A BILL

To authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003.”
SEC. 9013. ADDITIONAL RULES REGARDING INSPECTIONS OF RECORDS.

(a) Provision of Copies of Records.—Section 4102 (relating to inspection of records by local officers) is amended by inserting “; and copies shall be furnished upon request of,” after “inspection by”.

(b) Inspection by Other Enforcement Agencies.—Section 4102 of the Internal Revenue Code of 1986, as amended by subsection (a), is amended by inserting “; such records and information on returns required to be filed with respect to taxes under section 4481 shall be open to inspection by officers of any State agency charged with the registration and licensing of vehicles described in such section and officers of any other Federal or State agency charged with the enforcement of Federal or State law regarding taxable fuels or criminal activities regarding taxable fuels” after “section 4083)”.

(c) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003”.

(b) Table of Contents.—The table of contents of this Act is as follows:
Sec. 1. Short title; table of contents.
Sec. 2. General definitions.
Sec. 3. Definitions for title 23.

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Funding

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

Subtitle B—New Programs

Sec. 1201. Infrastructure performance and maintenance program.
Sec. 1202. Future of surface transportation system.
Sec. 1203. Freight transportation gateways; freight intermodal connections.
Sec. 1204. Construction of ferry boats and ferry terminal facilities.
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Subtitle C—Finance

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

Subtitle D—Safety

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

Subtitle E—Environmental Planning and Review

CHAPTER 1—TRANSPORTATION PLANNING

Sec. 1501. Integration of natural resource concerns into State and metropolitan transportation planning.
Sec. 1502. Consultation between transportation agencies and resource agencies in transportation planning.
Sec. 1503. Integration of natural resource concerns into transportation project planning.
Sec. 1504. Public involvement in transportation planning and projects.
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CHAPTER 2—TRANSPORTATION PROJECT DEVELOPMENT PROCESS

Sec. 1511. Transportation project development process.
Sec. 1512. Assumption of responsibility for categorical exclusions.
Sec. 1513. Surface transportation project delivery pilot program.
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CHAPTER 3—MISCELLANEOUS

Sec. 1521. Critical real property acquisition.
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Subtitle F—Environment

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

Subtitle G—Operations

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

Subtitle H—Federal-Aid Stewardship

Sec. 1801. Future Interstate System routes.
Sec. 1802. Stewardship and oversight.
Sec. 1803. Design-build contracting.
Sec. 1804. Program efficiencies—finance.
Sec. 1805. Set-asides for interstate discretionary projects.
Sec. 1806. Federal lands highways program.
Sec. 1807. Emergency relief.
Sec. 1808. Highway bridge program.
Sec. 1809. Appalachian development highway system.
Sec. 1810. Multistate corridor program.
Sec. 1811. Border planning, operations, technology, and capacity program.
Sec. 1812. Puerto Rico highway program.
Sec. 1813. National historic covered bridge preservation.
Sec. 1814. Transportation and community and system preservation pilot program.
Sec. 1815. Tribal-State road maintenance agreements.
Sec. 1816. Forest highways.
Sec. 1817. Territorial highway program.
Sec. 1818. Magnetic levitation transportation technology deployment program.
Sec. 1819. Donations and credits.
Sec. 1820. Disadvantaged business enterprises.

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

TITLE II—TRANSPORTATION RESEARCH
Subtitle A—Funding

Subtitle B—Research and Technology
Sec. 2101. Research and technology program.
Sec. 2102. Study of data collection and statistical analysis efforts.
Sec. 2103. Centers for surface transportation excellence.

Subtitle C—Intelligent Transportation System Research
Sec. 2201. Intelligent transportation system research and technical assistance program.

TITLE III—INTERMODAL PASSENGER FACILITIES
Sec. 3002. Intermodal passenger facilities.

TITLE IV—FEDERAL AID IN SPORT FISH RESTORATION ACT AMENDMENTS
Sec. 4001. Amendment of Federal Aid in Fish Restoration Act.
Sec. 4002. Authorization of appropriations.
Sec. 4003. Division of annual appropriations.
Sec. 4004. Maintenance of projects.
Sec. 4005. Boating infrastructure.
Sec. 4006. Requirements and restrictions concerning use of amounts for expenses for administration.
Sec. 4007. Payments of funds to and cooperation with Puerto Rico, the District of Columbia, Guam, American Samoa, Commonwealth of the Northern Mariana Islands, and Virgin Islands.
Sec. 4008. Multistate conservation grant program.
SEC. 2. GENERAL DEFINITIONS.

In this Act:

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

(2) SECRETARY.—The term “Secretary” means

the Secretary of Transportation.

SEC. 3. DEFINITIONS FOR TITLE 23.

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

“(a) DEFINITIONS.—In this title:

“(1) APPORTIONMENT.—The term ‘apportionment’ includes an unexpended apportionment made under a law enacted before the date of enactment of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003.

“(2) CARPOOL PROJECT.—

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

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

“(i) to provide carpooling opportunities to the elderly and individuals with disabilities;
“(ii) to develop and implement a system for locating potential riders and informing the riders of carpool opportunities;

“(iii) to acquire vehicles for carpool use;

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

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

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

“(3) CONSTRUCTION.—

“(A) IN GENERAL.—The term ‘construction’ means the supervision, inspection, and actual building of, and incurring of all costs incidental to the construction or reconstruction of a highway, including bond costs and other costs relating to the issuance in accordance with section 122 of bonds or other debt financing instruments and costs incurred by the State in performing Federal-aid project related audits that directly benefit the Federal-aid highway program.

“(B) INCLUSIONS.—The term ‘construction’ includes—
“(i) locating, surveying, and mapping
   (including the establishment of temporary
   and permanent geodetic markers in accord-
   ance with specifications of the National
   Oceanic and Atmospheric Administration);
“(ii) resurfacing, restoration, and re-
   habilitation;
“(iii) acquisition of rights-of-way;
“(iv) relocation assistance, acquisition
   of replacement housing sites, and acquisi-
   tion and rehabilitation, relocation, and con-
   struction of replacement housing;
“(v) elimination of hazards of railway
   grade crossings;
“(vi) elimination of roadside obstacles;
“(vii) improvements that directly fa-
   cilitate and control traffic flow, such as—
   “(I) grade separation of intersec-
   tions;
   “(II) widening of lanes;
   “(III) channelization of traffic;
   “(IV) traffic control systems; and
   “(V) passenger loading and un-
   loading areas;
“(viii) capital improvements that directly facilitate an effective vehicle weight enforcement program, such as—

“(I) scales (fixed and portable);
“(II) scale pits;
“(III) scale installation; and
“(IV) scale houses;
“(ix) improvements directly relating to securing transportation infrastructures for detection, preparedness, response, and recovery;
“(x) operating costs relating to traffic monitoring, management, and control;
“(xi) operational movements; and
“(xii) transportation system management and operations.
“(4) COUNTY.—The term ‘county’ includes—
“(A) a corresponding unit of government under any other name in a State that does not have county organizations; and
“(B) in those States in which the county government does not have jurisdiction over highways, any local government unit vested with jurisdiction over local highways.
“(5) FEDERAL-AID HIGHWAY.—
“(A) IN GENERAL.—The term ‘Federal-aid highway’ means a highway eligible for assistance under this chapter.

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

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

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

“(A) a forest highway;

“(B) a recreation road;

“(C) a public Forest Service road;

“(D) a park road;

“(E) a parkway;

“(F) a refuge road;

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

“(H) a public lands highway.

“(8) FOREST HIGHWAY.—The term ‘forest highway’ means a forest road that is—

“(A) under the jurisdiction of, and maintained by, a public authority; and

“(B) is open to public travel.
“(9) Forest road or trail.—

“(A) In general.—The term ‘forest road or trail’ means a road or trail wholly or partly within, or adjacent to, and serving National Forest System land that is necessary for the protection, administration, use, and development of the resources of that land.

“(B) Inclusions.—The term ‘forest road or trail’ includes—

“(i) a classified forest road;

“(ii) an unclassified forest road;

“(iii) a temporary forest road; and

“(iv) a public forest service road.

“(10) Freight transportation gateway.—

“(A) In general.—The term ‘freight transportation gateway’ means a nationally or regionally significant transportation port of entry or hub for domestic and global trade or military mobilization.

“(B) Inclusions.—The term ‘freight transportation gateway’ includes freight intermodal and Strategic Highway Network connections that provide access to and from a port or hub described in subparagraph (A).
“(11) Highway.—The term ‘highway’ includes—

“(A) a road, street, and parkway;

“(B) a right-of-way, bridge, railroad-highway crossing, tunnel, drainage structure, sign, guardrail, and protective structure, in connection with a highway; and

“(C) a portion of any interstate or international bridge or tunnel (including the approaches to the interstate or international bridge or tunnel, and such transportation facilities as may be required by the United States Customs Service and the Bureau of Citizenship and Immigration Services in connection with the operation of an international bridge or tunnel), the cost of which is assumed by a State transportation department.

“(12) Highway safety improvement project.—The term ‘highway safety improvement project’ means a project that meets the requirements of section 148.

“(13) Indian reservation road.—

“(A) In general.—The term ‘Indian reservation road’ means a public road that is located within or provides access to an area de-
scribed in subparagraph (B) on which or in which reside Indians or Alaskan Natives that, as determined by the Secretary of the Interior, are eligible for services generally available to Indians under Federal laws specifically applicable to Indians.

“(B) AREAS.—The areas referred to in subparagraph (A) are—

“(i) an Indian reservation;

“(ii) Indian trust land or restricted Indian land that is not subject to fee title alienation without the approval of the Federal Government; and

“(iii) an Indian or Alaska Native village, group, or community.

“(14) INTERSTATE SYSTEM.—The term ‘Interstate System’ means the Dwight D. Eisenhower National System of Interstate and Defense Highways described in section 103(c).

“(15) MAINTENANCE.—

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

“(B) INCLUSIONS.—The term ‘maintenance’ includes the preservation of—
“(i) the surface, shoulders, roadsides, and structures of a highway; and

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

“(16) MAINTENANCE AREA.—The term ‘maintenance area’ means an area that was designated as a nonattainment area, but was later redesignated by the Administrator of the Environmental Protection Agency as an attainment area, under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)).

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

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

“(19) OPERATING COSTS FOR TRAFFIC MONITORING, MANAGEMENT, AND CONTROL.—The term ‘operating costs for traffic monitoring, management, and control’ includes—

“(A) labor costs;

“(B) administrative costs;

“(C) costs of utilities and rent;
“(D) costs incurred by transportation agencies for technology to monitor critical transportation infrastructure for security purposes; and

“(E) other costs associated with transportation systems management and operations and the continuous operation of traffic control, such as—

“(i) an integrated traffic control system;

“(ii) an incident management program; and

“(iii) a traffic control center.

“(20) OPERATIONAL IMPROVEMENT.—

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

“(i) a capital improvement for installation or implementation of—

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

“(II) traffic and transportation security surveillance and control equipment;

“(III) a computerized signal system;
“(IV) a motorist information system;
“(V) an integrated traffic control system;
“(VI) an incident management program;
“(VII) equipment and programs for transportation response to man-made and natural disasters; or
“(VIII) a transportation demand management facility, strategy, or program; and
“(ii) such other capital improvements to a public road as the Secretary may designate by regulation.

“(B) Exclusions.—The term ‘operational improvement’ does not include—
“(i) a resurfacing, restorative, or rehabilitative improvement;
“(ii) construction of an additional lane, interchange, or grade separation; or
“(iii) construction of a new facility on a new location.

“(21) Park road.—The term ‘park road’ means a public road (including a bridge built primarily for
pedestrian use, but with capacity for use by emergency vehicles) that is located within, or provides access to, an area in the National Park System with title and maintenance responsibilities vested in the United States.

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

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

“(A)(i) an undertaking to construct a particular portion of a highway; or

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

“(B) any other undertaking eligible for assistance under this title.

“(24) PROJECT AGREEMENT.—The term ‘project agreement’ means the formal instrument to be executed by the Secretary and a State transportation department under section 106.

“(25) PUBLIC AUTHORITY.—The term ‘public authority’ means a Federal, State, county, town, or township, Indian tribe, municipal or other local government or instrumentality with authority to finance, build, operate, or maintain toll or toll-free facilities.
“(26) PUBLIC FOREST SERVICE ROAD.—The term ‘public Forest Service road’ means a classified forest road—

“(A) that is open to public travel;

“(B) for which title and maintenance responsibility is vested in the Federal Government; and

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

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

“(28) PUBLIC LANDS HIGHWAY.—The term ‘public lands highway’ means—

“(A) a forest road that is—

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

“(ii) open to public travel; and

“(B) any highway through unappropriated or unreserved public land, nontaxable Indian land, or any other Federal reservation (including
a main highway through such land or reservation that is on the Federal-aid system) that is—

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

“(ii) open to public travel.

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

“(A) under the jurisdiction of, and maintained by, a public authority; and

“(B) open to public travel.

“(30) RECREATIONAL ROAD.—The term ‘recreational road’ means a public road—

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

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

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

“(A) that provides access to or within a unit of the National Wildlife Refuge System or a national fish hatchery; and
“(B) for which title and maintenance responsibility is vested in the United States Government.

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

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

“(34) STATE.—The term ‘State’ means—

“(A) a State;

“(B) the District of Columbia; and

“(C) the Commonwealth of Puerto Rico.

“(35) STATE FUNDS.—The term ‘State funds’ includes funds that are—

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

“(B) made available for expenditure under the direct control of the State transportation department.

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

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“(37) TERRITORIAL HIGHWAY SYSTEM.—The term ‘territorial highway system’ means the system of arterial highways, collector roads, and necessary interisland connectors in American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the United States Virgin Islands that have been designated by the appropriate Governor or chief executive officer of a territory, and approved by the Secretary, in accordance with section 215.

“(38) TRANSPORTATION ENHANCEMENT ACTIVITY.—The term ‘transportation enhancement activity’ means, with respect to any project or the area to be served by the project, any of the following activities as the activities relate to surface transportation:

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

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

“(C) Acquisition of scenic easements and scenic or historic sites (including historic battlefields).

“(D) Conduct of scenic or historic highway programs (including the provision of tourist and welcome center facilities).
“(E) Landscaping and other scenic beautification.

“(F) Historic preservation.

“(G) Rehabilitation and operation of historic transportation buildings, structures, or facilities (including historic railroad facilities and canals).

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

“(I) Control and removal of outdoor advertising.

“(J) Archaeological planning and research.

“(K) Environmental mitigation—

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

“(ii) reduce vehicle-caused wildlife mortality while maintaining habitat connectivity.

“(L) Establishment of transportation museums.

“(39) TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS.—

“(A) IN GENERAL.—The term ‘transportation systems management and operations’
means an integrated program to optimize the performance of existing infrastructure through the implementation of multimodal and intermodal, cross-jurisdictional systems, services, and projects designed to preserve capacity and improve security, safety, and reliability of the transportation system.

“(B) INCLUSIONS.—The term ‘transportation systems management and operations’ includes—

“(i) regional operations collaboration and coordination activities between transportation and public safety agencies; and

“(ii) improvements to the transportation system such as traffic detection and surveillance, arterial management, freeway management, demand management, work zone management, emergency management, electronic toll collection, automated enforcement, traffic incident management, roadway weather management, traveler information services, commercial vehicle operations, traffic control, freight management, and coordination of highway, rail, transit, bicycle, and pedestrian operations.
“(40) URBAN AREA.—The term ‘urban area’ means—

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

“(B) an urban place designated by the Bureau of the Census that—

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

“(ii) is not located within any urbanized area; and

“(iii) is located within boundaries that—

“(I) are fixed cooperatively by responsible State and local officials, subject to approval by the Secretary; and

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

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

“(A) has a population of 50,000 or more;
“(B) is designated by the Bureau of the Census; and

“(C) is located within boundaries that—

“(i) are fixed cooperatively by responsible State and local officials, subject to approval by the Secretary; and

“(ii) encompass, at a minimum, the entire urbanized area within a State as designated by the Bureau of the Census.”.
SEC. 1101. AUTHORIZATION OF APPROPRIATIONS.

The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

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

(A) $5,500,000,000 for fiscal year 2004;
(B) $6,300,000,000 for fiscal year 2005; and
(C) $6,550,000,000 for each of fiscal years 2006 through 2009.

(2) NATIONAL HIGHWAY SYSTEM.—For the National Highway System under section 103 of that title—

(A) $6,650,000,000 for fiscal year 2004;
(B) $7,650,000,000 for fiscal year 2005; and
(C) $7,950,000,000 for each of fiscal years 2006 through 2009.

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

(A) $4,700,000,000 for fiscal year 2004;
(B) $5,400,000,000 for fiscal year 2005; and
(C) $5,600,000,000 for each of fiscal years 2006 through 2009.

(4) Surface Transportation Program.—For the surface transportation program under section 133 of that title—

(A) $6,950,000,000 for fiscal year 2004;
(B) $7,950,000,000 for fiscal year 2005; and
(C) $8,250,000,000 for each of fiscal years 2006 through 2009.

(5) Congestion Mitigation and Air Quality Improvement Program.—For the congestion mitigation and air quality improvement program under section 149 of that title—

(A) $1,900,000,000 for fiscal year 2004;
(B) $2,150,000,000 for fiscal year 2005; and
(C) $2,225,000,000 for each of fiscal years 2006 through 2009.

(6) Highway Safety Improvement Program.—For the highway safety improvement program under section 148 of that title—

(A) $1,200,000,000 for fiscal year 2004;
(B) $1,300,000,000 for fiscal year 2005; and
(C) $1,350,000,000 for each of fiscal years 2006 through 2009.
(7) Appalachian Development Highway System Program.—For the Appalachian development highway system program under section 170 of that title, $590,000,000 for each of fiscal years 2004 through 2009.

(8) Recreational Trails Program.—For the recreational trails program under section 206 of that title, $60,000,000 for each of fiscal years 2004 through 2009.

(9) Federal Lands Highways Program.—

(A) Indian Reservation Roads.—For Indian reservation roads under section 204 of that title—

(i) $300,000,000 for fiscal year 2004;
(ii) $325,000,000 for fiscal year 2005;
(iii) $350,000,000 for fiscal year 2006;
(iv) $375,000,000 for fiscal year 2007;
(v) $400,000,000 for fiscal year 2008;
and
(vi) $425,000,000 for fiscal year 2009.

(B) Recreation Roads.—For recreation roads under section 204 of that title, $50,000,000 for each of fiscal years 2004 through 2009.
(C) **PARK ROADS AND PARKWAYS.**—For park roads and parkways under section 204 of that title—

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

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

and

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

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

(E) **PUBLIC LANDS HIGHWAYS.**—For Federal lands highways under section 204 of that title, $300,000,000 for each of fiscal years 2004 through 2009.

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

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

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

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

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

(D) $180,000,000 for fiscal year 2007;
(E) $202,500,000 for fiscal year 2008; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(13) INFRASTRUCTURE PERFORMANCE AND MAINTENANCE PROGRAM.—For carrying out the infrastructure performance and maintenance program under section 139 of that title—
(A) $2,500,000,000 for each of fiscal years 2004 through 2006;

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

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

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

(15) COMMONWEALTH OF PUERTO RICO HIGHWAY PROGRAM.—For the Commonwealth of Puerto Rico highway program under section 173 of that title—

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

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

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

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

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

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

SEC. 1102. OBLIGATION CEILING.

[RESERVED]

SEC. 1103. APPORTIONMENTS.

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

“(a) **ADMINISTRATIVE EXPENSES.**—

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

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

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

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

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

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

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

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

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

“(B) to make transfers of such sums as the Secretary determines to be appropriate to the Appalachian Regional Commission for adminis-
trative activities associated with the Appalachian development highway system.

“(3) AVAILABILITY.—The funds made available under paragraph (1) shall remain available until expended.”.

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

(A) in the matter preceding paragraph (1) of subsection (b), by striking “the deduction authorized by subsection (a) and”;

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

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

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

(1) by striking paragraph (1) and inserting the following:

“(1) SET-ASIDE.—On October 1 of each fiscal year, the Secretary shall set aside 1.5 percent of the funds authorized to be appropriated for expenditure upon programs authorized under this title to carry out the requirements of section 134.”;
(2) in paragraph (2), by striking “per centum” and inserting “percent”; 

(3) in paragraph (3)—

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

“(A) IN GENERAL.—The funds”; and

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

“(B) UNUSED FUNDS.—Any funds that are not used to carry out section 134 may be made available by a metropolitan planning organization to the State to fund activities under section 135.”; and

(4) by adding at the end the following:

“(6) FEDERAL SHARE.—Funds apportioned to a State under this subsection shall be matched in accordance with section 120(b) unless the Secretary determines that the interests of the Federal-aid highway program would be best served without the match.”.

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

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SEC. 1104. MINIMUM GUARANTEE.

Section 105 of title 23, United States Code, is amended by striking subsections (a) through (f) and inserting the following:

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

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

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

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

“(3) the bridge program under section 144;

“(4) the surface transportation program under section 133;
“(5) the congestion mitigation and air quality improvement program under section 149;

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

“(7) the Appalachian development highway system program under section 170;

“(8) the recreational trails program under section 206;

“(9) the infrastructure performance and maintenance program under section 139;

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

“(11) the equity bonus program under this section;

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

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

“(14) the railway-highway crossings under section 130.”.

SEC. 1105. REVENUE ALIGNED BUDGET AUTHORITY.

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

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

(B) in paragraph (2)—

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

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

(2) in subsection (b)(1), by striking subparagraph (A) and inserting the following:

“(A) the sums authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for each of the Federal-aid highway and highway safety construction programs (other than the equity bonus program) and for which funds are allocated from the Highway Trust Fund by the Secretary under this title and the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003; bears to”;

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

(4) by striking subsections (e), (f), and (g).
Subtitle B—New Programs

SEC. 1201. INFRASTRUCTURE PERFORMANCE AND MAINTENANCE PROGRAM.

(a) In General.—Subchapter I of chapter 1 of title 23, United States Code, is amended by inserting after section 138 the following:

“§ 139. Infrastructure performance and maintenance program

“(a) Establishment.—The Secretary shall establish and implement an infrastructure performance and maintenance program in accordance with this section.

“(b) Eligible Projects.—

“(1) In general.—A State may obligate funds allocated to the State under this section only for projects eligible under the Interstate maintenance program under section 119, the National Highway System program under section 103, the surface transportation program under section 133, the highway safety improvement program under section 148, the highway bridge replacement and rehabilitation program under section 144, and the congestion mitigation and air quality improvement program under section 149 that will—

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

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

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

“(c) PERIOD OF AVAILABILITY.—

“(1) OBLIGATION WITHIN 180 DAYS.—

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

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

“(2) OBLIGATION BY END OF FISCAL YEAR.—
“(A) IN GENERAL.—All funds allocated or reallocated under this section shall remain available for obligation until the last day of the fiscal year for which the funds are apportioned.

