	<b>45,761.354</b>	<b>7,626.892</b>
<b>Title IV--Motor Carrier Safety</b>								
Administration	224.406	228.000	233.000	239.000	244.000	250.000	1,418.406	236.401
Commercial Driver's License/Driver Improvement Program	22.000	22.000	23.000	23.000	24.000	25.000	139.000	23.167
Border Enforcement Grants	32.000	33.000	33.000	34.000	35.000	36.000	203.000	33.833
Performance and Registration Information System Management	4.000	4.000	4.000	4.000	4.000	4.000	24.000	4.000
Motor Carrier Safety Assistance Program Grants	164.594	168.000	172.000	176.000	180.000	184.000	1,044.594	174.099
<b>Total --Title IV</b>	<b>447.000</b>	<b>455.000</b>	<b>465.000</b>	<b>476.000</b>	<b>487.000</b>	<b>499.000</b>	<b>2,829.000</b>	<b>471.500</b>
<b>Title V--Transportation Research</b>								
Surface Transportation Research, Development and Deployment Program	199.000	199.000	199.000	199.000	199.000	199.000	1,194.000	199.000
Training and Education	26.000	26.000	26.000	26.000	26.000	26.000	156.000	26.000
Bureau of Transportation Statistics	31.568	32.199	32.869	33.609	34.439	35.276	199.960	33.327
Intelligent Transportation Systems Research	121.000	121.000	121.000	121.000	121.000	121.000	726.000	121.000
University Transportation Research	26.500	26.500	26.500	26.500	26.500	26.500	159.000	26.500
Multi-modal Research Program	1.000	39.000	38.000	34.000	27.000	16.000	155.000	25.833
<b>Total--Title V</b>	<b>405.068</b>	<b>443.699</b>	<b>443.369</b>	<b>440.109</b>	<b>433.939</b>	<b>423.776</b>	<b>2,589.960</b>	<b>431.660</b>
<b>Title VI--Intermodal Facilities</b>								
Intermodal Facilities Intercity Bus Grants	0.000	10.000	10.000	10.000	10.000	10.000	50.000	8.333
<b>Total--Title VI</b>	<b>0.000</b>	<b>10.000</b>	<b>10.000</b>	<b>10.000</b>	<b>10.000</b>	<b>10.000</b>	<b>50.000</b>	<b>8.333</b>
<b>Title VII--Miscellaneous</b>								
High Speed Rail Corridor Planning	25.000	25.000	25.000	25.000	25.000	25.000	150.000	25.000
High Speed Rail Technology Improvements	25.000	25.000	25.000	25.000	25.000	25.000	150.000	25.000
<b>Total--Title VII</b>	<b>50.000</b>	<b>50.000</b>	<b>50.000</b>	<b>50.000</b>	<b>50.000</b>	<b>50.000</b>	<b>300.000</b>	<b>50.000</b>
<b><u>GRAND TOTAL --SAFETEA</u></b>	<b>38,392.926</b>	<b>39,536.062</b>	<b>40,723.825</b>	<b>41,847.748</b>	<b>42,956.210</b>	<b>43,961.551</b>	<b>247,418.322</b>	<b>41,236.387</b>

**Authorizations - Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003**

<u>Amounts in Millions of Dollars</u>	<u>FY 2004</u>	<u>FY 2005</u>	<u>FY 2006</u>	<u>FY 2007</u>	<u>FY 2008</u>	<u>FY 2009</u>	<u>Total</u>	<u>Average</u>
Total Authorizations by Account								
Highway Account of the Highway Trust Fund	31,115.526	32,101.419	33,138.566	34,095.793	35,015.849	35,831.415	201,298.568	33,549.761
Mass Transit Account of the Highway Trust Fund	5,936.400	6,055.020	6,180.959	6,320.023	6,476.120	6,633.483	37,602.005	6,267.001
Airport and Airway Trust Fund	0.000	0.500	0.500	0.500	0.000	0.000	1.500	0.250
General Fund	1,341.000	1,379.123	1,403.800	1,431.432	1,464.241	1,496.653	8,516.249	1,419.375
Total	38,392.926	39,536.062	40,723.825	41,847.748	42,956.210	43,961.551	247,418.322	41,236.387

\* "ssambn" means an authorization of such sums as may be necessary to fulfill the requirements of the legislative provision.





**Primary Safety Belt Law Incentive Grants Under SAFETEA  
Over Six Year Authorization Period**

State/Territory	Already has a Primary Belt Law	Grants to States with Primary Law prior to 12/31/02*	Maximum Potential Grants to States Which Enact Primary Laws **
Alabama	X	\$2,669,458	\$0
Alaska		\$0	\$3,921,250
Arizona		\$0	\$12,836,025
Arkansas		\$0	\$9,997,365
California	X	\$15,078,136	\$0
Colorado		\$0	\$12,647,660
Connecticut	X	\$1,553,609	\$0
Delaware		\$0	\$3,921,250
District of Columbia	X	\$784,250	\$0
Florida		\$0	\$37,370,535
Georgia	X (under review)	\$0	\$21,787,740
Hawaii	X	\$784,250	\$0
Idaho		\$0	\$4,782,190
Illinois		\$0	\$31,292,230
Indiana	X (under review)	\$0	\$16,566,910
Iowa	X	\$2,246,090	\$0
Kansas		\$0	\$11,773,295
Kentucky		\$0	\$11,800,625
Louisiana	X	\$2,357,371	\$0
Maine		\$0	\$3,921,250
Maryland	X	\$2,398,141	\$0
Massachusetts		\$0	\$14,311,740
Michigan	X	\$5,113,849	\$0
Minnesota		\$0	\$16,092,110
Mississippi		\$0	\$9,172,050
Missouri		\$0	\$17,055,790
Montana		\$0	\$5,110,220
Nebraska		\$0	\$7,828,615
Nevada		\$0	\$5,818,325
New Hampshire		\$0	\$3,921,250
New Jersey	X	\$3,690,810	\$0
New Mexico	X	\$1,294,741	\$0
New York	X	\$8,623,154	\$0
North Carolina	X	\$4,165,909	\$0
North Dakota		\$0	\$5,408,645
Ohio		\$0	\$28,165,910
Oklahoma	X	\$2,447,484	\$0
Oregon	X	\$1,997,711	\$0
Pennsylvania		\$0	\$30,140,360
Puerto Rico	X	\$1,656,772	\$0
Rhode Island		\$0	\$3,921,250
South Carolina		\$0	\$11,133,310
South Dakota		\$0	\$5,487,905
Tennessee		\$0	\$15,501,170
Texas	X	\$11,161,107	\$0
Utah		\$0	\$6,453,585
Vermont		\$0	\$3,921,250
Virginia		\$0	\$17,446,780
Washington	X	\$3,116,410	\$0
West Virginia		\$0	\$5,360,420
Wisconsin		\$0	\$16,039,105
Wyoming		\$0	\$3,921,250
American Samoa	X	\$392,125	\$0
Guam	X	\$392,125	\$0
N. Marianas	X	\$392,125	\$0
Virgin Islands	X	\$392,125	\$0
<b>Total</b>	<b>18 States + DC, Puerto Rico, 4 territories</b>	<b>\$72,707,752</b>	<b>\$414,829,365</b>

**\* States with Primary Safety Belt Use Law**

Maximum grant per State = 1 time FY 2003 Section 402 Formula Grant.  
Grant awarded in two equal parts in FY 2004 and 2005.

**\*\* States that Enact Primary Safety Belt Use Law**

Maximum grant per State = 5 times FY 2003 Section 402 Formula Grant.  
Total for all States not to exceed \$100 million in one year