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

“(d) REDISTRIBUTION OF ALLOCATED FUNDS AND OBLIGATION AUTHORITY.—

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

“(A) withdraw—

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

“(ii) an equal amount of obligation authority provided for the use of the funds in accordance with section 1101(a)(14) of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003; and

“(B) reallocate the funds and redistribute the obligation authority to those States that—
“(i) have fully obligated all amounts allocated under this section for the fiscal year; and
“(ii) demonstrate that the State is able to obligate additional amounts for projects eligible under this section before the end of the fiscal year.

“(2) EQUITY BONUS.—The calculation and distribution of funds under section 105 shall be adjusted as a result of the allocation of funds under this subsection.

“(e) FEDERAL SHARE PAYABLE.—The Federal share payable for a project funded under this section shall be determined in accordance with section 120.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by adding after the item relating to section 138 the following:

“139. Infrastructure performance and maintenance program.”.

SEC. 1202. FUTURE OF SURFACE TRANSPORTATION SYSTEM.

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

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

“(b) DECLARATION OF POLICY.—
“(1) ACCELERATION OF CONSTRUCTION OF FEDERAL-AID HIGHWAY SYSTEMS.—Congress declares that it is”;

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

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

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

“(3) TRANSPORTATION NEEDS OF 21ST CENTURY.—Congress declares that—

“(A) it is in the national interest to preserve and enhance the surface transportation system to meet the needs of the United States for the 21st Century;

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

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

“(D) among the foremost needs that the surface transportation system must meet to provide
for a strong and vigorous national economy are safe, efficient, and reliable—

“(i) national and interregional personal mobility (including personal mobility in rural and urban areas) and reduced congestion;

“(ii) flow of interstate and international commerce and freight transportation; and

“(iii) travel movements essential for national security;

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

“(F) it is in the national interest to seek ways to eliminate barriers to transportation investment created by the current modal structure of transportation financing;

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

“(H) transportation should play a significant role in promoting economic growth, improv-
ing the environment, and sustaining the quality of life; and

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

(b) NATIONAL SURFACE TRANSPORTATION SYSTEM STUDY.—

(1) IN GENERAL.—The Secretary shall—

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

(i) the National Highway System;

(ii) the Interstate System;

(iii) the strategic highway network;

(iv) congressional high priority corridors;

(v) intermodal connectors;

(vi) freight facilities;

(vii) navigable waterways;

(viii) mass transportation;

(ix) freight and intercity passenger rail infrastructure and facilities; and

(x) surface access to airports; and
(B) develop a conceptual plan, with alternative approaches, for the future to ensure that the surface transportation system will continue to serve the needs of the United States, including specific recommendations regarding design and operational standards, Federal policies, and legislative changes.

(2) Specific issues.—In conducting the investigation and study, the Secretary shall specifically address—

(A) the current condition and performance of the Interstate System (including the physical condition of bridges and pavements and operational characteristics and performance), relying primarily on existing data sources;

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

(C) the expected demographics and business uses that impact the surface transportation system;

(D) the expected use of the surface transportation system, including the effects of changing vehicle types, modes of transportation, fleet size and weights, and traffic volumes;
(E) desirable design policies and standards for future improvements of the surface transportation system, including additional access points;

(F) the identification of urban, rural, national, and interregional needs for the surface transportation system;

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

(i) deployment of advanced materials and intelligent technologies;

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

(iii) improvements to intermodal linkages;

(iv) security and military deployment enhancements;

(v) strategies to enhance asset preservation; and

(vi) implementation strategies;

(H) the improvement of emergency preparedness and evacuation using the surface transportation system, including—
(i) examination of the potential use of all modes of the surface transportation system in the safe and efficient evacuation of citizens during times of emergency;

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

(iii) development of strategies to improve system redundancy, especially in areas with a high potential for terrorist attacks;

(I) alternatives for addressing environmental concerns in recommended alternatives;

(J) the evaluation and assessment of the current and future capabilities for conducting system-wide real-time performance data collection and analysis, traffic monitoring, and system operations and management; and

(K) a range of policy and legislative alternatives for addressing future needs for the surface transportation system, including funding needs and potential approaches to provide funds.

(3) **Technical Advisory Committee.**—The Secretary shall establish a technical advisory committee, in a manner consistent with the Federal Advisory
sory Committee Act (5 U.S.C. App.), to collect and
evaluate technical input from—

(A) the Department of Defense;

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

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

(D) transportation and trade associations;

(E) emergency management officials;

(F) freight providers;

(G) the general public; and

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

(4) REPORT.—Not later than 4 years after the
date of enactment of this Act, the Secretary shall sub-
mit to the Committee on Environment and Public
Works of the Senate and the Committee on Transpor-
tation and Infrastructure of the House of Representa-
tives, and make readily available to the public, a re-
port on the results of the investigation and study con-
ducted under this subsection.
SEC. 1203. FREIGHT TRANSPORTATION GATEWAYS;

FREIGHT INTERMODAL CONNECTIONS.

(a) Freight Transportation Gateways.—Chapter 3 of title 23, United States Code, is amended by adding at the end the following:

“§ 325. Freight transportation gateways

“(a) In General.—

“(1) Establishment.—The Secretary shall establish a freight transportation gateways program to improve productivity, security, and safety of freight transportation gateways, while mitigating congestion and community impacts in the area of the gateways.

“(2) Purposes.—The purposes of the freight transportation gateways program shall be—

“(A) to facilitate and support multimodal freight transportation initiatives at the State and local levels in order to improve freight transportation gateways and mitigate the impact of congestion on the environment in the area of the gateways;

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

“(C) to encourage adoption of new financing strategies to leverage State, local, and pri-
private investment in freight transportation gate-
ways;

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

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

“(b) State Responsibilities.—

“(1) Project development process.—Each
State, in coordination with metropolitan planning
organizations, shall ensure that intermodal freight
transportation, trade facilitation, and economic devel-
opment needs are adequately considered and fully in-
tegrated into the project development process, includ-
ing transportation planning through final design and
construction of freight-related transportation projects.

“(2) Freight transportation coordinator.—

“(A) In general.—Each State shall des-
ignate a freight transportation coordinator.

“(B) Duties.—The coordinator shall—

“(i) foster public and private sector
collaboration needed to implement complex
solutions to freight transportation and
freight transportation gateway problems,

including—
“(I) coordination of metropolitan and statewide transportation activities with trade and economic interests;

“(II) coordination with other States, agencies, and organizations to find regional solutions to freight transportation problems; and

“(III) coordination with local officials of the Department of Defense and the Department of Homeland Security, and with other organizations, to develop regional solutions to military and homeland security transportation needs; and

“(ii) promote programs that build professional capacity to better plan, coordinate, integrate, and understand freight transportation needs for the State.

“(c) Innovative Finance Strategies.—

“(1) In general.—States and localities are encouraged to adopt innovative financing strategies for freight transportation gateway improvements, including—

“(A) new user fees;
“(B) modifications to existing user fees, including trade facilitation charges;

“(C) revenue options that incorporate private sector investment; and

“(D) a blending of Federal-aid and innovative finance programs.

“(2) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to States and localities with respect to the strategies.

“(d) INTERMODAL FREIGHT TRANSPORTATION PROJECTS.—

“(1) USE OF SURFACE TRANSPORTATION PROGRAM FUNDS.—A State may obligate funds apportioned to the State under section 104(b)(3) for publicly-owned intermodal freight transportation projects that provide community and highway benefits by addressing economic, congestion, system reliability, security, safety, or environmental issues associated with freight transportation gateways.

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

“(A) may include publicly-owned intermodal freight transfer facilities, access to the facilities, and operational improvements for the facilities (including capital investment for intel-
ligent transportation systems), except that projects located within the boundaries of port terminals shall only include the surface transportation infrastructure modifications necessary to facilitate direct intermodal interchange, transfer, and access into and out of the port; and

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

(b) Eligibility for Surface Transportation Program Funds.—Section 133(b) of title 23, United States Code, is amended by inserting after paragraph (11) the following:

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

(c) Freight Intermodal Connections to NHS.—

Section 103(b) of title 23, United States Code, is amended by adding at the end the following:

“(7) Freight intermodal connections to the NHS.—

“(A) Funding set-aside.—Of the funds apportioned to a State for each fiscal year under section 104(b)(1), an amount determined in accordance with subparagraph (B) shall only be available to the State to be obligated for projects on—
“(i) National Highway System routes connecting to intermodal freight terminals identified according to criteria specified in the report to Congress entitled ‘Pulling Together: The National Highway System and its Connections to Major Intermodal Terminals’ dated May 24, 1996, referred to in paragraph (1), and any modifications to the connections that are consistent with paragraph (4);

“(ii) strategic highway network connectors to strategic military deployment ports; and

“(iii) projects to eliminate railroad crossings or make railroad crossing improvements.

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

“(i) the product obtained by multiplying—

“(I) the total amount of funds apportioned to the State under section 104(b)(1); by
“(II) the percentage of miles that routes specified in subparagraph (A) constitute of the total miles on the National Highway System in the State; or

“(ii) 2 percent of the annual apportionment to the State of funds under 104(b)(1).

“(C) EXEMPTION FROM SET-ASIDE.—For any fiscal year, a State may obligate the funds otherwise set aside by this paragraph for any project that is eligible under paragraph (6) and is located in the State on a segment of the National Highway System specified in paragraph (2), if the State certifies and the Secretary concurs that—

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

“(ii) significant needs on the designated National Highway System inter-
modal connectors are being met or do not exist.”.

(d) Federal Share Payable.—Section 120 of title 23, United States Code, is amended by adding at the end the following:

“(m) Increased Federal Share for Connectors.—In the case of a project to support a National Highway System intermodal freight connection or strategic highway network connector to a strategic military deployment port described in section 103(b)(7), the Federal share of the total cost of the project shall be 90 percent.”.

(e) Length Limitations.—Section 31111(e) of title 49, United States Code, is amended—

(1) by striking “The” and inserting the following:

“(1) In general.—The”; and

(2) by adding at the end the following:

“(2) Length Limitations.—In the interests of economic competitiveness, security, and intermodal connectivity, not later than 3 years after the date of enactment of this paragraph, States shall update the list of Federal-aid system highways to include—

“(A) strategic highway network connectors to strategic military deployment ports; and
“(B) National Highway System intermodal freight connections serving military and commercial truck traffic going to major intermodal terminals as described in section 103(b)(7)(A)(i).”.

(f) CONFORMING AMENDMENT.—The analysis of chapter 3 of title 23, United States Code, is amended by adding at the end the following:

“325. Freight transportation gateways.”.

SEC. 1204. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.

(a) In General.—Section 147 of title 23, United States Code, is amended to read as follows:

“§ 147. Construction of ferry boats and ferry terminal facilities

“(a) In General.—The Secretary shall carry out a program for construction of ferry boats and ferry terminal facilities in accordance with section 129(c).

“(b) Federal Share.—The Federal share of the cost of construction of ferry boats and ferry terminals under this section shall be 80 percent.

“(c) Set Aside for Projects on National Highway System.—Before any apportionment is made under section 104(b)(3), the Secretary shall set aside $20,000,000 for each of fiscal years 2004 through 2009, for obligation by the Secretary, for—
(1) the construction or refurbishment of ferry boats and ferry terminal facilities;

(2) the acquisition of zero- or low-emission ferry boats, or projects that advance the ship-building capacities of the United States through the introduction of new technology; and

(3) approaches to facilities described in paragraph (1) located within marine highway systems that are part of the National Highway System.

(d) FUNDING.—There shall be made available to the Secretary to carry out this section, out of the Highway Trust Fund (other than the Mass Transit Account), for obligation at the discretion of the Secretary and to remain available until expended, $38,000,000 for the period of fiscal years 2004 through 2009.”.

(b) CONFORMING AMENDMENTS.—

(1) The analysis for subchapter I of chapter 1 of title 23, United States Code, is amended by striking the item relating to section 147 and inserting the following:

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

SEC. 1205. DESIGNATION OF DANIEL PATRICK MOYNIHAN INTERSTATE HIGHWAY.

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

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the highway referred to in subsection (a) shall be deemed to be a reference to the Daniel Patrick Moynihan Interstate Highway.
Subtitle C—Finance

SEC. 1301. FEDERAL SHARE.

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

“(d) INCREASED FEDERAL SHARE.—

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

“(A) nontaxable Indian land;

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

“(C) a national forest; or

“(D) a national park and monument.

“(2) AMOUNT.—

“(A) IN GENERAL.—The Federal share for States described in paragraph (1) shall be increased by a percentage of the remaining cost that—

“(i) is equal to the percentage that—

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

“(II) the total area of the State;

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

“(B) ADJUSTMENT. — The Secretary shall adjust the Federal share for States under subparagraph (A) as the Secretary determines necessary, on the basis of data provided by the Federal agencies that are responsible for maintaining the data.

“(C) DECREASED FEDERAL SHARE. — Unless the State voluntarily agrees to a decreased Federal share, the Secretary shall provide the maximum Federal share allowable under subsections (a) and (b), as adjusted by this subsection.”.

SEC. 1302. TRANSFER OF HIGHWAY AND TRANSIT FUNDS.

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

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

“(1) TRANSFER OF HIGHWAY FUNDS FOR TRANSIT PROJECTS. —

“(A) IN GENERAL. — Subject to subparagraph (B), funds made available for transit projects or transportation planning under this title may be transferred to and administered by
the Secretary in accordance with chapter 53 of title 49.

“(B) Non-Federal Share.—The provisions of this title relating to the non-Federal share shall apply to the transferred funds.

“(2) Transfer of Transit Funds for Highway Projects.—Funds made available for highway projects or transportation planning under chapter 53 of title 49 may be transferred to and administered by the Secretary in accordance with this title.

“(3) Transfer of Highway Funds to Other Federal Agencies.—

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

“(i)(I) an expenditure is specifically authorized in Federal-aid highway legislation or as a line item in an appropriation act; or

“(II) a State transportation department consents to the transfer of funds;
“(ii) the Secretary determines, after consultation with the State transportation department (as appropriate), that the Federal agency should carry out a project with the funds; and

“(iii) the other Federal agency agrees to accept the transfer of funds and to administer the project.

“(B) ADMINISTRATION.—

“(i) PROCEDURES.—A project carried out with funds transferred to a Federal agency under subparagraph (A) shall be administered by the Federal agency under the procedures of the Federal agency.

“(ii) APPROPRIATIONS.—Funds transferred to a Federal agency under subparagraph (A) shall not be considered an augmentation of the appropriations of the Federal agency.

“(iii) NON-FEDERAL SHARE.—The provisions of this title, or an Act described in subparagraph (A), relating to the non-Federal share shall apply to a project carried out with the transferred funds, unless the Secretary determines that it is in the best
interest of the United States that the non-
Federal share be waived.

“(4) Transfer of Funds Among States or to Federal Highway Administration.—

“(A) In general.—Subject to subparagraphs (B) through (D), the Secretary may, at the request of a State, transfer funds apportioned or allocated to the State to another State, or to the Federal Highway Administration, for the purpose of funding 1 or more specific projects.

“(B) Administration.—The transferred funds shall be used for the same purpose and in the same manner for which the transferred funds were authorized.

“(C) Apportionment.—The transfer shall have no effect on any apportionment formula used to distribute funds to States under this section or section 105 or 144.

“(D) Surface Transportation Program.—Funds that are apportioned or allocated to a State under subsection (b)(3) and attributed to an urbanized area of a State with a population of over 200,000 individuals under section 133(d)(2) may be transferred under this paragraph only if the metropolitan planning organi-
zation designated for the area concurs, in writing, with the transfer request.

“(5) TRANSFER OF OBLIGATION AUTHORITY.—Obligation authority for funds transferred under this subsection shall be transferred in the same manner and amount as the funds for the projects are transferred under this subsection.”.

SEC. 1303. TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT AMENDMENTS.

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

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

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

(3) in paragraph (8) (as redesignated by paragraph (2))—

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

(B) by striking subparagraph (D) and inserting the following:

“(D) a project that—

“(i)(I) is a project for—
“(aa) a public freight rail facility or a private facility providing public benefit;

“(bb) an intermodal freight transfer facility;

“(cc) a means of access to a facility described in item (aa) or (bb);

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

“(II) comprises a series of projects described in subclause (I) with the common objective of improving the flow of goods;

“(ii) may involve the combining of private and public sector funds, including investment of public funds in private sector facility improvements; and

“(iii) if located within the boundaries of a port terminal, includes only such surface transportation infrastructure modifications as are necessary to facilitate direct intermodal interchange, transfer, and access into and out of the port.”; and
(4) in paragraph (10) (as redesignated by paragraph (2)) by striking “bond” and inserting “credit”.

(b) Determination of Eligibility and Project Selection.—Section 182 of title 23, United States Code, is amended—

(1) in subsection (a)—

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

“(1) Inclusion in Transportation Plans and Programs.—The project shall satisfy the applicable planning and programming requirements of sections 134 and 135 at such time as an agreement to make available a Federal credit instrument is entered into under this subchapter.

“(2) Application.—A State, local government, public authority, public-private partnership, or any other legal entity undertaking the project and authorized by the Secretary shall submit a project application to the Secretary.”;

(B) in paragraph (3)(A)—

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

(ii) in clause (ii), by striking “50” and inserting “20”; and
(C) in paragraph (4)—

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

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

(2) in subsection (b)—

(A) in paragraph (1), by striking “criteria” the second place it appears and inserting “requirements”; and

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

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

(1) in subsection (a)—

(A) in paragraph (1)—

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

(ii) in subparagraphs (A) and (B), by inserting “of any project selected under section 182” after “costs”; and
(iii) in subparagraph (B), by striking the semicolon at the end and inserting a period; and

(B) in paragraph (4)—

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

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

(2) in subsection (b)—

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

“(2) MAXIMUM AMOUNT.—The amount of the secured loan shall not exceed the lesser of—

“(A) 33 percent of the reasonably anticipated eligible project costs; or

“(B) the amount of the senior project obligations.”;

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

(C) in paragraph (4), by striking “marketable”; and

(3) in subsection (c)—

(A) by striking paragraph (3);
(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(C) in paragraph (3) (as redesignated by subparagraph (B))—

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

(ii) in subparagraph (B)(ii), by striking “loan” and all that follows and inserting “loan.”.

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

(1) in subsection (b)—

(A) in paragraph (3), by striking “interest, any debt service reserve fund, and any other available reserve” and inserting “interest (but not including reasonably required financing reserves)”;

(B) in paragraph (4), by striking “marketable United States Treasury securities as of the date on which the line of credit is obligated” and inserting “United States Treasury securities as of the date of execution of the line of credit agreement”; and
(C) in paragraph (5)(A)(i), by inserting “that also secure the senior project obligations” after “sources”; and

(2) in subsection (c)—

(A) in paragraph (2)—

(i) by striking “scheduled”;

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

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

and

(B) by striking paragraph (3).

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

§ 185. Program administration

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

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

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

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

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

“(d) ASSISTANCE FROM EXPERT FIRMS.—The Secretary may retain the services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments.”.

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

“§ 188. Funding

“(a) FUNDING.—

“(1) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subchapter $130,000,000 for each of fiscal years 2004 through 2009.

“(2) COLLECTED FEES.—All fees collected under this subchapter shall be made available to the Secretary, without further appropriation, to carry out this subchapter.
“(3) ADMINISTRATIVE COSTS.—Of amounts made available under paragraph (1), the Secretary may use for the administration of this subchapter not more than $2,000,000 for each of fiscal years 2004 through 2009.

“(4) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available until expended.

“(b) CONTRACT AUTHORITY.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, approval by the Secretary of a Federal credit instrument that uses funds made available under this subchapter shall be deemed to be acceptance by the United States of a contractual obligation to fund the Federal credit investment.

“(2) AVAILABILITY.—Amounts authorized under this section for a fiscal year shall be available for obligation on October 1 of the fiscal year.”.

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

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

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

“185. Program administration.”;

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

SEC. 1304. FACILITATION OF INTERNATIONAL REGISTRATION PLANS AND INTERNATIONAL FUEL TAX AGREEMENTS.

(a) IN GENERAL.—Chapter 317 of title 49, United States Code, is amended by adding at the end the following: “§ 31708. Facilitation of international registration plans and international fuel tax agreements

“The Secretary may provide assistance to any State that is participating in the International Registration Plan and International Fuel Tax Agreement, as provided in sections 31704 and 31705, respectively, and that serves as a base jurisdiction for motor carriers that are domiciled in Mexico, to assist the State with administrative costs resulting from serving as a base jurisdiction for motor carriers from Mexico.”.

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

“31708. Facilitation of international registration plans and international fuel tax agreements.”. 
SEC. 1305. NATIONAL COMMISSION ON FUTURE REVENUE SOURCES TO SUPPORT THE HIGHWAY TRUST FUND AND FINANCE THE NEEDS OF THE SURFACE TRANSPORTATION SYSTEM.

(a) ESTABLISHMENT.—There is established a commission to be known as the “National Commission on Future Revenue Sources to Support the Highway Trust Fund and Finance the Needs of the Surface Transportation System” (referred to in this section as the “Commission”).

(b) MEMBERSHIP.—

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

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

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

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

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

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

(2) QUALIFICATIONS.—Members appointed under paragraph (1) shall have experience in or represent the interests of—
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(A) public finance, including experience in developing State and local revenue resources;

(B) surface transportation program administration;

(C) organizations that use surface transportation facilities;

(D) academic research into related issues; or

(E) other activities that provide unique perspectives on current and future requirements for revenue sources to support the Highway Trust Fund.

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

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

(5) VACANCIES.—A vacancy on the Commission—

(A) shall not affect the powers of the Commission; and

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

(6) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commis-
sion have been appointed, the Commission shall hold the initial meeting of the Commission.

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

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

(9) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.

(c) DUTIES.—

(1) IN GENERAL.—The Commission shall—

(A) conduct a comprehensive study of alternatives to replace or to supplement the fuel tax as the principal revenue source to support the Highway Trust Fund and suggest new or alternative sources of revenue to fund the needs of the surface transportation system over at least the next 30 years;

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

(i) findings, conclusions, and recommendations of the recent study conducted by the Transportation Research Board on...
alternatives to the fuel tax to support highway program financing; and

(ii) other relevant prior research;

(C) consult with the Secretary and the Secretary of the Treasury in conducting the study to ensure that the views of the Secretaries concerning essential attributes of Highway Trust Fund revenue alternatives are considered;

(D) consult with representatives of State Departments of Transportation and metropolitan planning organizations and other key interested stakeholders in conducting the study to ensure that—

(i) the views of the stakeholders on alternative revenue sources to support State transportation improvement programs are considered; and

(ii) any recommended Federal financing strategy takes into account State financial requirements; and

(E) based on the study, make specific recommendations regarding—

(i) actions that should be taken to develop alternative revenue sources to support the Highway Trust Fund; and
(ii) the time frame for taking those actions.

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

(A) the advantages and disadvantages of alternative revenue sources to meet anticipated Federal surface transportation financial requirements;

(B) recommendations concerning the most promising revenue sources to support long-term Federal surface transportation financing requirements;

(C) development of a broad transition strategy to move from the current tax base to new funding mechanisms, including the time frame for various components of the transition strategy;

(D) recommendations for additional research that may be needed to implement recommended alternatives; and

(E) the extent to which revenues should reflect the relative use of the highway system.

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

(A) the Secretary of Transportation;
(B) the Secretary of Energy;

(C) the Transportation Research Board;

and

(D) other entities and persons.

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

(A) the ability to generate sufficient revenues from all modes to meet anticipated long-term surface transportation financing needs;

(B) the roles of the various levels of government and the private sector in meeting future surface transportation financing needs;

(C) administrative costs (including enforcement costs) to implement each option;

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

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

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

(G) the flexibility of different options to allow various pricing alternatives to be implemented; and
(H) potential compatibility issues with
State and local tax mechanisms under each al-
ternative.

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

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

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

(d) POWERS.—

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

(2) INFORMATION FROM FEDERAL AGENCIES.—

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

(B) PROVISION OF INFORMATION.—On re-
quest of the Chairperson of the Commission, the
head of the agency shall provide the information
to the Commission.
(3) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

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

(e) COMMISSION PERSONNEL MATTERS.—

(1) MEMBERS.—A member of the Commission shall serve without pay but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(2) CONTRACTOR.—The Commission may contract with an appropriate organization, agency, or entity to conduct the study required under this section, under the strategic guidance of the Commission.

(3) ADMINISTRATIVE SUPPORT.—On the request of the Commission, the Administrator of the Federal Highway Administration shall provide to the Commission, on a reimbursable basis, the administrative support and services necessary for the Commission to
carry out the duties of the Commission under this section.

(4) DETAIL OF DEPARTMENT PERSONNEL.—

(A) IN GENERAL.—On the request of the Commission, the Secretary may detail, on a reimbursable basis, any of the personnel of the Department to the Commission to assist the Commission in carrying out the duties of the Commission under this section.

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

(5) COOPERATION.—The staff of the Secretary shall cooperate with the Commission in the study required under this section, including providing such nonconfidential data and information as are necessary to conduct the study.

(f) RELATIONSHIP TO OTHER LAWS.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), funds made available to carry out this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.
(2) **FEDERAL SHARE.**—The Federal share of the cost of the study and the Commission under this section shall be 100 percent.

(3) **AVAILABILITY.**—Funds made available to carry out this section shall remain available until expended.

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

(h) **TERMINATION.**—

(1) **IN GENERAL.**—The Commission shall terminate on the date that is 180 days after the date on which the Commission submits the report of the Commission under subsection (c)(5).

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

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

Section 1511(b)(1)(A) of the Transportation Equity Act for the 21st Century (23 U.S.C. 181 note; 112 Stat. 251) is amended by striking “Missouri,” and all that follows through “for the establishment” and inserting “Mis-
souri, Rhode Island, Texas, and any other State that seeks such an agreement for the establishment”.

Subtitle D—Safety

SEC. 1401. HIGHWAY SAFETY IMPROVEMENT PROGRAM.

(a) SAFETY IMPROVEMENT.—

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

"§ 148. Highway safety improvement program

"(a) DEFINITIONS.—In this section:

"(1) HIGHWAY SAFETY IMPROVEMENT PROGRAM.—The term ‘highway safety improvement program’ means the program carried out under this section.

"(2) HIGHWAY SAFETY IMPROVEMENT PROJECT.—

"(A) IN GENERAL.—The term ‘highway safety improvement project’ means a project described in the State strategic highway safety plan that—

"(i) corrects or improves a hazardous road location or feature; or

"(ii) addresses a highway safety problem.

"(B) INCLUSIONS.—The term ‘highway safety improvement project’ includes a project for—

"(i) an intersection safety improvement;
“(ii) pavement and shoulder widening
(including addition of a passing lane to
remedy an unsafe condition);
“(iii) installation of rumble strips or
another warning device, if the rumble strips
or other warning devices do not adversely
affect the safety or mobility of bicyclists and
pedestrians;
“(iv) installation of a skid-resistant
surface at an intersection or other location
with a high frequency of accidents;
“(v) an improvement for pedestrian or
bicyclist safety;
“(vi)(I) construction of any project for
the elimination of hazards at a railway-
highway crossing that is eligible for funding
under section 130, including the separation
or protection of grades at railway-highway
crossings;
“(II) construction of a railway-high-
way crossing safety feature; or
“(III) the conduct of a model traffic
enforcement activity at a railway-highway
crossing;
“(vii) construction of a traffic calming feature;
“(viii) elimination of a roadside obstacle;
“(ix) improvement of highway signage and pavement markings;
“(x) installation of a priority control system for emergency vehicles at signalized intersections;
“(xi) installation of a traffic control or other warning device at a location with high accident potential;
“(xii) safety-conscious planning;
“(xiii) improvement in the collection and analysis of crash data;
“(xiv) planning, equipment, operational activities, or traffic enforcement activities (including police assistance) relating to workzone safety;
“(xv) installation of guardrails, barriers (including barriers between construction work zones and traffic lanes for the safety of motorists and workers), and crash attenuators;
“(xvi) the addition or retrofitting of structures or other measures to eliminate or reduce accidents involving vehicles and wildlife; or

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

“(3) SAFETY PROJECT UNDER ANY OTHER SECTION.—

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

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

“(i) promote the awareness of the public and educate the public concerning highway safety matters; or

“(ii) enforce highway safety laws.

“(4) STATE HIGHWAY SAFETY IMPROVEMENT PROGRAM.—The term ‘State highway safety improvement program’ means projects or strategies included in the State strategic highway safety plan carried out
as part of the State transportation improvement program under section 135(f).

“(5) **State strategic highway safety plan.**—The term ‘State strategic highway safety plan’ means a plan developed by the State transportation department that—

“(A) is developed after consultation with—

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

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

“(iii) representatives of major modes of transportation;

“(iv) local traffic enforcement officials;

“(v) persons responsible for administering section 130 at the State level;

“(vi) representatives conducting Operation Lifesaver;

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

“(viii) motor vehicle administration agencies; and

“(ix) other major State and local safety stakeholders;
“(B) analyzes and makes effective use of State, regional, or local crash data;
“(C) addresses engineering, management, operation, education, enforcement, and emergency services elements of highway safety as key factors in evaluating highway projects;
“(D) considers safety needs of, and high-fatality segments of, public roads;
“(E) considers the results of State, regional, or local transportation and highway safety planning processes in existence as of the date of enactment of this section;
“(F) describes a program of projects or strategies to reduce or eliminate safety hazards;
“(G) is approved by the Governor of the State or a responsible State agency; and
“(H) is consistent with the requirements of section 135(f).

“(b) PROGRAM.—
“(1) IN GENERAL.—The Secretary shall carry out a highway safety improvement program.
“(2) PURPOSE.—The purpose of the highway safety improvement program shall be to achieve a significant reduction in traffic fatalities and serious injuries on public roads.
“(c) ELIGIBILITY.—

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

“(A) develops and implements a State strategic highway safety plan that identifies and analyzes highway safety problems and opportunities as provided in paragraph (2);

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

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

“(2) IDENTIFICATION AND ANALYSIS OF HIGHWAY SAFETY PROBLEMS AND OPPORTUNITIES.—As part of the State strategic highway safety plan, a State shall—

“(A) have in place a crash data system with the ability to perform safety problem identification and countermeasure analysis;

“(B) based on the analysis required by subparagraph (A), identify hazardous locations, sections, and elements (including roadside obstacles, railway-highway crossing needs, and unmarked...
or poorly marked roads) that constitute a danger to motorists, bicyclists, pedestrians, and other highway users;

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

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

“(ii) focus resources on areas of greatest need; and

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

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

“(i) complements the State highway safety program under chapter 4 and the commercial vehicle safety plan under section 31102 of title 49;

“(ii) includes all public roads; and

“(iii) identifies hazardous locations, sections, and elements on public roads that constitute a danger to motorists, bicyclists, and pedestrians;
“(E)(i) determine priorities for the correction of hazardous road locations, sections, and elements (including railway-highway crossing improvements), as identified through crash data analysis;

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

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

“(F)(i) establish an evaluation process to analyze and assess results achieved by highway safety improvement projects carried out in accordance with procedures and criteria established by this section; and

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

“(d) ELIGIBLE PROJECTS.—

“(1) IN GENERAL.—A State may obligate funds apportioned to the State under this section to carry out—
“(A) any highway safety improvement project on any public road or publicly owned bicycle or pedestrian pathway or trail; or

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

“(2) Use of Other Funding for Safety.—

“(A) Effect of Section.—Nothing in this section prohibits the use of funds made available under other provisions of this title for highway safety improvement projects.

“(B) Use of Other Funds.—States are encouraged to address the full scope of their safety needs and opportunities by using funds made available under other provisions of this title (except a provision that specifically prohibits that use).

“(e) Flexible Funding for States With a Strategic Highway Safety Plan.—

“(1) In General.—To further the implementation of a State strategic highway safety plan, a State may use up to 25 percent of the amount of funds made available under this section for a fiscal year to carry out safety projects under any other section as provided in the State strategic highway safety plan.
“(2) OTHER TRANSPORTATION AND HIGHWAY SAFETY PLANS.—Nothing in this subsection requires a State to revise any State process, plan, or program in effect on the date of enactment of this section.

“(f) REPORTS.—

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

“(A) describes progress being made to implement highway safety improvement projects under this section;

“(B) assesses the effectiveness of those improvements; and

“(C) describes the extent to which the improvements funded under this section contribute to the goals of—

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

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

“(iii) reducing the occurrences of roadway-related accidents;

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

“(v) reducing the occurrences of roadway-railroad grade crossing accidents.
“(2) CONTENTS; SCHEDULE.—The Secretary shall establish the content and schedule for a report under paragraph (1).

“(g) FEDERAL SHARE OF HIGHWAY SAFETY IMPROVEMENT PROJECTS.—The Federal share of the cost of a highway safety improvement project carried out with funds made available under this section shall be 90 percent.”.

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

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively;

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

(i) in the first sentence of subparagraph (A)—

(I) by striking “subparagraphs (C) and (D)” and inserting “subparagraph (C)”;

and

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

(ii) by striking subparagraph (C);
(iii) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively; and
(iv) in subparagraph (C) (as redesignated by clause (iii)), by adding a period at the end; and
(D) in paragraph (4)(A) (as redesignated by subparagraph (B)), by striking “paragraph (2)” and inserting “paragraph (1)”.

(3) CONFORMING AMENDMENTS.—
(A) Chapter 1 of title 23, United States Code, is amended by striking the item relating to section 148 and inserting the following:
“148. Highway safety improvement program.”.
(B) Sections 154, 164, and 409 of title 23, United States Code, are amended by striking “152” each place it appears and inserting “148”.

(b) APPORTIONMENT OF HIGHWAY SAFETY IMPROVEMENT PROGRAM FUNDS.—Section 104(b) of title 23, United States Code, is amended—
(1) in the matter preceding paragraph (1), by inserting after “Improvement program,” the following: “the highway safety improvement program,”; and
(2) by adding at the end the following:
“(5) **HIGHWAY SAFETY IMPROVEMENT PROGRAM.**—

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

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

“(I) the total lane miles of Federal-aid highways in each State; bears to

“(II) the total lane miles of Federal-aid highways in all States.

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

“(I) the total vehicle miles traveled on lanes on Federal-aid highways in each State; bears to

“(II) the total vehicle miles traveled on lanes on Federal-aid highways in all States.

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

“(I) the estimated tax payments attributable to highway users in each State paid into the Highway Trust
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Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available; bears to

“(II) the estimated tax payments attributable to highway users in all States paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available.

“(B) MINIMUM APPORTIONMENT.—Notwithstanding subparagraph (A), each State shall receive a minimum of 1⁄2 of 1 percent of the funds apportioned under this paragraph.”.

(c) ELIMINATION OF HAZARDS RELATING TO HIGHWAY FACILITIES.—

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

(A) in the heading, by striking “PROTECTIVE DEVICES” and inserting “RAILWAY-HIGHWAY CROSSINGS”;

(B) by striking the first sentence and inserting the following:

“(1) In general.—For each fiscal year, at least $200,000,000 of the funds authorized and expended under section 148 shall be available for the elimi-
nation of hazards and the installation of protective
devices at railway-highway crossings.”; and

(C) by striking “Sums authorized” and in-
serting the following:
“(2) OBLIGATION.—Sums authorized”.

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

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

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

(3) EXPENDITURE OF FUNDS; APPORTION-
MENT.—Section 130 of title 23, United States Code,
is amended by adding at the end the following:
“(k) EXPENDITURE OF FUNDS; APPORTION-
MENT.—Funds made available to carry out this section shall be—
“(1) available for expenditure on compilation
and analysis of data in support of activities carried
out under subsection (g); and

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

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

(2) **INTERIM PERIOD.**—

(A) **IN GENERAL.**—Before October 1 of the second fiscal year after the date of enactment of this Act and until the date on which a State develops and implements a State strategic highway safety plan, the Secretary shall apportion funds to a State for the highway safety improvement program and the State may obligate funds apportioned to the State for the highway safety improvement program under section 148 for projects that were eligible for funding under sections 130 and 152 of that title, as in effect on the day before the date of enactment of this Act.

(B) **NO STRATEGIC HIGHWAY SAFETY PLAN.**—If a State has not developed a strategic highway safety plan by October 1 of the second fiscal year after the date of enactment of this Act.
Act, but demonstrates to the satisfaction of the Secretary that progress is being made toward developing and implementing such a plan, the Secretary shall continue to apportion funds for 1 additional fiscal year for the highway safety improvement program under section 148 of title 23, United States Code, to the State, and the State may continue to obligate funds apportioned to the State under this section for projects that were eligible for funding under sections 130 and 152 of that title, as in effect on the day before the date of enactment of this Act.

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

SEC. 1402. OPERATION LIFESAVER.

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

(1) by striking “subsection (b)(3)” and inserting “subsection (b)(5)”; and
(2) by striking “$500,000” and inserting “$600,000”.

SEC. 1403. LICENSE SUSPENSION.

Section 164(a) of title 23, United States Code, is amended by striking paragraph (3) and inserting the following:

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

“(A) the suspension of all driving privileges of an individual for the duration of the suspension period; or

“(B) a combination of suspension of all driving privileges of an individual for the first 90 days of the suspension period, followed by reinstatement of limited driving privileges requiring the individual to operate only motor vehicles equipped with an ignition interlock system or other device approved by the Secretary during the remainder of the suspension period.”.

SEC. 1404. BUS AXLE WEIGHT EXEMPTION.

Section 1023 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 127 note; 105 Stat. 1951) is amended by striking subsection (h) and inserting the following:
“(h) OVER-THE-ROAD BUS AND PUBLIC TRANSIT VEHICLE EXEMPTION.—

“(1) IN GENERAL.—The second sentence of section 127 of title 23, United States Code (relating to axle weight limitations for vehicles using the Dwight D. Eisenhower System of Interstate and Defense Highways), shall not apply to—

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

“(B) any vehicle that is regularly and exclusively used as an intrastate public agency transit passenger bus.

“(2) STATE ACTION.—No State or political subdivision of a State, or any political authority of 2 or more States, shall impose any axle weight limitation on any vehicle described in paragraph (1) in any case in which such a vehicle is using the Dwight D. Eisenhower System of Interstate and Defense Highways.”.

SEC. 1405. SAFE ROUTES TO SCHOOLS PROGRAM.

(a) In General.—Subchapter I of chapter I of title 23, United States Code, is amended by inserting after section 149 the following:

“§ 150. Safe routes to schools program

“(a) DEFINITIONS.—In this section:
“(1) PRIMARY AND SECONDARY SCHOOL.—The term ‘primary and secondary school’ means a school that provides education to children in any of grades kindergarten through 12.

“(2) PROGRAM.—The term ‘program’ means the safe routes to schools program established under subsection (b).

“(3) VICINITY OF A SCHOOL.—The term ‘vicinity of a school’ means the area within 2 miles of a primary or secondary school.

“(b) ESTABLISHMENT.—The Secretary shall establish and carry out a safe routes to school program for the benefit of children in primary and secondary schools in accordance with this section.

“(c) PURPOSES.—The purposes of the program shall be—

“(1) to enable and to encourage children to walk and bicycle to school;

“(2) to encourage a healthy and active lifestyle by making walking and bicycling to school safer and more appealing transportation alternatives; and

“(3) to facilitate the planning, development, and implementation of projects and activities that will improve safety in the vicinity of schools.
“(d) **ELIGIBLE RECIPIENTS**.—A State shall use amounts apportioned under this section to provide financial assistance to State, regional, and local agencies that demonstrate an ability to meet the requirements of this section.

“(e) **ELIGIBLE PROJECTS AND ACTIVITIES**.—

“(1) **INFRASTRUCTURE-RELATED PROJECTS**.—

“(A) **IN GENERAL**.—Amounts apportioned to a State under this section may be used for the planning, design, and construction of infrastructure-related projects to encourage walking and bicycling to school, including—

“(i) sidewalk improvements;

“(ii) traffic calming and speed reduction improvements;

“(iii) pedestrian and bicycle crossing improvements;

“(iv) on-street bicycle facilities;

“(v) off-street bicycle and pedestrian facilities;

“(vi) secure bicycle parking facilities;

“(vii) traffic signal improvements; and

“(viii) pedestrian-railroad grade crossing improvements.
“(B) LOCATION OF PROJECTS.—Infrastructure-related projects under subparagraph (A) may be carried out on—

“(i) any public road in the vicinity of a school; or

“(ii) any bicycle or pedestrian pathway or trail in the vicinity of a school.

“(2) BEHAVIORAL ACTIVITIES.—

“(A) IN GENERAL.—In addition to projects described in paragraph (1), amounts apportioned to a State under this section may be used for behavioral activities to encourage walking and bicycling to school, including—

“(i) public awareness campaigns and outreach to press and community leaders;

“(ii) traffic education and enforcement in the vicinity of schools; and

“(iii) student sessions on bicycle and pedestrian safety, health, and environment.

“(B) ALLOCATION.—Of the amounts apportioned to a State under this section for a fiscal year, not less than 10 percent shall be used for behavioral activities under this paragraph.

“(f) FUNDING.—
“(1) SET ASIDE.—Before apportioning amounts to carry out section 148 for a fiscal year, the Secretary shall set aside and use $70,000,000 to carry out this section.

“(2) APPORTIONMENT.—Amounts made available to carry out this section shall be apportioned to States in accordance with section 104(b)(5).

“(3) ADMINISTRATION OF AMOUNTS.—Amounts apportioned to a State under this section shall be administered by the State transportation department.

“(4) FEDERAL SHARE.—The Federal share of the cost of a project or activity funded under this section shall be 90 percent.

“(5) PERIOD OF AVAILABILITY.—Notwithstanding section 118(b)(2), amounts apportioned under this section shall remain available until expended.”.

(b) CONFORMING AMENDMENTS.—The analysis for subchapter I of chapter 1 of title 23, United States Code is amended by inserting after the item relating to section 149 the following:

“150. Safe routes to school program.”.

SEC. 1406. PURCHASES OF EQUIPMENT.

(a) IN GENERAL.—Section 152 of title 23, United States Code is amended to read as follows:
"§ 152. Purchases of equipment

(a) In general.—Subject to subsection (b), a State or other entity carrying out a project under this chapter shall purchase device, tool or other equipment needed for the project only after completing and providing a written analysis demonstrating the cost savings associated with purchasing the equipment compared with renting the equipment from a qualified equipment rental provider before the project commences.

(b) Applicability.—This section shall apply to—

(1) earth moving, road machinery, and material handling equipment, or any other item, with a purchase price in excess of $75,000; and

(2) aerial work platforms with a purchase price in excess of $25,000.”.

(b) Conforming amendment.—The analysis for subchapter I of chapter 1 of title 23, United States Code, is amended by striking the item relating to section 152 and inserting the following:

“152. Purchases of equipment.”.

SEC. 1407. WORKZONE SAFETY.

Section 358(b) of the National Highway System Designation Act of 1995 (109 Stat. 625) is amended by adding at the end the following:

“(7) Recommending all federally-assisted projects in excess of $15,000,000 to enter into contracts only
with work zone safety services contractors, traffic control contractors, and trench safety and shoring contractors that carry general liability insurance in an amount not less than $15,000,000.

“(8) Recommending federally-assisted projects the costs of which exceed $15,000,000 to include work zone intelligent transportation systems that are—

“(A) provided by a qualified vendor; and

“(B) monitored continuously.

“(9) Recommending federally-assisted projects to fully fund not less than 5 percent of project costs for work zone safety and temporary traffic control measures, in addition to the cost of the project, which measures shall be provided by a qualified work zone safety or traffic control provider.”.

SEC. 1408. WORKER INJURY PREVENTION AND FREE FLOW OF VEHICULAR TRAFFIC.

Not later than 1 year after the date of enactment of this Act, the Secretary shall promulgate regulations—

(1) to decrease the probability of worker injury;

(2) to maintain the free flow of vehicular traffic by requiring workers whose duties place the workers on, or in close proximity to, a Federal-aid highway (as defined in section 101 of title 23, United States Code) to wear high-visibility clothing; and
(3) to require such other worker-safety measures for workers described in paragraph (2) as the Secretary determines appropriate.
Subtitle E—Environmental Planning and Review

CHAPTER 1—TRANSPORTATION PLANNING

SEC. 1501. INTEGRATION OF NATURAL RESOURCE CONCERNS INTO STATE AND METROPOLITAN TRANSPORTATION PLANNING.

(a) METROPOLITAN PLANNING.—Section 134(f) of title 23, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (D)—

(i) by inserting after “environment” the following: “(including the protection of habitat, water quality, and agricultural and forest land, while minimizing invasive species)”; and

(ii) by inserting before the semicolon the following: “(including minimizing adverse health effects from mobile source air pollution and promoting the linkage of the transportation and development goals of the metropolitan area)”;

(B) in subparagraph (G), by inserting “and efficient use” after “preservation”;
(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

“(2) SELECTION OF FACTORS.—After soliciting and considering any relevant public comments, the metropolitan planning organization shall determine which of the factors described in paragraph (1) are most appropriate for the metropolitan area to consider.”.

(b) STATEWIDE PLANNING.—Section 135(c) of title 23, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (D)—

(i) by inserting after “environment” the following: “(including the protection of habitat, water quality, and agricultural and forest land, while minimizing invasive species)”;

and

(ii) by inserting before the semicolon the following: “(including minimizing adverse health effects from mobile source air pollution and promoting the linkage of the transportation and development goals of the State)”;

and

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(B) in subparagraph (G), by inserting “efficient use” after “preservation”;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

“(2) SELECTION OF PROJECTS AND STRATEGIES.—After soliciting and considering any relevant public comments, the State shall determine which of the projects and strategies described in paragraph (1) are most appropriate for the State to consider.”.

SEC. 1502. CONSULTATION BETWEEN TRANSPORTATION AGENCIES AND RESOURCE AGENCIES IN TRANSPORTATION PLANNING.

(a) IN GENERAL.—Section 134(g) of title 23, United States Code, is amended—

(1) in paragraph (2)—

(A) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively; and

(B) by inserting after subparagraph (A) the following:

“(B) MITIGATION ACTIVITIES.—
“(i) IN GENERAL.—A long-range transportation plan shall include a discussion of—

“(I) types of potential habitat, hydrological, and environmental mitigation activities that may assist in compensating for loss of habitat, wetland, and other environmental functions; and

“(II) potential areas to carry out these activities, including a discussion of areas that may have the greatest potential to restore and maintain the habitat types and hydrological or environmental functions affected by the plan.

“(ii) CONSULTATION.—The discussion shall be developed in consultation with Federal, State, and tribal wildlife, land management, and regulatory agencies.”;

(2) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively; and

(3) by inserting after paragraph (3) the following:

“(4) CONSULTATION.—
(A) In general.—In each metropolitan area, the metropolitan planning organization shall consult, as appropriate, with State and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation concerning the development of a long-range transportation plan.

(B) Issues.—The consultation shall involve—

(i) comparison of transportation plans with State conservation plans or with maps, if available;

(ii) comparison of transportation plans to inventories of natural or historic resources, if available; or

(iii) consideration of areas where wildlife crossing structures may be needed to ensure connectivity between wildlife habitat linkage areas.”.

(b) Improved Consultation During State Transportation Planning.—

(1) In general.—Section 135(e)(2) of title 23, United States Code, is amended by adding at the end the following:
“(D) CONSULTATION, COMPARISON, AND CONSIDERATION.—

“(i) IN GENERAL.—The long-range transportation plan shall be developed, as appropriate, in consultation with State and local agencies responsible for—

“(I) land use management;
“(II) natural resources;
“(III) environmental protection;
“(IV) conservation; and
“(V) historic preservation.

“(ii) COMPARISON AND CONSIDERATION.—Consultation under clause (i) shall involve—

“(I) comparison of transportation plans to State conservation plans or maps, if available;
“(II) comparison of transportation plans to inventories of natural or historic resources, if available; or
“(III) consideration of areas where wildlife crossing structures may be needed to ensure connectivity between wildlife habitat linkage areas.”.
(2) ADDITIONAL REQUIREMENTS.—Section 135(e) of title 23, United States Code, is amended—

(A) by redesignating paragraphs (4) and (5) as paragraphs (6) and (7), respectively; and

(B) by inserting after paragraph (3) the following:

“(4) MITIGATION ACTIVITIES.—

“(A) IN GENERAL.—A long-range transportation plan shall include a discussion of—

“(i) types of potential habitat, hydrological, and environmental mitigation activities that may assist in compensating for loss of habitat, wetlands, and other environmental functions; and

“(ii) potential areas to carry out these activities, including a discussion of areas that may have the greatest potential to restore and maintain the habitat types and hydrological or environmental functions affected by the plan.

“(B) CONSULTATION.—The discussion shall be developed in consultation with Federal, State, and tribal wildlife, land management, and regulatory agencies.
“(5) **Transportation strategies.**—A long-range transportation plan shall identify transportation strategies necessary to efficiently serve the mobility needs of people.”.

**SEC. 1503. INTEGRATION OF NATURAL RESOURCE CONCERNS INTO TRANSPORTATION PROJECT PLANNING.**

Section 109(c)(2) of title 23, United States Code, is amended—

(1) by striking “consider the results” and inserting “consider—

“(A) the results”;

(2) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(B) the publication entitled ‘Flexibility in Highway Design’ of the Federal Highway Administration;

“(C) ‘Eight Characteristics of Process to Yield Excellence and the Seven Qualities of Excellence in Transportation Design’ developed by the conference held during 1998 entitled ‘Thinking Beyond the Pavement National Workshop on Integrating Highway Development with Commu-
Section 1-E—Environmental Planning and Review

SEC. 1504. PUBLIC INVOLVEMENT IN TRANSPORTATION PLANNING AND PROJECTS.

(a) Metropolitan Planning.—

(1) Participation by Interested Parties.—

Section 134(g)(5) of title 23, United States Code (as redesignated by section 1502(a)(1)), is amended—

(A) by striking “Before approving” and inserting the following:

“(A) In General.—Before approving”; and

(B) by adding at the end the following:

“(B) Methods.—In carrying out subparagraph (A), the metropolitan planning organization shall, to the maximum extent practicable—

“(i) hold any public meetings at convenient and accessible locations and times;

“(ii) employ visualization techniques to describe plans; and

“(iii) make public information available in electronically accessible format and means, such as the World Wide Web.”.
(2) **Publication of Long-Range Transportation Plans.**—Section 134(g)(6)(i) of title 23, United States Code (as redesignated by section 1502(a)(1)), is amended by inserting before the semicolon the following: “including (to the maximum extent practicable) in electronically accessible formats and means such as the World Wide Web”.

(b) **Statewide Planning.**—

(1) **Participation by Interested Parties.**—Section 135(e)(3) of title 23, United States Code, is amended by striking subparagraph (B) and inserting the following:

“(B) **Methods.**—In carrying out subparagraph (A), the State shall, to the maximum extent practicable—

“(i) hold any public meetings at convenient and accessible locations and times;

“(ii) employ visualization techniques to describe plans; and

“(iii) make public information available in electronically accessible format and means, such as the World Wide Web.”.

(2) **Publication of Long-Range Transportation Plans.**—Section 135(e) of title 23, United
States Code (as amended by section 1502(b)(2)), is amended by adding at the end the following:

“(8) PUBLICATION OF LONG-RANGE TRANSPORTATION PLANS.—Each long-range transportation plan prepared by a State shall be published or otherwise made available, including (to the maximum extent practicable) in electronically accessible formats and means, such as the World Wide Web.”.

SEC. 1505. PROJECT MITIGATION.

(a) MITIGATION FOR NATIONAL HIGHWAY SYSTEM PROJECTS.—Section 103(b)(6)(M) of title 23, United States Code, is amended—

(1) by inserting “(i)” after “(M); and

(2) by adding at the end the following:

“(ii) State habitat, streams, and wetlands mitigation efforts under section 155.”.

(b) MITIGATION FOR SURFACE TRANSPORTATION PROGRAM PROJECTS.—Section 133(b)(11) of title 23, United States Code, is amended—

(1) by inserting “(A)” after “(11); and

(2) by adding at the end the following:

“(B) State habitat, streams, and wetlands mitigation efforts under section 155.”.
(c) **State Habitat, Streams, and Wetlands Mitigation Funds.**—Section 155 of title 23, United States Code, is amended to read as follows:

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§ 155. State habitat, streams, and wetlands mitigation funds

(a) Establishment.—A State should establish a habitat, streams, and wetlands mitigation fund (referred to in this section as a ‘State fund’).

(b) Purpose.—The purpose of a State fund is to encourage efforts for habitat, streams, and wetlands mitigation in advance of or in conjunction with highway projects to—

(1) ensure that the best habitat, streams, and wetland mitigation sites now available are used; and

(2) accelerate transportation project delivery by making high-quality habitat, streams, and wetland mitigation credits available when needed.

(c) Funds.—A State may deposit into a State fund part of the funds apportioned to the State under—

(1) section 104(b)(1) for the National Highway System; and

(2) section 104(b)(3) for the surface transportation program.

(d) Use.—
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“(1) **IN GENERAL.**—Amounts deposited in a State fund shall be used (in a manner consistent with this section) for habitat, streams, or wetlands mitigation related to 1 or more projects funded under this title, including a project under the transportation improvement program of the State developed under section 135(f).

“(2) **ENDANGERED SPECIES.**—In carrying out this section, a State and cooperating agency shall give consideration to mitigation projects, on-site or off-site, that restore and preserve the best available sites to conserve biodiversity and habitat for—

“(A) Federal or State listed threatened or endangered species of plants and animals; and

“(B) plant or animal species warranting listing as threatened or endangered, as determined by the Secretary of the Interior in accordance with section 4(b)(3)(B) of the Endangered Species Act of 1973 (16 U.S.C. 1533(b)(3)(B)).

“(e) **CONSISTENCY WITH APPLICABLE REQUIREMENTS.**—Contributions from the State fund to mitigation efforts may occur in advance of project construction only if the efforts are consistent with all applicable requirements of Federal law (including regulations).”.
(d) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 1 of title 23, United States Code, is amended by striking the item relating to section 155 and inserting the following:

“155. State habitat, streams, and wetlands mitigation funds.”.

CHAPTER 2—TRANSPORTATION PROJECT DEVELOPMENT PROCESS

SEC. 1511. TRANSPORTATION PROJECT DEVELOPMENT PROCESS.

(a) IN GENERAL.—Chapter 3 of title 23, United States Code (as amended by section 1203(a)), is amended by inserting after section 325 the following:

“§ 326. Transportation project development process

“(a) DEFINITIONS.—In this section:

“(1) AGENCY.—The term ‘agency’ means any agency, department, or other unit of Federal, State, local, or tribal government.

“(2) ENVIRONMENTAL IMPACT STATEMENT.—The term ‘environmental impact statement’ means a detailed statement of the environmental impacts of a project required to be prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(3) ENVIRONMENTAL REVIEW PROCESS.—
“(A) IN GENERAL.—The term ‘environmental review process’ means the process for preparing, for a project—

“(i) an environmental impact statement; or

“(ii) any other document or analysis required to be prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)

“(B) INCLUSIONS.—The term ‘environmental review process’ includes the process for and completion of any environmental permit, approval, review, or study required for a project under any Federal law other than the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(4) PROJECT.—The term ‘project’ means any highway or transit project that requires the approval of the Secretary.

“(5) PROJECT SPONSOR.—The term ‘project sponsor’ means an agency or other entity (including any private or public-private entity), that seeks approval of the Secretary for a project.

“(6) STATE TRANSPORTATION DEPARTMENT.—The term ‘State transportation department’ means
any statewide agency of a State with responsibility for transportation.

“(b) Process.—

“(1) Lead Agency.—

“(A) In general.—The Department of Transportation shall be the lead Federal agency in the environmental review process for a project.

“(B) Joint Lead Agencies.—Nothing in this section precludes another agency from being a joint lead agency in accordance with regulations under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(C) Concurrence of Project Sponsor.—The lead agency may carry out the environmental review process in accordance with this section only with the concurrence of the project sponsor.

“(2) Request for Process.—

“(A) In general.—A project sponsor may request that the lead agency carry out the environmental review process for a project or group of projects in accordance with this section.

“(B) Grant of Request; Public Notice.—The lead agency shall—
“(i) grant a request under subparagraph (A); and

“(ii) provide public notice of the request.

“(3) EFFECTIVE DATE.—The environmental review process described in this section may be applied to a project only after the date on which public notice is provided under subparagraph (B)(ii).

“(c) ROLES AND RESPONSIBILITY OF LEAD AGENCY.—With respect to the environmental review process for any project, the lead agency shall have authority and responsibility to—

“(A) identify and invite cooperating agencies in accordance with subsection (d);

“(B) develop an agency coordination plan with review, schedule, and timelines in accordance with subsection (e);

“(C) determine the purpose and need for the project in accordance with subsection (f);

“(D) determine the range of alternatives to be considered in accordance with subsection (g);

“(E) convene dispute-avoidance and decision resolution meetings and related efforts in accordance with subsection (h);
“(F) take such other actions as are necessary and proper, within the authority of the lead agency, to facilitate the expeditious resolution of the environmental review process for the project; and

“(G) prepare or ensure that any required environmental impact statement or other document required to be completed under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) is completed in accordance with this section and applicable Federal law.

“(d) ROLES AND RESPONSIBILITIES OF COOPERATING AGENCIES.—

“(1) IN GENERAL.—With respect to a project, each Federal agency shall carry out any obligations of the Federal agency in the environmental review process in accordance with this section and applicable Federal law.

“(2) INVITATION.—

“(A) IN GENERAL.—The lead agency shall—

“(i) identify, as early as practicable in the environmental review process for a project, any other agencies that may have an interest in the project, including—
“(I) agencies with jurisdiction over environmentally-related matters that may affect the project or may be required by law to conduct an environmental-related independent review or analysis of the project or determine whether to issue an environmental-related permit, license, or approval for the project; and

“(II) agencies with special expertise relevant to the project;

“(ii) invite the agencies identified in clause (i) to become participating agencies in the environmental review process for that project; and

“(iii) grant requests to become cooperating agencies from agencies not originally invited.

“(B) RESPONSES.—The deadline for receipt of a response from an agency that receives an invitation under subparagraph (A)(ii)—

“(i) shall be 30 days after the date of receipt by the agency of the invitation; but

“(ii) may be extended by the lead agency for good cause.
“(3) Declining of Invitations.—A Federal agency that is invited by the lead agency to participate in the environmental review process for a project shall be designated as a cooperating agency by the lead agency, unless the invited agency informs the lead agency in writing, by the deadline specified in the invitation, that the invited agency—

“(A) has no jurisdiction or authority with respect to the project;

“(B) has no expertise or information relevant to the project; and

“(C) does not intend to submit comments on the project.

“(4) Effect of Designation.—Designation as a cooperating agency under this subsection shall not imply that the cooperating agency—

“(A) supports a proposed project; or

“(B) has any jurisdiction over, or special expertise with respect to evaluation of, the project.

“(5) Designations for Categories of Projects.—

“(A) In general.—The Secretary may invite other agencies to become cooperating agencies for a category of projects.
“(B) DESIGNATION.—An agency may be designated as a cooperating agency for a category of projects only with the consent of the agency.

“(6) CONCURRENT REVIEWS.—Each Federal agency shall, to the maximum extent practicable—

“(A) carry out obligations of the Federal agency under other applicable law concurrently, and in conjunction, with the review required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), unless doing so would impair the ability of the Federal agency to carry out those obligations; and

“(B) formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of the environmental review process in a timely, coordinated, and environmentally responsible manner.

“(e) DEVELOPMENT OF FLEXIBLE PROCESS AND TIMELINE.—

“(1) COORDINATION PLAN.—

“(A) IN GENERAL.—The lead agency shall establish a coordination plan, which may be incorporated into a memorandum of understanding, to coordinate agency and public par-
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ticipation in and comment on the environmental
review process for a project or category of
projects.

“(B) WORKPLAN.—

“(i) IN GENERAL.—The lead agency
shall develop, as part of the coordination
plan, a workplan for completing the collec-
tion, analysis, and evaluation of baseline
data and future impacts modeling necessary
to complete the environmental review proc-
ess, including any data, analyses, and mod-
eling necessary for related permits, approv-
als, reviews, or studies required for the
project under other laws.

“(ii) CONSULTATION.—In developing
the workplan under clause (i), the lead
agency shall consult with—

“(I) each cooperating agency for
the project;

“(II) the State in which the
project is located; and

“(III) if the State is not the
project sponsor, the project sponsor.

“(C) SCHEDULE.—
“(i) In general.—The lead agency shall establish as part of the coordination plan, after consultation with each cooperating agency for the project and with the State in which the project is located (and, if the State is not the project sponsor, with the project sponsor), a schedule for completion of the environmental review process for the project.

“(ii) Factors for consideration.—In establishing the schedule, the lead agency shall consider factors such as—

“(I) the responsibilities of cooperating agencies under applicable laws;

“(II) resources available to the cooperating agencies;

“(III) overall size and complexity of a project;

“(IV) the overall schedule for and cost of a project; and

“(V) the sensitivity of the natural and historic resources that could be affected by the project.

“(D) Consistency with other time periods.—A schedule under subparagraph (C)
shall be consistent with any other relevant time periods established under Federal law.

“(E) MODIFICATION.—The lead agency may—

“(i) lengthen a schedule established under subparagraph (C) for good cause; and

“(ii) shorten a schedule only with the concurrence of the affected cooperating agencies.

“(F) DISSEMINATION.—A copy of a schedule under subparagraph (C), and of any modifications to the schedule, shall be—

“(i) provided to all cooperating agencies and to the State transportation department of the State in which the project is located (and, if the State is not the project sponsor, to the project sponsor); and

“(ii) made available to the public.

“(2) COMMENTS AND TIMELINES.—

“(A) IN GENERAL.—A schedule established under paragraph (1)(C) shall include—

“(i) opportunities for comment, deadline for receipt of any comments submitted, deadline for lead agency response to comments; and
“(ii) except as otherwise provided under paragraph (1)—

“(I) an opportunity to comment by agencies and the public on a draft or final environmental impact statement for a period of not more than 60 days longer than the minimum period required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

“(II) for all other comment periods established by the lead agency for agency or public comments in the environmental review process, a period of not more than the longer of—

“(aa) 30 days after the final day of the minimum period required under Federal law (including regulations), if available; or

“(bb) if a minimum period is not required under Federal law (including regulations), 30 days.

“(B) EXTENSION OF COMMENT PERIODS.— The lead agency may extend a period of com-
ment established under this paragraph for good cause.

“(C) LATE COMMENTS.—A comment concerning a project submitted under this paragraph after the date of termination of the applicable comment period or extension of a comment period shall not be eligible for consideration by the lead agency unless the lead agency or project sponsor determines there was good cause for the delay or the lead agency is required to consider significant new circumstances or information in accordance with sections 1501.7 and 1502.9 of title 40, Code of Federal Regulations.

“(D) DEADLINES FOR DECISIONS UNDER OTHER LAWS.—In any case in which a decision under any Federal law relating to a project (including the issuance or denial of a permit or license) is required to be made by the later of the date that is 180 days after the date on which the Secretary made all final decisions of the lead agency with respect to the project, or 180 days after the date on which an application was submitted for the permit or license, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Com-
mittee on Transportation and Infrastructure of the House of Representatives—

“(i) as soon as practicable after the 180-day period, an initial notice of the failure of the Federal agency to make the decision; and

“(ii) every 60 day thereafter until such date as all decisions of the Federal agency relating to the project have been made by the Federal agency, an additional notice that describes the number of decisions of the Federal agency that remain outstanding as of the date of the additional notice.

“(3) INVOLVEMENT OF THE PUBLIC.—Nothing in this subsection shall reduce any time period provided for public comment in the environmental review process under existing Federal law (including a regulation).

“(f) DEVELOPMENT OF PROJECT PURPOSE AND NEED STATEMENT.—

“(1) IN GENERAL.—With respect to the environmental review process for a project, the purpose and need for the project shall be defined in accordance with this subsection.
“(2) Authority.—The lead agency shall define the purpose and need for a project, including the transportation objectives and any other objectives intended to be achieved by the project.

“(3) Involvement of Cooperating Agencies and the Public.—Before determining the purpose and need for a project, the lead agency shall solicit for 30 days, and consider, any relevant comments on the draft statement of purpose and need for a proposed project received from the public and cooperating agencies.

“(4) Effect on Other Reviews.—For the purpose of compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other law requiring an agency that is not the lead agency to determine or consider a project purpose or project need, such an agency acting, permitting, or approving under, or otherwise applying, Federal law with respect to a project shall adopt the determination of purpose and need for the project made by the lead agency.

“(5) Savings.—Nothing in this subsection preempts or interferes with any power, jurisdiction, responsibility, or authority of an agency under applica-
ble law (including regulations) with respect to a project.

“(6) CONTENTS.—

“(A) IN GENERAL.—The statement of purpose and need shall include a clear statement of the objectives that the proposed project is intended to achieve.

“(B) EFFECT ON EXISTING STANDARDS.—Nothing in this subsection shall alter existing standards for defining the purpose and need of a project.

“(7) FACTORS TO CONSIDER.—The lead agency may determine that any of the following factors and documents are appropriate for consideration in determining the purpose of and need for a project:

“(A) Transportation plans and related planning documents developed through the statewide and metropolitan transportation planning process under sections 134 and 135.

“(B) Land use plans adopted by units of State, local, or tribal government (or, in the case of Federal land, by the applicable Federal land management agencies).

“(C) Economic development plans adopted by—
“(i) units of State, local, or tribal government; or

“(ii) established economic development planning organizations or authorities.

“(D) Environmental protection plans, including plans for the protection or treatment of—

“(i) air quality;

“(ii) water quality and runoff;

“(iii) habitat needs of plants and animals;

“(iv) threatened and endangered species;

“(v) invasive species;

“(vi) historic properties; and

“(vii) other environmental resources.

“(E) Any publicly available plans or policies relating to the national defense, national security, or foreign policy of the United States.

“(g) DEVELOPMENT OF PROJECT ALTERNATIVES.—

“(1) In general.—With respect to the environmental review process for a project, the alternatives shall be determined in accordance with this subsection.
“(2) AUTHORITY.—The lead agency shall determine the alternatives to be considered for a project.

“(3) INVOLVEMENT OF COOPERATING AGENCIES AND THE PUBLIC.—

“(A) IN GENERAL.—Before determining the alternatives for a project, the lead agency shall solicit for 30 days and consider any relevant comments on the proposed alternatives received from the public and cooperating agencies.

“(B) ALTERNATIVES.—The lead agency shall consider—

“(i) alternatives that meet the purpose and need of the project; and

“(ii) the alternative of no action.

“(C) EFFECT ON EXISTING STANDARDS.—Nothing in this subsection shall alter the existing standards for determining the range of alternatives.

“(4) EFFECT ON OTHER REVIEWS.—Any other agency acting under or applying Federal law with respect to a project shall consider only the alternatives determined by the lead agency.

“(5) SAVINGS.—Nothing in this subsection preempts or interferes with any power, jurisdiction, responsibility, or authority of an agency under applica-
ble law (including regulations) with respect to a project.

“(6) FACTORS TO CONSIDER.—The lead agency may determine that any of the following factors and documents are appropriate for consideration in determining the alternatives for a project:

“(A) The overall size and complexity of the proposed action.

“(B) The sensitivity of the potentially affected resources.

“(C) The overall schedule and cost of the project.

“(D) Transportation plans and related planning documents developed through the statewide and metropolitan transportation planning process under sections 134 and 135 of title 23 of the United States Code.

“(E) Land use plans adopted by units of State, local, or tribal government (or, in the case of Federal land, by the applicable Federal land management agencies).

“(F) Economic development plans adopted by—

“(i) units of State, local, or tribal government; or
“(ii) established economic development planning organizations or authorities.

“(G) environmental protection plans, including plans for the protection or treatment of—

“(i) air quality;

“(ii) water quality and runoff;

“(iii) habitat needs of plants and animals;

“(iv) threatened and endangered species;

“(v) invasive species;

“(vi) historic properties; and

“(vii) other environmental resources.

“(H) Any publicly available plans or policies relating to the national defense, national security, or foreign policy of the United States.

“(h) PROMPT ISSUE IDENTIFICATION AND RESOLUTION PROCESS.—

“(1) IN GENERAL.—The lead agency, the project sponsor, and the cooperating agencies shall work cooperatively, in accordance with this section, to identify and resolve issues that could—

“(A) delay completion of the environmental review process; or
(B) result in denial of any approvals required for the project under applicable laws.

(2) LEAD AGENCY RESPONSIBILITIES.—

(A) IN GENERAL.—The lead agency, with the assistance of the project sponsor, shall make information available to the cooperating agencies, as early as practicable in the environmental review process, regarding—

(i) the environmental and socioeconomic resources located within the project area; and

(ii) the general locations of the alternatives under consideration.

(B) BASIS FOR INFORMATION.—Information about resources in the project area may be based on existing data sources, including geographic information systems mapping.

(3) COOPERATING AGENCY RESPONSIBILITIES.—

(A) IN GENERAL.—Based on information received from the lead agency, cooperating agencies shall promptly identify to the lead agency any major issues of concern regarding the potential environmental or socioeconomic impacts of a project.
“(B) MAJOR ISSUES OF CONCERN.—A major issue of concern referred to in subparagraph (A) may include any issue that could substantially delay or prevent an agency from granting a permit or other approval that is needed for a project, as determined by a cooperating agency.

“(4) ISSUE RESOLUTION.—On identification of a major issue of concern under paragraph (3), or at any time upon the request of a project sponsor or the Governor of a State, the lead agency shall promptly convene a meeting with representatives of each of the relevant cooperating agencies, the project sponsor, and the Governor to address and resolve the issue.

“(5) NOTIFICATION.—If a resolution of a major issue of concern under paragraph (4) cannot be achieved by the date that is 30 days after the date on which a meeting under that paragraph is convened, the lead agency shall provide notification of the failure to resolve the major issue of concern to—

“(A) the heads of all cooperating agencies;
“(B) the project sponsor;
“(C) the Governor involved;
“(D) the Committee on Environment and Public Works of the Senate; and
“(E) the Committee on Transportation and Infrastructure of the House of Representatives.

“(i) PERFORMANCE MEASUREMENT.—

“(1) PROGRESS REPORTS.—The Secretary shall establish a program to measure and report on progress toward improving and expediting the planning and environmental review process.

“(2) MINIMUM REQUIREMENTS.—The program shall include, at a minimum—

“(A) the establishment of criteria for measuring consideration of—

“(i) State and metropolitan planning, project planning, and design criteria; and

“(ii) environmental processing times and costs;

“(B) the collection of data to assess performance based on the established criteria; and

“(C) the annual reporting of the results of the performance measurement studies.

“(3) INVOLVEMENT OF THE PUBLIC AND CooperATING AGENCIES.—

“(A) IN GENERAL.—The Secretary shall biennially conduct a survey of agencies participating in the environmental review process under this section to assess the expectations and
experiences of each surveyed agency with regard
to the planning and environmental review proc-
ess for projects reviewed under this section.

“(B) Public Participation.—In conducting the survey, the Secretary shall solicit
comments from the public.

“(j) Assistance to Affected Federal and State
Agencies.—

“(1) In General.—The Secretary may approve
a request by a State or recipient to provide funds, for
a highway project made available under this title, or
for a mass transit project made available under chap-
ter 53 of title 49 to the State or recipient for the
project, subject to the coordinated environmental re-
view process established under this section, to affected
Federal and State agencies to provide the resources
necessary to meet any time limits established under
this section.

“(2) Amounts.—Such requests under paragraph
(1) shall be approved only—

“(A) for such additional amounts as the
Secretary determines are necessary for the af-
fected Federal and State agencies to meet the
time limits for environmental review; and
“(B) if those time limits are less than the customary time necessary for that review.”.

(b) CONFORMING AMENDMENTS.—

(1) The analysis for chapter 3 of title 23, United States Code, is amended by inserting after the item relating to section 325 (as added by section 1203(f)) the following:

“326. Transportation project development process.”.

(2) Section 1309 of the Transportation Equity Act for the 21st Century (112 Stat. 232) is amended—

(A) by striking subsections (a), (b), (c), (d), and (e);

(B) by redesignating subsections (f) and (g) as subsections (b) and (a), respectively, and moving the subsections so as to appear in alphabetical order; and

(C) in subsection (a) (as redesignated by subparagraph (B)), in the subsection heading, by striking “FEDERAL AGENCY DEFINED.—” and inserting “DEFINITION OF FEDERAL AGENCY.—”.

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SEC. 1512. ASSUMPTION OF RESPONSIBILITY FOR CATEGORICAL EXCLUSIONS.

(a) IN GENERAL.—Chapter 3 of title 23, United States Code (as amended by section 1511(a)), is amended by inserting after section 326 the following:

"§ 327. Assumption of responsibility for categorical exclusions

"(a) CATEGORICAL EXCLUSION DETERMINATIONS.—

“(1) IN GENERAL.—The Secretary may assign, and a State may assume, responsibility for determining whether certain designated activities are included within classes of action identified in regulation by the Secretary that are categorically excluded from requirements for environmental assessments or environmental impact statements pursuant to regulations promulgated by the Council on Environmental Quality under part 1500 of title 40, Code of Federal Regulations (as in effect on October 1, 2003).

“(2) SCOPE OF AUTHORITY.—A determination described in paragraph (1) shall be made by a State in accordance with criteria established by the Secretary and only for types of activities specifically designated by the Secretary.

“(3) CRITERIA.—The criteria under paragraph (2) shall include provisions for public availability of information consistent with section 552 of title 5 and
the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(b) OTHER APPLICABLE FEDERAL LAWS.—

“(1) IN GENERAL.—If a State assumes responsibility under subsection (a), the Secretary may also assign and the State may assume all or part of the responsibilities of the Secretary for environmental review, consultation, or other related actions required under any Federal law applicable to activities that are classified by the Secretary as categorical exclusions, with the exception of government-to-government consultation with Indian tribes, subject to the same procedural and substantive requirements as would be required if that responsibility were carried out by the Secretary.

“(2) SOLE RESPONSIBILITY.—A State that assumes responsibility under paragraph (1) with respect to a Federal law shall be solely responsible and solely liable for complying with and carrying out that law, and the Secretary shall have no such responsibility or liability.

“(c) MEMORANDA OF UNDERSTANDING.—

“(1) IN GENERAL.—The Secretary and the State, after providing public notice and opportunity for comment, shall enter into a memorandum of under-
standing setting forth the responsibilities to be assigned under this section and the terms and conditions under which the assignments are made, including establishment of the circumstances under which the Secretary would reassume responsibility for categorical exclusion determinations.

“(2) TERM.—A memorandum of understanding—

“(A) shall have term of not more than 3 years; and

“(B) shall be renewable.

“(3) ACCEPTANCE OF JURISDICTION.—In a memorandum of understanding, the State shall consent to accept the jurisdiction of the Federal courts for the compliance, discharge, and enforcement of any responsibility of the Secretary that the State assumes.

“(4) MONITORING.—The Secretary shall—

“(A) monitor compliance by the State with the memorandum of understanding and the provision by the State of financial resources to carry out the memorandum of understanding; and

“(B) take into account the performance by the State when considering renewal of the memorandum of understanding.
“(d) TERMINATION.—The Secretary may terminate any assumption of responsibility under a memorandum of understanding on a determination that the State is not adequately carrying out the responsibilities assigned to the State.

“(e) STATE AGENCY DEEMED TO BE FEDERAL AGENCY.—A State agency that is assigned a responsibility under a memorandum of understanding shall be deemed to be a Federal agency for the purposes of the Federal law under which the responsibility is exercised.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 3 of title 23, United States Code (as amended by section 1511(b)), is amended by inserting after the item relating to section 326 the following:

“327. Assumption of responsibility for categorical exclusions.”.

SEC. 1513. SURFACE TRANSPORTATION PROJECT DELIVERY PILOT PROGRAM.

(a) IN GENERAL.—Chapter 3 of title 23, United States Code (as amended by section 1512(a)), is amended by inserting after section 327 the following:

“§328. Surface transportation project delivery pilot program

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—The Secretary shall carry out a surface transportation project delivery pilot program (referred to in this section as the ‘program’).
“(2) ASSUMPTION OF RESPONSIBILITY.—

“(A) IN GENERAL.—Subject to the other provisions of this section, with the written agreement of the Secretary and a State, which may be in the form of a memorandum of understanding, the Secretary may assign, and the State may assume, the responsibilities of the Secretary with respect to 1 or more highway projects within the State under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(B) ADDITIONAL RESPONSIBILITY.—If a State assumes responsibility under subparagraph (A)—

“(i) the Secretary may assign to the State, and the State may assume, all or part of the responsibilities of the Secretary for environmental review, consultation, or other action required under any Federal environmental law pertaining to the review or approval of a specific project; but

“(ii) the Secretary may not assign—

“(I) responsibility for any conformity determination required under
section 176 of the Clean Air Act (42 U.S.C. 7506); or

“(II) any responsibility imposed on the Secretary by section 134 or 135.

“(C) PROCEDURAL AND SUBSTANTIVE REQUIREMENTS.—A State shall assume responsibility under this section subject to the same procedural and substantive requirements as would apply if that responsibility were carried out by the Secretary.

“(D) FEDERAL RESPONSIBILITY.—Any responsibility of the Secretary not explicitly assumed by the State by written agreement under this section shall remain the responsibility of the Secretary.

“(E) NO EFFECT ON AUTHORITY.—Nothing in this section preempts or interferes with any power, jurisdiction, responsibility, or authority of an agency, other than the Department of Transportation, under applicable law (including regulations) with respect to a project.

“(b) STATE PARTICIPATION.—

“(1) NUMBER OF PARTICIPATING STATES.—The Secretary may permit not more than 5 States (in-
including the State of Oklahoma) to participate in the program.

“(2) APPLICATION.—Not later than 270 days after the date of enactment of this section, the Secretary shall promulgate regulations that establish requirements relating to information required to be contained in any application of a State to participate in the program, including, at a minimum—

“(A) the projects or classes of projects for which the State anticipates exercising the authority that may be granted under the program;

“(B) verification of the financial resources necessary to carry out the authority that may be granted under the program; and

“(C) evidence of the notice and solicitation of public comment by the State relating to participation of the State in the program, including copies of comments received from that solicitation.

“(3) PUBLIC NOTICE.—

“(A) IN GENERAL.—Each State that submits an application under this subsection shall give notice of the intent of the State to participate in the program not later than 30 days before the date of submission of the application.
“(B) Method of Notice and Solicitation.—The State shall provide notice and solicit public comment under this paragraph by publishing the complete application of the State in accordance with the appropriate public notice law of the State.

“(4) Selection Criteria.—The Secretary may approve the application of a State under this section only if—

“(A) the regulatory requirements under paragraph (2) have been met;

“(B) the Secretary determines that the State has the capability, including financial and personnel, to assume the responsibility; and

“(C) the head of the State agency having primary jurisdiction over highway matters enters into a written agreement with the Secretary described in subsection (c).

“(5) Other Federal Agency Views.—If a State applies to assume a responsibility of the Secretary that would have required the Secretary to consult with another Federal agency, the Secretary shall solicit the views of the Federal agency before approving the application.
“(c) WRITTEN AGREEMENT.—A written agreement under this section shall—

“(1) be executed by the Governor or the top-ranking transportation official in the State who is charged with responsibility for highway construction;

“(2) be in such form as the Secretary may prescribe;

“(3) provide that the State—

“(A) agrees to assume all or part of the responsibilities of the Secretary described in subsection (a);

“(B) expressly consents, on behalf of the State, to accept the jurisdiction of the Federal courts for the compliance, discharge, and enforcement of any responsibility of the Secretary assumed by the State;

“(C) certifies that State laws (including regulations) are in effect that—

“(i) authorize the State to take the actions necessary to carry out the responsibilities being assumed; and

“(ii) are comparable to section 552 of title 5, including providing that any decision regarding the public availability of a document under those State laws is review-
able by a court of competent jurisdiction;

and

“(D) agrees to maintain the financial re-

sources necessary to carry out the responsibilities

being assumed.

“(d) JURISDICTION.—

“(1) IN GENERAL.—The United States district
courts shall have exclusive jurisdiction over any civil
action against a State for failure to carry out any re-

sponsibility of the State under this section.

“(2) LEGAL STANDARDS AND REQUIREMENTS.—

A civil action under paragraph (1) shall be governed
by the legal standards and requirements that would
apply in such a civil action against the Secretary
had the Secretary taken the actions in question.

“(3) INTERVENTION.—The Secretary shall have
the right to intervene in any action described in
paragraph (1).

“(e) EFFECT OF ASSUMPTION OF RESPONSIBILITY.—

A State that assumes responsibility under subsection (a)(2)
shall be solely responsible and solely liable for carrying out,
in lieu of the Secretary, the responsibilities assumed under
subsection (a)(2), until the program is terminated as pro-
vided in subsection (i).
“(f) LIMITATIONS ON AGREEMENTS.—Nothing in this section permits a State to assume any rulemaking authority of the Secretary under any Federal law.

“(g) AUDITS.—

“(1) IN GENERAL.—To ensure compliance by a State with any agreement of the State under subsection (c)(1) (including compliance by the State with all Federal laws for which responsibility is assumed under subsection (a)(2)), for each State participating in the program under this section, the Secretary shall conduct—

“(A) semiannual audits during each of the first 2 years of State participation; and

“(B) annual audits during each subsequent year of State participation.

“(2) PUBLIC AVAILABILITY AND COMMENT.—

“(A) IN GENERAL.—An audit conducted under paragraph (1) shall be provided to the public for comment.

“(B) RESPONSE.—Not later than 60 days after the date on which the period for public comment ends, the Secretary shall respond to public comments received under subparagraph (A).
“(h) REPORT TO CONGRESS.—The Secretary shall submit to Congress an annual report that describes the administration of the program.

“(i) TERMINATION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the program shall terminate on the date that is 6 years after the date of enactment of this section.

“(2) TERMINATION BY SECRETARY.—The Secretary may terminate the participation of any State in the program if—

“(A) the Secretary determines that the State is not adequately carrying out the responsibilities assigned to the State;

“(B) the Secretary provides to the State—

“(i) notification of the determination of noncompliance; and

“(ii) a period of at least 30 days during which to take such corrective action as the Secretary determines is necessary to comply with the applicable agreement; and

“(C) the State, after the notification and period provided under subparagraph (B), fails to take satisfactory corrective action, as determined by Secretary.”.
(b) CONFORMING AMENDMENT.—The analysis for chapter 3 of title 23, United States Code (as amended by section 1512(b)), is amended by inserting after the item relating to section 327 the following:

“328. Surface transportation project delivery pilot program.”.

SEC. 1514. REGULATIONS.

Except as provided in section 1513, not later than 1 year after the date of enactment of this Act, the Secretary shall promulgate regulations necessary to implement the amendments made by chapter 1 and this chapter.

CHAPTER 3—MISCELLANEOUS

SEC. 1521. CRITICAL REAL PROPERTY ACQUISITION.

Section 108 of title 23, United States Code, is amended by adding at the end the following:

“(d) CRITICAL REAL PROPERTY ACQUISITION.—

“(1) IN GENERAL.—Subject to paragraph (2), funds apportioned to a State under this title may be used to pay the costs of acquiring any real property that is determined to be critical under paragraph (2) for a project proposed for funding under this title.

“(2) REIMBURSEMENT.—The Federal share of the costs referred to in paragraph (1) shall be eligible for reimbursement out of funds apportioned to a State under this title if, before the date of acquisition, the Secretary determines that—
(A) the property is offered for sale on the open market;

(B) in acquiring the property, the State will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.); and

(C) immediate acquisition of the property is critical because—

(i) based on an appraisal of the property, the value of the property is increasing significantly;

(ii) there is an imminent threat of development or redevelopment of the property; and

(iii) the property is necessary for the implementation of the goals stated in the proposal for the project.

(3) APPLICABLE LAW.—An acquisition of real property under this section shall be considered to be an exempt project under section 176 of the Clean Air Act (42 U.S.C. 7506).

(4) ENVIRONMENTAL REVIEW.—

(A) IN GENERAL.—A project proposed to be conducted under this title shall not be conducted on property acquired under paragraph

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(1) until any required environmental reviews for the project have been completed.

“(B) Effect on Consideration of Project Alternatives.—The number of critical acquisitions of real property associated with a project shall not affect the consideration of project alternatives during the environmental review process.

“(5) Proceeds from the Sale or Lease of Real Property.—Section 156(c) shall not apply to the sale, use, or lease of any real property acquired under paragraph (1).”.

SEC. 1522. PLANNING CAPACITY BUILDING INITIATIVE.

Section 104 of title 23, United States Code, is amended by adding at the end the following:

“(m) Planning Capacity Building Initiative.—

“(1) In general.—The Secretary shall carry out a planning capacity building initiative to support enhancements in transportation planning to—

“(A) strengthen the processes and products of metropolitan and statewide transportation planning under this title;

“(B) enhance tribal capacity to conduct joint transportation planning under chapter 2;
“(C) participate in the metropolitan and statewide transportation planning programs under this title; and

“(D) increase the knowledge and skill level of participants in metropolitan and statewide transportation.

“(2) PRIORITY.—The Secretary shall give priority to planning practices and processes that support—

“(A) the transportation elements of homeland security planning, including—

“(i) training and best practices relating to emergency evacuation;

“(ii) developing materials to assist areas in coordinating emergency management and transportation officials; and

“(iii) developing training on how planning organizations may examine security issues;

“(B) performance-based planning, including—

“(i) data and data analysis technologies to be shared with States, metropolitan planning organizations, local govern-
ments, and nongovernmental organizations that—

“(I) participate in transportation planning;

“(II) use the data and data analysis to engage in metropolitan, tribal, or statewide transportation planning;

“(III) involve the public in the development of transportation plans, projects, and alternative scenarios; and

“(IV) develop strategies to avoid, minimize, and mitigate the impacts of transportation facilities and projects; and

“(ii) improvement of the quality of congestion management systems, including the development of—

“(I) a measure of congestion;

“(II) a measure of transportation system reliability; and

“(III) a measure of induced demand;

“(C) safety planning, including—

“(i) development of State strategic safety plans consistent with section 148;
“(ii) incorporation of work zone safety into planning; and

“(iii) training in the development of data systems relating to highway safety;

“(D) operations planning, including—

“(i) developing training of the integration of transportation system operations and management into the transportation planning process; and

“(ii) training and best practices relating to regional concepts of operations;

“(E) freight planning, including—

“(i) modeling of freight at a regional and statewide level; and

“(ii) techniques for engaging the freight community with the planning process;

“(F) air quality planning, including—

“(i) assisting new and existing non-attainment and maintenance areas in developing the technical capacity to perform air quality conformity analysis;

“(ii) providing training on areas such as modeling and data collection to support air quality planning and analysis;
“(iii) developing concepts and techniques to assist areas in meeting air quality performance timeframes; and

“(iv) developing materials to explain air quality issues to decisionmakers and the public; and

“(G) integration of environment and planning.

“(3) Use of Funds.—The Secretary shall use amounts made available under paragraph (4) to make grants to, or enter into contracts, cooperative agreements, and other transactions with, a Federal agency, State agency, local agency, federally recognized Indian tribal government or tribal consortium, authority, association, nonprofit or for-profit corporation, or institution of higher education for research, program development, information collection and dissemination, and technical assistance.

“(4) Set-Aside.—

“(A) In General.—On October 1 of each fiscal year, of the funds made available under subsection (a), the Secretary shall set aside $4,000,000 to carry out this subsection.

“(B) Federal Share.—The Federal share of the cost of an activity carried out using funds
made available under subparagraph (A) shall be 100 percent.

“(C) AVAILABILITY.—Funds made available under subparagraph (A) shall remain available until expended.”.
Subtitle F—Environment

SEC. 1601. ENVIRONMENTAL RESTORATION AND POLLUTION ABATEMENT; CONTROL OF INVASIVE PLANT SPECIES AND ESTABLISHMENT OF NATIVE SPECIES.

(a) Modification to NHS/STP for Environmental Restoration, Pollution Abatement, and Invasive Species.—

(1) Modifications to National Highway System.—Section 103(b)(6) of title 23, United States Code, is amended by adding at the end the following:

“(Q) Environmental restoration and pollution abatement in accordance with section 165.

“(R) Control of invasive plant species and establishment of native species in accordance with section 166.”.

(2) Modifications to Surface Transportation Program.—Section 133(b) of title 23, is amended by striking paragraph (14) and inserting the following:

“(14) Environmental restoration and pollution abatement in accordance with section 165.

“(15) Control of invasive plant species and establishment of native species in accordance with section 166.”.
Subchapter I of chapter 1 of title 23, United States Code, is amended by adding at the end the following:

“§ 165. Eligibility for environmental restoration and pollution abatement

“(a) IN GENERAL.—Subject to subsection (b), environmental restoration and pollution abatement to minimize or mitigate the impacts of any transportation project funded under this title (including retrofitting and construction of storm water treatment systems to meet Federal and State requirements under sections 401 and 402 of the Federal Water Pollution Control Act (33 U.S.C. 1341, 1342)) may be carried out to address water pollution or environmental degradation caused wholly or partially by a transportation facility.

“(b) MAXIMUM EXPENDITURE.—In a case in which a transportation facility is undergoing reconstruction, rehabilitation, resurfacing, or restoration, the expenditure of funds under this section for environmental restoration or pollution abatement described in subsection (a) shall not exceed 20 percent of the total cost of the reconstruction, rehabilitation, resurfacing, or restoration of the facility.

“§ 166. Control of invasive plant species and establishment of native species

“(a) DEFINITIONS.—In this section:
“(1) **INVASIVE PLANT SPECIES**—The term ‘invasive plant species’ means a nonindigenous species the introduction of which causes or is likely to cause economic or environmental harm or harm to human health.

“(2) **NATIVE PLANT SPECIES**.—The term ‘native plant species’ means, with respect to a particular ecosystem, a species that, other than as result of an introduction, historically occurred or currently occurs in that ecosystem.

“(b) **CONTROL OF SPECIES.**—

“(1) **IN GENERAL.**—In accordance with all applicable Federal law (including regulations), funds made available to carry out this section may be used for—

“(A) participation in the control of invasive plant species; and

“(B) the establishment of native species.

“(2) **INCLUDED ACTIVITIES.**—The participation and establishment under paragraph (1) may include—

“(A) participation in statewide inventories of invasive plant species and desirable plant species;
“(B) regional native plant habitat conservation and mitigation;
“(C) native revegetation; and
“(D) training.
“(3) CONTRIBUTIONS.—
“(A) In general.—Subject to subparagraph (B), an activity described in paragraph (1) may be carried out concurrently with, in advance of, or following the construction of a project funded under this title.
“(B) Condition for activities conducted in advance of project construction.—An activity described in paragraph (1) may be carried out in advance of construction of a project only if the activity is carried out in accordance with all applicable requirements of Federal law (including regulations) and State transportation planning processes.”.

(c) Conforming Amendment.—The analysis for subchapter I of chapter 1 of title 23, United States Code (as amended by section 1406(b)), is amended by adding at the end the following:

“165. Eligibility for environmental restoration and pollution abatement.”.
“166. Control of invasive plant species and establishment of native species.”.
SEC. 1602. NATIONAL SCENIC BYWAYS PROGRAM.

(a) In General.—Section 162 of title 23, United States Code, is amended—

(1) in subsection (a)(1), by striking “the roads as” and all that follows and inserting “the roads as—

“(A) National Scenic Byways;
“(B) All-American Roads; or
“(C) America’s Byways.”;

(2) in subsection (b)—

(A) in paragraph (1)(A), by striking “designated as” and all that follows and inserting “designated as—

“(i) National Scenic Byways;
“(ii) All-American Roads; or
“(iii) America’s Byways; and”;

(B) in paragraph (2)—

(i) in subparagraph (A), by striking “Byway or All-American Road” and inserting “Byway, All-American Road, or 1 of America’s Byways”; and

(ii) in subparagraph (B), by striking “designation as a” and all that follows and inserting “designation as—

“(i) a National Scenic Byway;
“(ii) an All-American Road; or
“(iii) 1 of America’s Byways; and”;

and

(3) in subsection (c)(4), by striking “passing lane,”.

(b) RESEARCH, TECHNICAL ASSISTANCE, MARKETING, AND PROMOTION.—Section 162 of title 23, United States Code, is amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

(2) by inserting after subsection (c) the following:

“(d) RESEARCH, TECHNICAL ASSISTANCE, MARKETING, AND PROMOTION.—

“(1) IN GENERAL.—The Secretary may carry out technical assistance, marketing, market research, and promotion with respect to State Scenic Byways, National Scenic Byways, All-American Roads, and America’s Byways.

“(2) COOPERATION, GRANTS, AND CONTRACTS.—

The Secretary may make grants to, or enter into contracts, cooperative agreements, and other transactions with, any Federal agency, State agency, authority, association, institution, for-profit or nonprofit corporation, organization, or person, to carry out projects and activities under this subsection.
“(3) **Funds.**—The Secretary may use not more than $2,000,000 for each fiscal year of funds made available for the National Scenic Byways Program to carry out projects and activities under this subsection.

“(4) **Priority.**—The Secretary shall give priority under this subsection to partnerships that leverage Federal funds for research, technical assistance, marketing and promotion.”; and

(3) in subsection (g) (as redesignated by paragraph (1)), by striking “80 percent” and inserting “the share applicable under section 120(b), as adjusted under subsection (d) of that section”.

**SEC. 1603. RECREATIONAL TRAILS PROGRAM.**

(a) **Recreational Trails Program Formula.**—

Section 104(h)(1) of title 23, United States Code, is amended—

(1) by striking “Whenever” and inserting the following:

“(A) **In General.**—In any case in which”;

(2) by striking “research and technical assistance under the recreational trails program and for the administration of the National Recreational Trails Advisory Committee” and inserting “research,
technical assistance, and training under the recreational trails program”; and

(3) by striking “The Secretary” and inserting the following:

“(B) CONTRACTS AND AGREEMENTS.—The Secretary”.

(b) RECREATIONAL TRAILS PROGRAM ADMINISTRATION.—Section 206 of title 23, United States Code, is amended—

(1) in subsection (c)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(B) by striking “To be eligible for apportionments under this section” and inserting the following:

“(1) IN GENERAL.—To be eligible for apportionments under this section”; and

(C) by adding at the end the following:

“(2) OBLIGATION REQUIREMENT.—If a State does not meet the requirements under paragraph (1) within a fiscal year, the State shall not be eligible for an apportionment in the following fiscal year.”;

(2) in subsection (d)—
(A) by striking paragraph (2) and inserting the following:

“(2) PERMISSIBLE USES.—Permissible uses of funds apportioned to a State for a fiscal year to carry out this section include—

“(A) maintenance and restoration of recreational trails;

“(B) development and rehabilitation of trailside and trailhead facilities and trail linkages for recreational trails;

“(C) purchase and lease of recreational trail construction and maintenance equipment;

“(D) construction of new recreational trails, except that, in the case of new recreational trails crossing Federal land, construction of the trails shall be—

“(i) permissible under other law;

“(ii) necessary and recommended by a statewide comprehensive outdoor recreation plan that is—

“(I) required under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.); and

“(II) in effect;
“(iii) approved by the administering agency of the State designated under subsection (c)(1)(A); and

“(iv) approved by each Federal agency having jurisdiction over the affected land, under such terms and conditions as the head of the Federal agency determines to be appropriate, except that the approval shall be contingent on compliance by the Federal agency with all applicable laws, including—

“(I) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et. seq.);

“(II) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et. seq.); and


“(E) acquisition of easements and fee simple title to property for recreational trails or recreational trail corridors;

“(F) assessment of trail conditions for accessibility and maintenance;
“(G) use of trail crews, youth conservation or service corps, or other appropriate means to carry out activities under this section;

“(H) development and dissemination of publications and operation of educational programs to promote safety and environmental protection, as those objectives relate to the use of recreational trails, supporting non-law enforcement trail safety and trail use monitoring patrol programs, and providing trail-related training, but in an amount not to exceed 5 percent of the apportionment made to the State for the fiscal year; and

“(I) payment of costs to the State incurred in administering the program, but in an amount not to exceed 7 percent of the apportionment made to the State for the fiscal year to carry out this section.”; and

(B) in paragraph (3)—

(i) in subparagraph (D), by striking “(2)(F)” and inserting “(2)(I)”;

(ii) by adding at the end the following:

“(E) USE OF YOUTH CONSERVATION OR SERVICE CORPS.—A State shall make available not less than 10 percent of the apportionments of
the State to provide grants to, or to enter into cooperative agreements or contracts with, qualified youth conservation or service corps to perform recreational trails program activities.”;

and

(3) in subsection (f)—

(A) in paragraph (1)—

(i) by inserting “and the Federal share of the administrative costs of a State” after “project”; and

(ii) by striking “not exceed 80 percent” and inserting in its place “be determined in accordance with section 120(b)”;

(B) in paragraph (2)—

(i) in subparagraph (A), by striking “80 percent of” and inserting “the amount determined in accordance with section 120(b) for”; and

(ii) in subparagraph (B), by inserting “sponsoring the project” after “Federal agency”;

(C) by striking paragraph (5);

(D) by redesignating paragraph (4) as paragraph (5);
(E) by inserting after paragraph (3) the follow-
ing:

“(4) USE OF RECREATIONAL TRAILS PROGRAM
FUNDS TO MATCH OTHER FEDERAL PROGRAM
FUNDS.—Notwithstanding any other provision of law,
funds made available under this section may be used
to pay the non-Federal matching share for other Fed-
eral program funds that are—

“(A) expended in accordance with the re-
quirements of the Federal program relating to
activities funded and populations served; and

“(B) expended on a project that is eligible
for assistance under this section.”; and

(F) in paragraph (5) (as redesignated by
 subparagraph (D)), by striking “80 percent” and
inserting “the Federal share as determined in ac-
cordance with section 120(b)”; and

(4) in subsection (h)—

(A) in paragraph (1), by inserting after
subparagraph (B) the following:

“(C) PLANNING AND ENVIRONMENTAL AS-
SESSMENT COSTS INCURRED PRIOR TO PROJECT
APPROVAL.—A project funded under any of sub-
paragraphs (A) through (H) of subsection (d)(2)
may permit preapproval planning and environ-
ment compliance costs incurred not more than
18 months before project approval to be credited
toward the non-Federal share in accordance with
subsection (f).”; and

(B) by striking paragraph (2) and inserting
the following:
“(2) WAIVER OF HIGHWAY PROGRAM REQUIRE-
MENTS.—A project funded under this section—
“(A) is intended to enhance recreational op-
portunity;
“(B) is not considered to be a highway
project; and
“(C) is not subject to—
“(i) section 112, 114, 116, 134, 135,
138, 217, or 301 of this title; or
“(ii) section 303 of title 49.”.

SEC. 1604. EXEMPTION OF INTERSTATE SYSTEM.
Subsection 103(c) of title 23, United States Code, is
amended by adding at the end the following:
“(5) EXEMPTION OF INTERSTATE SYSTEM.—
“(A) IN GENERAL.—Except as provided in
subparagraph (B), the Interstate System shall
not be considered to be a historic site under sec-
tion 303 of title 49 or section 138 of this title,
regardless of whether the Interstate System or
portions of the Interstate System are listed on, or eligible for listing on, the National Register of Historic Places.

“(B) INDIVIDUAL ELEMENTS.—A portion of the Interstate System that possesses an independent feature of historic significance, such as a historic bridge or a highly significant engineering feature, that would qualify independently for listing on the National Register of Historic Places, shall be considered to be a historic site under section 303 of title 49 or section 138 of this title, as applicable.”.

SEC. 1605. STANDARDS.

(a) In General.—Section 109(a) of title 23, United States Code, is amended—

(1) in paragraph (1), by striking “and” at the end;

(2) in paragraph (2), by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(3) consider the preservation, historic, scenic, natural environmental, and community values.”.

(b) Context Sensitive Design.—Section 109 of title 23, United States Code, is amended by striking subsection (p) and inserting the following:
“(p) Context Sensitive Design.—

“(1) In general.—The Secretary shall encourage States to design projects funded under this title that—

“(A) allow for the preservation of environmental, scenic, or historic values;

“(B) ensure the safe use of the facility;

“(C) provide for consideration of the context of the locality;

“(D) encourage access for other modes of transportation; and

“(E) comply with subsection (a).

“(2) Approval by Secretary.—Notwithstanding subsections (b) and (c), the Secretary may approve a project described in paragraph (1) for the National Highway System if the project is designed to achieve the criteria specified in that paragraph.”.

SEC. 1606. USE OF HIGH OCCUPANCY VEHICLE LANES.

Section 102 of title 23, United States Code, is amended by striking subsection (a) and inserting the following:

“(a) High Occupancy Vehicle Lane Passenger Requirements.—

“(1) Definitions.—In this subsection:

“(A) Responsible agency.—The term ‘responsible agency’ means—
“(i) a State transportation department; and

“(ii) a local agency in a State that is responsible for transportation matters.

“(B) SERIOUSLY DEGRADED.—The term ‘seriously degraded’, with respect to a high occupancy vehicle lane, means, in the case of a high occupancy vehicle lane, the minimum average operating speed, performance threshold, and associated time period of the high occupancy vehicle lane, calculated and determined jointly by all applicable responsible agencies and based on conditions unique to the roadway, are unsatisfactory.

“(2) REQUIREMENTS.—

“(A) IN GENERAL.—Subject to subparagraph (B), for each State, 1 or more responsible agencies shall establish the occupancy requirements of vehicles operating on high occupancy vehicle lanes.

“(B) MINIMUM NUMBER OF OCCUPANTS.—Except as provided in paragraph (3), an occupancy requirement established under subparagraph (A) shall—
“(i) require at least 2 occupants per vehicle for a vehicle operating on a high occupancy vehicle lane; and

“(ii) in the case of a high occupancy vehicle lane that traverses an adjacent State, be established in consultation with the adjacent State.

“(3) Exceptions to HOV occupancy requirements.—

“(A) Motorcycles.—For the purpose of this subsection, a motorcycle—

“(i) shall not be considered to be a single occupant vehicle; and

“(ii) shall be allowed to use a high occupancy vehicle lane unless a responsible agency—

“(I) certifies to the Secretary the use of a high occupancy vehicle lane by a motorcycle would create a safety hazard; and

“(II) restricts that the use of the high occupancy vehicle lane by motorcycles.

“(B) Low Emission and Energy-Efficient Vehicles.—
“(i) **DEFINITION OF LOW EMISSION AND ENERGY-EFFICIENT VEHICLE.**—In this subparagraph, the term ‘low emission and energy-efficient vehicle’ means a vehicle that has been certified by the Administrator of the Environmental Protection Agency—

“(I)(aa) to have a 45-mile per gallon or greater fuel economy highway rating; or

“(bb) to qualify as an alternative fueled vehicle under section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211); and

“(II) as meeting Tier II emission level established in regulations promulgated by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act (42 U.S.C. 7521(i)) for that make and model year vehicle.

“(ii) **EXEMPTION FOR LOW EMISSION AND ENERGY-EFFICIENT VEHICLES.**—A responsible agency may permit qualifying low emission and energy-efficient vehicles that do not meet applicable occupancy require-
ments (as determined by the responsible agency) to use high occupancy vehicle lanes if the responsible agency—

“(I) establishes a program that addresses how those qualifying low emission and energy-efficient vehicles are selected and certified;

“(II) establishes requirements for labeling qualifying low emission and energy-efficient vehicles (including procedures for enforcing those requirements);

“(III) continuously monitors, evaluates, and reports to the Secretary on performance; and

“(IV) imposes such restrictions on the use on high occupancy vehicle lanes by vehicles that do not satisfy established occupancy requirements as are necessary to ensure that the performance of individual high occupancy vehicle lanes, and the entire high occupancy vehicle lane system, will not become seriously degraded.

“(C) TOLLING OF VEHICLES.—
“(i) IN GENERAL.—A responsible agency may permit vehicles, in addition to the vehicles described in paragraphs (A), (B), and (D) that do not satisfy established occupancy requirements, to use a high occupancy vehicle lane only if the responsible agency charges those vehicles a toll.

“(ii) APPLICABLE AUTHORITY.—In imposing a toll under clause (i), a responsible agency shall—

“(I) be subject to section 129;

“(II) establish a toll program that addresses ways in which motorists may enroll and participate in the program;

“(III) develop, manage, and maintain a system that will automatically collect the tolls from covered vehicles;

“(IV) continuously monitor, evaluate, and report on performance of the system;

“(V) establish such policies and procedures as are necessary—

“(aa) to vary the toll charged in order to manage the demand
for use of high occupancy vehicle lanes; and

“(bb) to enforce violations;

and

“(VI) establish procedures to impose such restrictions on the use of high occupancy vehicle lanes by vehicles that do not satisfy established occupancy requirements as are necessary to ensure that the performance of individual high occupancy vehicle lanes, and the entire high occupancy vehicle lane system, will not become seriously degraded.

“(D) Designated Public Transportation Vehicles.—

“(i) Definition of designated public transportation vehicle.—In this subparagraph, the term ‘designated public transportation vehicle’ means a vehicle that—

“(I) provides designated public transportation (as defined in section 221 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12141)); and
“(II)(aa) is owned or operated by a public entity; or
“(bb) is operated under a contract with a public entity.
“(ii) USE OF HIGH OCCUPANCY VEHICLE LANES.—A responsible agency may permit designated public transportation vehicles that do not satisfy established occupancy requirements to use high occupancy vehicle lanes if the responsible agency—
“(I) requires the clear and identifiable labeling of each designated public transportation vehicle operating under a contract with a public entity with the name of the public entity on all sides of the vehicle;
“(II) continuously monitors, evaluates, and reports on performance of those designated public transportation vehicles; and
“(III) imposes such restrictions on the use of high occupancy vehicle lanes by designated public transportation vehicles as are necessary to ensure that the performance of individual high occ-
cupancy vehicle lanes, and the entire
high occupancy vehicle lane system,
will not become seriously degraded.

“(E) HOV LANE MANAGEMENT, OPERATION,
AND MONITORING.—

“(i) IN GENERAL.—A responsible agen-
cy that permits any of the exceptions speci-
fied in this paragraph shall comply with
clauses (ii) and (iii).

“(ii) PERFORMANCE MONITORING,
evaluation, and reporting.—A respon-
sible agency described in clause (i) shall es-

tablish, manage, and support a performance
monitoring, evaluation, and reporting pro-

gram under which the responsible agency
continuously monitors, assesses, and reports
on the effects that any vehicle permitted to
use a high occupancy vehicle lane under an
exception under this paragraph may have
on the operation of—

“(I) individual high occupancy
vehicle lanes; and

“(II) the entire high occupancy
vehicle lane system.
“(iii) OPERATION OF HOV LANE OR
   SYSTEM.—A responsible agency described in
   clause (i) shall limit use of, or cease to use,
   any of the exceptions specified in this para-
   graph if the presence of any vehicle per-
   mitted to use a high occupancy vehicle lane
   under an exception under this paragraph
   seriously degrades the operation of—

   “(I) individual high occupancy
   vehicle lanes; and

   “(II) the entire high occupancy
   vehicle lane system.”.

SEC. 1607. BICYCLE TRANSPORTATION AND PEDESTRIAN
   WALKWAYS.

(a) In general.—Section 217 of title 23, United
   States Code, is amended—

   (1) in subsection (a), by inserting “pedestrian
   and” after “safe”;

   (2) in subsection (e), by striking “bicycles” each
   place it appears and inserting “pedestrians or
   bicyclists”;

   (3) by striking subsection (f) and inserting the
   following:

   “(f) FEDERAL SHARE.—The Federal share of the con-
   struction of bicycle transportation facilities and pedestrian
walkways, and for carrying out nonconstruction projects relating to safe pedestrian and bicycle use, shall be determined in accordance with section 120(b).”;

(4) by redesignating subsection (j) as subsection (l);

(5) by inserting after subsection (i) the following:

“(j) BICYCLE AND PEDESTRIAN SAFETY GRANTS.—

“(1) IN GENERAL.—The Secretary shall select and make grants to a national, nonprofit organization engaged in promoting bicycle and pedestrian safety—

“(A) to operate a national bicycle and pedestrian clearinghouse;

“(B) to develop information and educational programs regarding walking and bicycling; and

“(C) to disseminate techniques and strategies for improving bicycle and pedestrian safety.

“(2) FUNDING.—The Secretary may use funds apportioned under section 104(n) to carry out this subsection.

“(3) APPLICABILITY OF TITLE 23.—Funds authorized to be appropriated to carry out this subsection shall be available for obligation in the same manner as if the funds were apportioned under sec-
tion 104, except that the funds shall remain available until expended.

“(k) FUNDS FOR BICYCLE AND PEDESTRIAN SAFETY.—A State shall allocate for bicycle and pedestrian improvements in the State a percentage of the funds remaining after implementation of sections 130(e) and 150, in an amount that is equal to or greater than the percentage of all fatal crashes in the States involving bicyclists and pedestrians.”; and

(6) in subsection (l) (as redesignated by paragraph (4))—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following:

“(4) SHARED USE PATH.—The term ‘shared use path’ means a multiuse trail or other path that is—

“(A) physically separated from motorized vehicular traffic by an open space or barrier, either within a highway right-of-way or within an independent right-of-way; and

“(B) usable for transportation purposes (including by pedestrians, bicyclists, skaters, equestrians, and other nonmotorized users).”.

November 19, 2003
(b) **Reservation of Funds.**—Section 104 of title 23, United States Code (as amended by section 1601(b)), is amended by adding at the end the following:

“(n) **Bicycle and Pedestrian Safety Grants.**—On October 1 of each of fiscal years 2004 through 2009, the Secretary, after making the deductions authorized by subsections (a) and (f), shall set aside $500,000 of the remaining funds apportioned under subsection (b)(3) for use in carrying out the bicycle and pedestrian safety grant program under section 217.”.

**SEC. 1608. Idling Reduction Facilities in Interstate Rights-of-Way.**

Section 111 of title 23, United States Code, is amended by adding at the end the following:

“(d) **Idling Reduction Facilities in Interstate Rights-of-Way.**—

“(1) **In General.**—Notwithstanding subsection (a), a State may—

“(A) permit electrification or other idling reduction facilities and equipment, for use by motor vehicles used for commercial purposes, to be placed in rest and recreation areas, and in safety rest areas, constructed or located on rights-of-way of the Interstate System in the State; and
“(B) may charge, or permit charges, for the use of those facilities.

“(2) PURPOSE.—The exclusive purpose of the facilities described in paragraph (1) (or similar technologies) shall be to enable operators of motor vehicles used for commercial purposes—

“(A) to turn off their engines while parked; and

“(B) to have heating, air conditioning, electricity, and communication services in the vehicle without use of the engine.”.

SEC. 1609. TOLL PROGRAMS.

(a) Interstate System Reconstruction and Rehabilitation Pilot Program.—Section 1216(b) of the Transportation Equity Act for the 21st Century (23 U.S.C. 129 note; 112 Stat. 212)—

(1) is amended—

(A) in paragraph (1)—

(i) by striking “The Secretary” and inserting “Notwithstanding section 301, the Secretary”; and

(ii) by striking “that could not otherwise be adequately maintained or functionally improved without the collection of tolls”;
(B) in paragraph (3), by striking subpara-
graph (C) and inserting the following:

“(C) An analysis demonstrating that fi-
nancing the reconstruction or rehabilitation of
the facility with the collection of tolls under this
pilot program is the most efficient, economical,
or expeditious way to advance the project.”;

(C) in paragraph (4)—

(i) by striking subparagraph (A) and
inserting the following:

“(A) the State’s analysis showing that fi-
nancing the reconstruction or rehabilitation of a
facility with the collection of tolls under the pilot
program is the most efficient, economical, or ex-
peditious way to advance the project;”;

(ii) by striking subparagraph (B) and
inserting the following:

“(B) the facility needs reconstruction or re-
habilitation, including major work that may re-
quire replacing sections of the existing facility on
new alignment;”;

(iii) by striking subparagraph (C);

and
(iv) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively;

(2) is redesignated as subsection (d) of section 129 of title 23, United States Code, and moved to appear at the end of that section; and

(3) by striking “of title 23, United States Code” each place it appears.

(b) VARIABLE TOLL PRICING PROGRAM.—Section 129 of title 23, United States Code (as amended by subsection (a)(2)), is amended by adding at the end the following:

“(e) VARIABLE TOLL PRICING PROGRAM.—

“(1) DEFINITIONS.—In this subsection:

“(A) ELIGIBLE TOLL FACILITY.—The term ‘eligible toll facility’ includes—

“(i) a facility in existence on the date of enactment of this subsection that collects tolls;

“(ii) a facility in existence on the date of enactment of this subsection that serves high occupancy vehicle lanes; and

“(iii) a facility modified or constructed after the date of enactment of this subsection to create additional tolled capacity (includ-
ing a facility constructed by a private entity or using private funds).

“(B) NONATTAINMENT AREA.—The term ‘nonattainment area’ has the meaning given the term in section 171 of the Clean Air Act (42 U.S.C. 7501).

“(2) ESTABLISHMENT.—Notwithstanding sections 129 and 301, the Secretary may permit a State, public authority, or a public or private entity designated by a State, to collect a toll from motor vehicles at an eligible toll facility for any highway, bridge, or tunnel, including facilities on the Interstate System—

“(A) to manage high levels of congestion; or

“(B) to reduce emissions in a nonattainment area or maintenance area.

“(3) LIMITATION ON USE OF REVENUES.—

“(A) IN GENERAL.—All toll revenues received under paragraph (2) shall be used by a State or public authority for—

“(i) debt service;

“(ii) a reasonable return on investment of any private financing; and

“(iii) the costs necessary for proper operation and maintenance of any facilities
under paragraph (2) (including reconstruction, resurfacing, restoration, and rehabilitation); and

“(iv) projects eligible for Federal assistance under this title.

“(B) REQUIREMENTS.—

“(i) VARIABLE PRICE REQUIREMENT.—

The Secretary shall require, for each facility that charges tolls under this subsection, that the tolls vary in price according to time of day, as appropriate to manage congestion or improve air quality.

“(ii) HOV PASSENGER REQUIREMENTS.—In addition to the exceptions to the high occupancy vehicle passenger requirements established under section 102(a)(2), a State may permit motor vehicles with fewer than 2 occupants to operate in high occupancy vehicle lanes as part of a variable toll pricing program established under this subsection.

“(C) AGREEMENT.—

“(i) IN GENERAL.—Before the Secretary may permit a facility to charge tolls under this subsection, the Secretary and the
applicable State or public authority shall enter into an agreement for each facility incorporating the conditions described in subparagraphs (A) and (B).

“(ii) TERMINATION.—An agreement under clause (i) shall terminate with respect to a facility upon the decision of the State or public authority to discontinue the variable tolling program under this subsection for the facility.

“(iii) DEBT.—If there is any debt outstanding on a facility at the time at which the decision is made to discontinue the program under this subsection with respect to the facility, the facility may continue to charge tolls in accordance with the terms of the agreement until such time as the debt is retired.

“(D) LIMITATION ON FEDERAL SHARE.—The Federal share of the cost of a project on a facility tolled under this subsection, including a project to install the toll collection facility shall be a percentage, not to exceed 80 percent, determined by the applicable State.
“(4) ELIGIBILITY.—To be eligible to participate in the program under this subsection, a State or public authority shall provide to the Secretary—

“(A) a description of the congestion or air quality problems sought to be addressed under the program;

“(B) a description of—

“(i) the goals sought to be achieved under the program; and

“(ii) the performance measures that would be used to gauge the success made toward reaching those goals; and

“(C) such other information as the Secretary may require.

“(f) AUTOMATION.—A facility created or modified under this section shall use an electronic toll collection system that uses a transponder or other means to specify an account for the purposes of collecting a toll as a vehicle passes through the collection facility.

“(g) INTEROPERABILITY.—

“(1) RULE.—

“(A) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall promulgate a final rule specifying requirements, standards, or per-
formance specifications for automated toll collection systems implemented under this section.

“(B) DEVELOPMENT.—In developing that rule, which shall be designed to maximize the interoperability of electronic collection systems, the Secretary shall, to the maximum extent practicable—

“(i) seek to accelerate progress toward the national goal of achieving a nationwide interoperable electronic toll collection system;

“(ii) take into account the use of transponders currently deployed within an appropriate geographical area of travel and the transponders likely to be in use within the next 5 years; and

“(iii) seek to minimize additional costs and maximize convenience to users of toll facility and to the toll facility owner or operator.

“(2) FUTURE MODIFICATIONS.—As the state of technology progresses, the Secretary shall modify the rule promulgated under paragraph (1)(A), as appropriate.”.

(c) CONFORMING AMENDMENTS.—
(1) **IN GENERAL.**—Section 1012 of the Intermodal Surface Transportation Efficiency Act (23 U.S.C. 149 note; 105 Stat. 1938; 112 Stat. 211) is amended by striking subsection (b).

(2) **CONTINUATION OF PROGRAM.**—Notwithstanding the amendment made by paragraph (1), the Secretary shall monitor and allow any value pricing program established under a cooperative agreement in effect on the day before the date of enactment of this Act to continue.

**SEC. 1610. FEDERAL REFERENCE METHOD.**

(a) **IN GENERAL.**—Section 6102 of the Transportation Equity Act for the 21st Century (42 U.S.C. 7407 note; 112 Stat. 464) is amended by striking subsection (e) and inserting the following:

“(e) **FIELD STUDY.**—Not later than 2 years after the date of enactment of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003, the Administrator shall—

“(1) conduct a field study of the ability of the PM$_{2.5}$ Federal Reference Method to differentiate those particles that are larger than 2.5 micrometers in diameter;

“(2) develop a Federal reference method to measure directly particles that are larger than 2.5 mi-
6–38 crometers in diameter without reliance on subtracting from coarse particle measurements those particles that are equal to or smaller than 2.5 micrometers in diameter;

“(3) develop a method of measuring the composition of coarse particles; and

“(4) submit a report on the study and responsibilities of the Administrator under paragraphs (1) through (3) to—

“(A) the Committee on Commerce of the House of Representatives; and

“(B) the Committee on Environment and Public Works of the Senate.”.

SEC. 1611. ADDITION OF PARTICULATE MATTER AREAS TO CMAQ.

Section 104(b)(2) of title 23, United States Code, is amended—

(1) in subparagraph B—

(A) in the matter preceding clause (i), by striking “ozone or carbon monoxide” and inserting “ozone, carbon monoxide, or fine particulate matter (PM$_{2.5}$)”;

(B) by striking clause (i) and inserting the following:
“(i) 1.0, if at the time of apportionment, the area is a maintenance area;”;

(C) in clause (vi), by striking “or” after the semicolon; and

(D) in clause (vii), by striking “area as described in section 149(b) for ozone,” and inserting “area for ozone (as described in section 149(b)) or for PM–2.5”;

(2) by adding at the end the following:

“(viii) 1.0 if, at the time of apportionment, any county that is not designated as a nonattainment or maintenance area under the 1-hour ozone standard is designated as nonattainment under the 8-hour ozone standard;

“(ix) 1.2 if, at the time of apportionment, the area is not a nonattainment or maintenance area as described in section 149(b) for ozone or carbon monoxide, but is an area designated nonattainment under the PM–2.5 standard.”;

(3) by striking subparagraph (C) and inserting the following:

“(C) ADDITIONAL ADJUSTMENT FOR CARBON MONOXIDE AREAS.—If, in addition to being...
designated as a nonattainment or maintenance area for ozone as described in section 149(b), any county within the area was also classified under subpart 3 of part D of title I of the Clean Air Act (42 U.S.C. 7512 et seq.) as a nonattainment or maintenance area described in section 149(b) for carbon monoxide, the weighted nonattainment or maintenance area population of the county, as determined under clauses (i) through (vi) or clause (viii) of subparagraph (B), shall be further multiplied by a factor of 1.2.”;

(4) by redesignating subparagraph (D) and (E) as subparagraphs (E) and (F) respectively; and

(5) by inserting after subparagraph (C) the following:

“(D) ADDITIONAL ADJUSTMENT FOR PM 2.5 AREAS.—If, in addition to being designated as a nonattainment or maintenance area for ozone or carbon monoxide, or both as described in section 149(b), any county within the area was also designated under the PM–2.5 standard as a nonattainment or maintenance area, the weighted nonattainment or maintenance area population of those counties shall be further multiplied by a factor of 1.2.”.
SEC. 1612. ADDITION TO CMAQ-ELIGIBLE PROJECTS.

(a) ELIGIBLE PROJECTS.—Section 149(b) of title 23, United States Code, is amended—

(1) in paragraph (4), by striking “or” at the end;

(2) in paragraph (5), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(6) if the project or program is for the purchase of alternative fuel (as defined in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211)) or biodiesel.”.

(b) STATES RECEIVING MINIMUM APPORTIONMENT.—

Section 149(c) of title 23, United States Code, is amended—

(1) in paragraph (1), by striking “for any project eligible under the surface transportation program under section 133.” and inserting the following:

“for any project in the State that—

“(A) would otherwise be eligible under this section as if the project were carried out in a nonattainment or maintenance area; or

“(B) is eligible under the surface transportation program under section 133.”; and

(2) in paragraph (2), by striking “for any project in the State eligible under section 133.” and
inserting the following: “for any project in the State that—

“(A) would otherwise be eligible under this section as if the project were carried out in a nonattainment or maintenance area; or

“(B) is eligible under the surface transportation program under section 133.”.

SEC. 1613. IMPROVED INTERAGENCY CONSULTATION.

Section 149 of title 23, United States Code, is amended by adding at the end the following:

“(g) INTERAGENCY CONSULTATION.—The Secretary shall encourage States and metropolitan planning organizations to consult with State and local air quality agencies in nonattainment and maintenance areas on the estimated emission reductions from proposed congestion mitigation and air quality improvement programs and projects.”.

SEC. 1614. EVALUATION AND ASSESSMENT OF CMAQ PROJECTS.

Section 149 of title 23, United States Code, is amended by adding at the end the following:

“(h) EVALUATION AND ASSESSMENT OF PROJECTS.—

“(1) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall evaluate and assess a rep-
resentative sample of projects funded under the congestion mitigation and air quality program to—

“(A) determine the direct and indirect impact of the projects on air quality and congestion levels; and

“(B) ensure the effective implementation of the program.

“(2) DATABASE.—Using appropriate assessments of projects funded under the congestion mitigation and air quality program and results from other research, the Secretary shall maintain and disseminate a cumulative database describing the impacts of the projects.

“(3) CONSIDERATION.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall consider the recommendations and findings of the report submitted to Congress under section 1110(e) of the Transportation Equity Act for the 21st Century (112 Stat. 144), including recommendations and findings that would improve the operation and evaluation of the congestion mitigation and air quality improvement program under section 149.”.
SEC. 1615. SYNCHRONIZED PLANNING AND CONFORMITY TIMELINES, REQUIREMENTS, AND HORIZON.

(a) Metropolitan Planning.—

(1) Development of Long-Range Transportation Plan.—Section 134(g)(1) of title 23, United States Code, is amended by striking “periodically, according to a schedule that the Secretary determines to be appropriate,” and inserting “every 4 years in areas designated as nonattainment, as defined in section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)), and in areas that were nonattainment that have been redesignated to attainment in accordance with section 107(d)(3) of that Act (42 U.S.C. 7407(d)(3)), with a maintenance plan under section 175A of that Act (42 U.S.C. 7505a), or every 5 years in areas designated as attainment (as defined in section 107(d) of that Act (42 U.S.C. 7407(d))),”.

(2) Metropolitan Transportation Improvement Program.—Section 134(h) of title 23, United States Code, is amended—

(A) in paragraph (1)(D), by striking “2 years” and inserting “4 years”; and

(B) in paragraph (2)(A), by striking “3-year” and inserting “4-year”.

(3) Statewide Transportation Improvement Program.—Section 135(f)(1)(A) of title 23, United States Code, is amended—

(A) in paragraph (1)(D), by striking “2 years” and inserting “4 years”; and

(B) in paragraph (2)(A), by striking “3-year” and inserting “4-year”.

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States Code, is amended by inserting after “program” the following: “(which program shall cover a period of 4 years and be updated every 4 years)”.

(4) Final Regulations.—Not later than 18 months after the date of enactment of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003, the Secretary shall promulgate regulations that are consistent with the amendments made by this subsection.

(b) Synchronized Conformity Determination.—Section 176(c) of the Clean Air Act (42 U.S.C. 7506(c)) is amended—

(1) in paragraph (2)—

(A) by striking “(2) Any transportation plan” and inserting the following: “(2) Transportation plans and programs.—Any transportation plan”;

(B) in subparagraph (C)(iii), by striking the period at the end and inserting a semicolon;

(C) in subparagraph (D)—

(i) by striking “Any project” and inserting “any transportation project”; and

(ii) by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following:
“(E) the appropriate metropolitan planning organization shall redetermine conformity of existing transportation plans and programs not later than 2 years after the date on which the Administrator—

“(i) finds a motor vehicle emissions budget to be adequate in accordance with section 93.118(e)(4) of title 40, Code of Federal Regulations (as in effect on October 1, 2003);

“(ii) approves an implementation plan that establishes a motor vehicle emissions budget, if that budget has not yet been used in a conformity determination prior to approval; or

“(iii) promulgates an implementation plan that establishes or revises a motor vehicle emissions budget.”;

(2) in paragraph (4)(B)(ii), by striking “but in no case shall such determinations for transportation plans and programs be less frequent than every 3 years; and” and inserting “but the frequency for making conformity determinations on updated transportation plans and programs shall be every 4 years, except in a case in which—
“(I) the metropolitan planning organization elects to update a transportation plan or program more frequently; or
“(II) the metropolitan planning organization is required to determine conformity in accordance with paragraph (2)(E); and”;

(3) in paragraph (4)(B)—

(A) in clause (ii), by striking “and” at the end;

(B) in clause (iii), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(iv) address the effects of the most recent population, economic, employment, travel, transit ridership, congestion, and induced travel demand information in the development and application of the latest travel and emissions models.”;

(4) by adding at the end the following:

“(7) CONFORMITY HORIZON FOR TRANSPORTATION PLANS.—

“(A) IN GENERAL.—For the purposes of this section, a transportation plan in a nonattain-
ment or maintenance area shall be considered to be a transportation plan or a portion of a transportation plan that extends for the longest of the following periods:

“(i) The first 10-year period of any such transportation plan.

“(ii) The latest year in the implementation plan applicable to the area that contains a motor vehicle emission budget.

“(iii) The year after the completion date of a regionally significant project, if the project requires approval before the subsequent conformity determination.

“(B) EXCEPTION.—In a case in which an area has a revision to an implementation plan under section 175A(b) and the Administrator has found the motor vehicle emissions budgets from that revision to be adequate in accordance with section 93.118(e)(4) of title 40, Code of Federal Regulations (as in effect on October 1, 2003), or has approved the revision, the transportation plan shall be considered to be a transportation plan or portion of a transportation plan that extends through the last year of the im-
implementation plan required under section 175A(b).

“(8) DEFINITIONS.—In this subsection:

“(A) Regionally significant project.—

“(i) In general.—The term ‘regionally significant project’ means a transportation project that is on a facility that serves a regional transportation need, including—

“(I) access to and from the area outside of the region;

“(II) access to and from major planned developments, including new retail malls, sports complexes, or transportation terminals; and

“(III) most transportation terminals.

“(ii) Principal arterials and fixed guideways.—The term ‘regionally significant project’ includes, at a minimum—

“(I) all principal arterial highways; and

“(II) all fixed guideway transit facilities that offer an alternative to regional highway travel.
“(iii) ADDITIONAL PROJECTS.—The interagency consultation process and procedures described in section 93.105(c) of title 40, Code of Federal Regulations (as in effect on October 1, 2003), shall be used to make determinations as to whether minor arterial highways and other transportation projects should be considered ‘regionally significant projects’.

“(iv) EXCLUSIONS.—The term ‘regionally significant project’ does not include any project of a type listed in sections 93.126 or 127 of title 40, Code of Federal Regulations (as in effect on October 1, 2003).

“(B) SIGNIFICANT REVISION.—The term ‘significant revision’ means—

“(i) with respect to a regionally significant project, a significant change in design concept or scope to the project; and

“(ii) with respect to any other kind of project, a change that converts a project that is not a regionally significant project into a regionally significant project.
“(C) TRANSPORTATION PROJECT.—The term ‘transportation project’ includes only a project that is—

“(i) a regionally significant project; or
“(ii) a project that makes a significant revision to an existing project.”; and

(5) in the matter following paragraph (3)(B), by inserting “transportation” before “project” each place it appears.

SEC. 1616. TRANSITION TO NEW AIR QUALITY STANDARDS.

Section 176(c) of the Clean Air Act (42 U.S.C. 7506(c)) is amended by striking paragraph (3) and inserting the following:

“(3) METHODS OF CONFORMITY DETERMINATION BEFORE BUDGET IS AVAILABLE.—

“(A) IN GENERAL.—Until such time as a motor vehicle emission budget from an implementation plan submitted for a national ambient air quality standard is determined to be adequate in accordance with section 93.118(e)(4) of title 40, Code of Federal Regulations (as in effect on October 1, 2003), or the submitted implementation plan is approved, conformity of such a plan, program, or project shall be demonstrated,
as selected through the consultation process required under paragraph (4)(B)(i), with—

“(i) a motor vehicle emission budget that has been found adequate in accordance with section 93.118(e)(4) of title 40, Code of Federal Regulations (as in effect on October 1, 2003), or that has been approved, from an implementation plan for the most recent prior applicable national ambient air quality standard addressing the same pollutant; or

“(ii) other such tests as the Administrator shall determine to ensure that—

“(I) the transportation plan or program—

“(aa) is consistent with the most recent estimates of mobile source emissions;

“(bb) provides for the expeditious implementation of transportation control measures in the applicable implementation plan; and

“(cc) with respect to an ozone or carbon monoxide nonattain-
ment area, contributes to annual emissions reductions consistent with sections 182(b)(1) and 187(a)(7); and

“(II) the transportation project—

“(aa) comes from a conforming transportation plan and program described in this subparagraph; and

“(bb) in a carbon monoxide nonattainment area, eliminates or reduces the severity and number of violations of the carbon monoxide standards in the area substantially affected by the project.

“(B) Determination for a Transportation Project in a Carbon Monoxide Nonattainment Area.—A determination under subparagraph (A)(ii)(II)(bb) may be made as part of either the conformity determination for the transportation program or for the individual project taken as a whole during the environmental review phase of project development.
SEC. 1617. REDUCED BARRIERS TO AIR QUALITY IMPROVEMENTS.

Section 176(c) of the Clean Air Act (42 U.S.C. 7506(c)) is amended—

(1) by redesignating paragraph (9) as paragraph (10); and

(2) by inserting after paragraph (8) the following:

“(9) SUBSTITUTION FOR TRANSPORTATION CONTROL MEASURES.—

“(A) IN GENERAL.—Transportation control measures that are specified in an implementation plan may be replaced or added to the implementation plan with alternate or additional transportation control measures if—

“(i) the substitute measures achieve equivalent or greater emissions reductions than the control measure to be replaced, as demonstrated with an analysis that is consistent with the current methodology used for evaluating the replaced control measure in the implementation plan;

“(ii) the substitute control measures are implemented—

“(I) in accordance with a schedule that is consistent with the schedule
provided for control measures in the implementation plan; or

“(II) if the implementation plan date for implementation of the control measure to be replaced has passed, as soon as practicable after the implementation plan date but not later than the date on which emission reductions are necessary to achieve the purpose of the implementation plan;

“(iii) the substitute and additional control measures are accompanied with evidence of adequate personnel, funding, and authority under State or local law to implement, monitor, and enforce the control measures;

“(iv) the substitute and additional control measures were developed through a collaborative process that included—

“(I) participation by representatives of all affected jurisdictions (including local air pollution control agencies, the State air pollution control agency, and State and local transportation agencies);
“(II) consultation with the Administrator; and

“(III) reasonable public notice and opportunity for comment; and

“(v) the metropolitan planning organization, State air pollution control agency, and the Administrator concur with the equivalency of the substitute or additional control measures.

“(B) ADOPTION.—After carrying out subparagraph (A), a State shall adopt the substitute or additional transportation control measure in the applicable implementation plan.

“(C) NO REQUIREMENT FOR EXPRESS PERMISSION.—The substitution or addition of a transportation control measure in accordance with this paragraph shall not be contingent on there being any provision in the implementation plan that expressly permits such a substitution or addition.

“(D) NO REQUIREMENT FOR NEW CONFORMITY DETERMINATION.—The substitution or addition of a transportation control measure in accordance with this paragraph shall not require—
“(i) a new conformity determination for the transportation plan; or
“(ii) a revision of the implementation plan.
“(E) CONTINUATION OF CONTROL MEASURE BEING REPLACED.—A control measure that is being replaced by a substitute control measure under this paragraph shall remain in effect until the substitute control measure is approved.
“(F) EFFECT OF ADOPTION.—Adoption of a substitute control measure shall constitute rescission of the previously applicable control measure.”.

SEC. 1618. AIR QUALITY MONITORING DATA INFLUENCED BY EXCEPTIONAL EVENTS.

(a) In General.—Section 319 of the Clean Air Act (42 U.S.C.7619) is amended—

(1) by striking the section heading and all that follows through “after notice and opportunity for public hearing” and inserting the following:

“SEC. 319. AIR QUALITY MONITORING.

“(a) In General.—After notice and opportunity for public hearing”; and

(2) by adding at the end the following:
“(b) Air Quality Monitoring Data Influenced by Exceptional Events.—

“(1) Definition of Exceptional Event.—In this section:

“(A) In General.—The term ‘exceptional event’ means an event that—

“(i) affects air quality;

“(ii) is not reasonably controllable or preventable;

“(iii) is—

“(I) a natural event; or

“(II) an event caused by human activity that is unlikely to recur at a particular location; and

“(iv) is determined by the Administrator through the process established in the regulations promulgated under paragraph (2) to be an exceptional event.

“(B) Exclusions.—The term ‘exceptional event’ does not include—

“(i) stagnation of air masses or meteorological inversions;

“(ii) a meteorological event involving high temperatures or lack of precipitation; or
“(iii) air pollution relating to source noncompliance.

“(2) Regulations.—

“(A) Proposed regulations.—Not later than March 1, 2005, after consultation with Federal land managers and State air pollution control agencies, the Administrator shall publish in the Federal Register proposed regulations governing the review and handling of air quality monitoring data influenced by exceptional events.

“(B) Final regulations.—Not later than 1 year after the date on which the Administrator publishes proposed regulations under subparagraph (A), and after providing an opportunity for interested persons to make oral presentations of views, data, and arguments regarding the proposed regulations, the Administrator shall promulgate final regulations governing the review and handling or air quality monitoring data influenced by an exceptional event that are consistent with paragraph (3).

“(3) Principles and requirements.—
“(A) PRINCIPLES.—In promulgating regulations under this section, the Administrator shall follow—

“(i) the principle that protection of public health is the highest priority;

“(ii) the principle that timely information should be provided to the public in any case in which the air quality is unhealthy;

“(iii) the principle that all ambient air quality data should be included in a timely manner, an appropriate Federal air quality database that is accessible to the public;

“(iv) the principle that each State must take necessary measures to safeguard public health regardless of the source of the air pollution; and

“(v) the principle that air quality data should be carefully screened to ensure that events not likely to recur are represented accurately in all monitoring data and analyses.

“(B) REQUIREMENTS.—Regulations promulgated under this section shall, at a minimum, provide that—
“(i) the occurrence of an exceptional event must be demonstrated by reliable, accurate data that is promptly produced and provided by Federal, State, or local government agencies;

“(ii) a clear causal relationship must exist between the measured exceedances of a national ambient air quality standard and the exceptional event to demonstrate that the exceptional event caused a specific air pollution concentration at a particular air quality monitoring location;

“(iii) there is a public process for determining whether an event is exceptional; and

“(iv) there are criteria and procedures for the Governor of a State to petition the Administrator to exclude air quality monitoring data that is directly due to exceptional events from use in determinations by the Environmental Protection Agency with respect to exceedances or violations of the national ambient air quality standards.

“(4) INTERIM PROVISION.—Until the effective date of a regulation promulgated under paragraph
(2), the following guidance issued by the Administrator shall continue to apply:

“(A) Guidance on the identification and use of air quality data affected by exceptional events (July 1986).


“(C) Appendices I, K, and N to part 50 of title 40, Code of Federal Regulations.”.

SEC. 1619. CONFORMING AMENDMENTS.

Section 176(c)(4) of the Clean Air Act (42 U.S.C. 7506(c)(4) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D);

(2) by striking “(4)(A) No later than one year after the date of enactment of the Clean Air Act Amendments of 1990, the Administrator shall promulgate” and inserting the following:

“(4) CRITERIA AND PROCEDURES FOR DETERMINING CONFORMITY.—

“(A) IN GENERAL.—The Administrator shall promulgate, and periodically update,”;

(3) in subparagraph (A)—

(A) in the second sentence, by striking “No later than one year after such date of enactment,
the Administrator, with the concurrence of the Secretary of Transportation, shall promulgate”
and inserting the following:

“(B) TRANSPORTATION PLANS, PROGRAMS, AND PROJECTS.—The Administrator, with the concurrence of the Secretary of Transportation, shall promulgate, and periodically update,”; and

(B) in the third sentence, by striking “A suit” and inserting the following:

“(C) CIVIL ACTION TO COMPEL PROMULGATION.—A civil action”; and

(4) by striking subparagraph (D) (as redesignated by paragraph (1)) and inserting the following:

“(D) INCLUSION OF CRITERIA AND PROCEDURES IN SIP.—Not later than 2 years after the date of enactment of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003, the procedures under subparagraph (A) shall include a requirement that each State include in the State implementation plan criteria and procedures for consultation in accordance with the Administrator’s criteria and procedures for consultation required by subparagraph (B)(i).”.
SEC. 1620. HIGHWAY STORMWATER DISCHARGE MITIGATION PROGRAM.

(a) Highway Stormwater Mitigation Projects.—
Section 133(d) of title 23, United States Code, is amended by adding at the end the following:

“(6) Highway stormwater discharge mitigation projects.—Of the amount apportioned to a State under section 104(b)(3) for a fiscal year, 2 percent shall be available only for projects and activities carried out under section 167.”.

(b) Highway Stormwater Discharge Mitigation Program.—Subchapter I of chapter 1 of title 23, United States Code (as amended by section 1601(a)), is amended by adding at the end the following:

“§ 167. Highway stormwater discharge mitigation program

“(a) Definitions.—In this section:

“(1) Administrator.—The term ‘Administrator’ means the Administrator of the Environmental Protection Agency.

“(2) Eligible mitigation project.—The term ‘eligible mitigation project’ means a practice or technique that—

“(A) improves stormwater discharge water quality;

“(B) attains preconstruction hydrology;
“(C) promotes infiltration of stormwater
into groundwater;

“(D) recharges groundwater;

“(E) minimizes stream bank erosion;

“(F) promotes natural filters;

“(G) otherwise mitigates water quality im-
pacts of highway stormwater discharges, im-
proves surface water quality, or enhances
groundwater recharge; or

“(H) reduces flooding caused by highway
stormwater discharge.

“(3) **Federal-aid highway and associated
facility.**—The term ‘Federal-aid highway and asso-
ciated facility’ means—

“(A) a Federal-aid highway; or

“(B) a facility or land owned by a State (or
political subdivision of a State) that is directly
associated with the Federal-aid highway.

“(4) **Highway stormwater discharge.**—The
term ‘highway stormwater discharge’ means
stormwater discharge from a Federal-aid highway, or
a Federal-aid highway and associated facility, that
was constructed before the date of enactment of this
section.
“(5) **Highway stormwater discharge mitigation.**—The term ‘highway stormwater discharge mitigation’ means—

“(A) the reduction of water quality impacts of stormwater discharges from Federal-aid highways or Federal-aid highways and associated facilities; or

“(B) the enhancement of groundwater recharge from stormwater discharges from Federal-aid highways or Federal-aid highways and associated facilities.

“(6) **Program.**—The term ‘program’ means the highway stormwater discharge mitigation program established under subsection (b).

“(b) **Establishment.**—The Secretary shall establish a highway stormwater discharge mitigation program—

“(1) to improve the quality of stormwater discharge from Federal-aid highways or Federal-aid highways and associated facilities; and

“(2) to enhance groundwater recharge.

“(c) **Priority of Projects.**—For projects funded from the allocation under section 133(d)(6), a State shall give priority to projects sponsored by a State or local government that assist the State or local government in com-
plying with the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

“(d) GUIDANCE.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary, in consultation with the Administrator, shall issue guidance to assist States in carrying out this section.

“(2) REQUIREMENTS FOR GUIDANCE.—The guidance issued under paragraph (1) shall include information concerning innovative technologies and non-structural best management practices to mitigate highway stormwater discharges.”.

(c) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 1 of title 23, United States Code (as amended by section 1601(b), is amended by inserting after the item relating to section 166 the following:

“167. Highway stormwater discharge mitigation program.”.
Subtitle G—Operations

SEC. 1701. TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS.

(a) Surface Transportation Program Eligibility.—Section 133(b) of title 23, United States Code (as amended by section 1601(a)(2)), is amended by adding at the end the following:

“(16) 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.

“(17) Rush Hour Congestion Relief.—

“(A) In general.—Subject to subparagraph (B), a State may spend not more than 2 percent of the funds apportioned under this section to reduce traffic delays caused by motor vehicle accidents and breakdowns on highways during peak driving times.

“(B) Use of Funds.—A State, metropolitan planning organization, or local government may use the funds under subparagraph (A)—
“(i) to develop a region-wide coordinated plan to mitigate traffic delays caused by motor vehicle accidents and breakdowns;

“(ii) to purchase or lease telecommunications equipment for first responders;

“(iii) to purchase or lease towing and recovery services;

“(iv) to pay contractors for towing and recovery;

“(v) to rent vehicle storage areas adjacent to roadways;

“(vi) to fund service patrols, equipment, and operations;

“(vii) to purchase incident detection equipment;

“(viii) to carry out training.”.

(b) **Congestion Mitigation and Air Quality Improvement Program Eligibility.**—Section 149(b)(5) of title 23, United States Code, is amended by inserting “improve transportation systems management and operations,” after “intersections,”.

(c) **Transportation Systems Management and Operations.**—

(1) **In General.**—Subchapter I of chapter 1 of title 23, United States Code (as amended by section
1620(b)), is amended by adding at the end the following:

“§ 168. Transportation systems management and operations

“(a) In General.—The Secretary shall carry out a transportation systems management and operations program to—

“(1) ensure efficient and effective transportation systems management and operations on Federal-aid highways through collaboration, coordination, and real-time information sharing at a regional and Statewide level among—

“(A) managers and operators of major modes of transportation;

“(B) public safety officials; and

“(C) the general public; and

“(2) manage and operate Federal-aid highways in a coordinated manner to preserve the capacity and maximize the performance of highway and transit facilities for travelers and carriers.

“(b) Authorized Activities.—

“(1) In General.—In carrying out the program under subsection (a), the Secretary may carry out activities to—
“(A) encourage managers and operators of major modes of transportation, public safety officials, and transportation planners in urbanized areas that are responsible for conducting the day-to-day management, operations, public safety, and planning of transportation facilities and services to collaborate on and coordinate, on a regional level and in a continuous and sustained manner, improved transportation systems management and operations; and

“(B) encourage States to—

“(i) establish a system of basic real-time monitoring for the surface transportation system; and

“(ii) provide the means to share the data gathered under clause (i) among—

“(I) highway, transit, and public safety agencies;

“(II) jurisdictions (including States, cities, counties, and metropolitan planning organizations);

“(III) private-sector entities; and

“(IV) the general public.

“(2) ACTIVITIES.—Activities to be carried out under paragraph (1) include—
“(A) developing a regional concept of operations that defines a regional strategy shared by all transportation and public safety participants with respect to the manner in which the transportation systems of the region should be managed, operated, and measured;

“(B) the sharing of information among operators, service providers, public safety officials, and the general public; and

“(C) guiding, in a regionally-coordinated manner and in a manner consistent with and integrated into the metropolitan and statewide transportation planning processes and regional intelligent transportation system architecture, the implementation of regional transportation system management and operations initiatives, including—

“(i) emergency evacuation and response;

“(ii) traffic incident management;

“(iii) technology deployment; and

“(iv) traveler information systems delivery.

“(c) COOPERATION.—In carrying out the program under subsection (a), the Secretary may assist and cooper-
ate with other Federal agencies, State and local governments, metropolitan planning organizations, private industry, and other interested parties to improve regional collaboration and real-time information sharing between managers and operators of major modes of transportation, public safety officials, emergency managers, and the general public to increase the security, safety, and reliability of Federal-aid highways.

“(d) GUIDANCE; REGULATIONS.—

“(1) IN GENERAL.—In carrying out the program under subsection (a), the Secretary may issue guidance or promulgate regulations for the procurement of transportation system management and operations facilities, equipment, and services, including—

“(A) equipment procured in preparation for natural disasters, disasters caused by human activity, and emergencies;

“(B) system hardware;

“(C) software; and

“(D) software integration services.

“(2) CONSIDERATIONS.—In developing the guidance or regulations under paragraph (1), the Secretary may consider innovative procurement methods that support the timely and streamlined execution of
transportation system management and operations programs and projects.

“(3) **FINANCIAL ASSISTANCE.**—The Secretary may authorize the use of funds made available under section 104(b)(3) to provide assistance for regional operations collaboration and coordination activities that are associated with regional improvements, such as—

“(A) traffic incident management;
“(B) technology deployment;
“(C) emergency management and response;
“(D) traveler information; and
“(E) congestion relief.”.

(2) **CONFORMING AMENDMENT.**—The analysis for subchapter I of chapter 1 of title 23, United States Code (as amended by section 1620(c)), is amended by adding at the end:

“168. Transportation systems management and operations.”.

**SEC. 1702. REAL-TIME SYSTEM MANAGEMENT INFORMATION PROGRAM.**

(a) **IN GENERAL.**—Subchapter I of chapter 1 of title 23, United States Code (as amended by section 1701(c)(1)), is amended by adding at the end the following:
§ 169. Real-time system management information program

(a) In general.—The Secretary shall carry out a real-time system management information program to—

(1) provide a nationwide system of basic real-time information for managing and operating the surface transportation system;

(2)(A) identify long-range real-time highway and transit monitoring needs; and

(B) develop plans and strategies for meeting those needs;

(3) provide the capability and means to share the basic real-time information with State and local governments and the traveling public; and

(4) provide the nationwide capability to monitor, in real-time, the traffic and travel conditions of major highways in the United States, and to share that information with State and local governments and the traveling public, to—

(A) improve the security of the surface transportation system;

(B) address congestion problems;

(C) support improved response to weather events; and

(D) facilitate the distribution of national and regional traveler information.
“(b) DATA EXCHANGE FORMATS.—Not later than 1 year after the date of enactment of this section, the Secretary shall establish data exchange formats to ensure that the data provided by highway and transit monitoring systems (including statewide incident reporting systems) can readily be exchanged between jurisdictions to facilitate the nationwide availability of information on traffic and travel conditions.

“(c) STATEWIDE INCIDENT REPORTING SYSTEM.—Not later than 2 years after the date of enactment of this section, or not later than 5 years after the date of enactment of this section if the Secretary determines that adequate real-time communications capability will not be available within 2 years after the date of enactment of this section, each State shall establish a statewide incident reporting system to facilitate the real-time electronic reporting of highway and transit incidents to a central location for use in—

“(1) monitoring an incident;

“(2) providing accurate traveler information on the incident; and

“(3) responding to the incident as appropriate.

“(d) REGIONAL ITS ARCHITECTURE.—

“(1) IN GENERAL.—In developing or updating regional intelligent transportation system architectures under section 940.9 of title 23, Code of Federal

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Regulations (or any successor regulation), States and local governments shall address—

“(A) the real-time highway and transit information needs of the State or local government, including coverage, monitoring systems, data fusion and archiving, and methods of exchanging or sharing information; and

“(B) the systems needed to meet those needs.

“(2) DATA EXCHANGE FORMATS.—In developing or updating regional intelligent transportation system architectures, States and local governments are encouraged to incorporate the data exchange formats developed by the Secretary under subsection (b) to ensure that the data provided by highway and transit monitoring systems can readily be—

“(A) exchanged between jurisdictions; and

“(B) shared with the traveling public.

“(e) ELIGIBLE FUNDING.—Subject to project approval by the Secretary, a State may—

“(1) use funds apportioned to the State under section 505(a) to carry out activities relating to the planning of real-time monitoring elements; and

“(2) use funds apportioned to the State under paragraphs (1) and (3) of section 104(b) to carry out
activities relating to the planning and deployment of real-time monitoring elements.

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 1 of title 23, United States Code (as amended by section 1701(c)(2)), is amended adding at the end the following:

"169. Real-time system management information program."
Subtitle H—Federal-Aid Stewardship

SEC. 1801. FUTURE INTERSTATE SYSTEM ROUTES.

Section 103(c)(4)(B) of title 23, United States Code, is amended—

(1) in clause (ii), by striking “12” and inserting “25”; and

(2) in clause (iii)—

(A) in subclause (I), by striking “in the agreement between the Secretary and the State or States”; and

(B) by adding at the end the following:

“(III) EXISTING AGREEMENTS.—An agreement described in clause (ii) that is entered into before the date of enactment of this subparagraph shall be deemed to include the 25-year time limitation described in that clause, regardless of any earlier construction completion date in the agreement.”.

SEC. 1802. STEWARDSHIP AND OVERSIGHT.

(a) IN GENERAL.—Section 106 of title 23, United States Code, is amended—

(1) by striking subsection (e) and inserting the following:
“(e) VALUE ENGINEERING ANALYSIS.—

“(1) DEFINITION OF VALUE ENGINEERING ANALYSIS.—

“(A) IN GENERAL.—In this subsection, the term ‘value engineering analysis’ means a systematic process of review and analysis of a project, during the design phase, by a multidisciplined team of persons not involved in the project, that is conducted to provide recommendations such as recommendations described in subparagraph (B) for—

“(i) reducing the total cost of the project; and

“(ii) improving the quality of the project.

“(B) INCLUSIONS.—The recommendations referred to in subparagraph (A) include, with respect to a project—

“(i) combining or eliminating otherwise inefficient use of expensive parts of the original proposal design for the project; and

“(ii) completely redesigning the project using different technologies, materials, or methods so as to accomplish the original purpose of the project.
“(2) ANALYSIS.—The State shall provide a value engineering analysis or other cost-reduction analysis for—

“(A) each project on the Federal-Aid System with an estimated total cost of $25,000,000 or more;

“(B) a bridge project with an estimated total cost of $20,000,000 or more; and

“(C) any other project the Secretary determines to be appropriate.

“(3) MAJOR PROJECTS.—The Secretary may require more than 1 analysis described in paragraph (2) for a major project described in subsection (h).

“(4) REQUIREMENTS.—Analyses described in paragraph (1) for a bridge project shall—

“(A) include bridge substructure requirements based on construction material; and

“(B) be evaluated—

“(i) on engineering and economic bases, taking into consideration acceptable designs for bridges; and

“(ii) using an analysis of life-cycle costs and duration of project construction.”;

and
by striking subsections (g) and (h) and inserting the following:

“(g) OVERSIGHT PROGRAM.—

“(1) PROGRAM.—

“(A) IN GENERAL.—The Secretary shall establish an oversight program to monitor the effective and efficient use of funds made available under this title.

“(B) MINIMUM REQUIREMENTS.—At a minimum, the program shall monitor and respond to all areas relating to financial integrity and project delivery.

“(2) FINANCIAL INTEGRITY.—

“(A) FINANCIAL MANAGEMENT SYSTEMS.—

“(i) IN GENERAL.—The Secretary shall perform annual reviews of the financial management systems of State transportation departments that affect projects approved under subsection (a).

“(ii) REVIEW AREAS.—In carrying out clause (i), the Secretary shall use risk assessment procedures to identify areas to be reviewed.

“(B) PROJECT COSTS.—The Secretary shall—
“(i) develop minimum standards for estimating project costs; and

“(ii) periodically evaluate practices of the States for—

“(I) estimating project costs;

“(II) awarding contracts; and

“(III) reducing project costs.

“(C) Responsibility of the States.—

“(i) In general.—Each State shall be responsible for ensuring that subrecipients of Federal funds within the State under this section have—

“(I) sufficient accounting controls to properly manage the Federal funds; and

“(II) adequate project delivery systems for projects approved under this section.

“(ii) Review by Secretary.—The Secretary shall periodically review monitoring by the States of those subrecipients.

“(3) Project delivery.—The Secretary shall—

“(A) perform annual reviews of the project delivery system of each State, including analysis
of 1 or more activities that are involved in the life cycle of a project; and

“(B) employ risk assessment procedures to identify areas to be reviewed.

“(4) SPECIFIC OVERSIGHT RESPONSIBILITIES.—Nothing in this section discharges or otherwise affects any oversight responsibility of the Secretary—

“(A) specifically provided for under this title or other Federal law; or

“(B) for the design and construction of all Appalachian development highways under section 14501 of title 40 or section 170 of this title.

“(h) MAJOR PROJECTS.—

“(1) IN GENERAL.—Notwithstanding any other provision of this section, a recipient of Federal financial assistance for a project under this title with an estimated total cost of $1,000,000,000 or more, and recipients for such other projects as may be identified by the Secretary, shall submit to the Secretary for each project—

“(A) a project management plan; and

“(B) an annual financial plan.

“(2) PROJECT MANAGEMENT PLAN.—A project management plan shall document—
“(A) the procedures and processes that are in effect to provide timely information to the project decisionmakers to effectively manage the scope, costs, schedules, and quality of, and the Federal requirements applicable to, the project; and

“(B) the role of the agency leadership and management team in the delivery of the project.

“(3) FINANCIAL PLAN.—A financial plan shall—

“(A) be based on detailed estimates of the cost to complete the project; and

“(B) provide for the annual submission of updates to the Secretary that are based on reasonable assumptions, as determined by the Secretary, of future increases in the cost to complete the project.

“(i) OTHER PROJECTS.—A recipient of Federal financial assistance for a project under this title that receives $100,000,000 or more in Federal assistance for the project, and that is not covered by subsection (h), shall prepare, and make available to the Secretary at the request of the Secretary, an annual financial plan for the project.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 114(a) of title 23, United States Code, is amended—
(A) in the first sentence by striking “highways or portions of highways located on a Federal-aid system” and inserting “Federal-aid highway or a portion of a Federal-aid highway”; and

(B) by striking the second sentence and inserting “The Secretary shall have the right to conduct such inspections and take such corrective action as the Secretary determines to be appropriate.”.

(2) Section 117 of title 23, United States Code, is amended—

(A) by striking subsection (d); and

(B) by redesignating subsections (e) through (h) as subsections (d) through (g), respectively.

(c) CONTRACTOR SUSPENSION AND DEBARMENT POLICY; SHARING FRAUD MONETARY RECOVERIES.—

(1) IN GENERAL.—Section 307 of title 49, United States Code, is amended to read as follows:

“§307. Contractor suspension and debarment policy; sharing fraud monetary recoveries

“(a) MANDATORY ENFORCEMENT POLICY.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary—
“(A) shall debar any contractor or subcontractor convicted of a criminal or civil offense involving fraud relating to a project receiving Federal highway or transit funds for such period as the Secretary determines to be appropriate; and

“(B) subject to approval by the Attorney General—

“(i) except as provided in paragraph (2), shall suspend any contractor or subcontractor upon indictment for criminal or civil offenses involving fraud; and

“(ii) may exclude nonaffiliated subsidiaries of a debarred business entity.

“(2) NATIONAL SECURITY EXCEPTION.—If the Secretary finds that mandatory debarment or suspension of a contractor or subcontractor under paragraph (1) would be contrary to the national security of the United States, the Secretary—

“(A) may waive the debarment or suspension; and

“(B) in the instance of each waiver, shall provide notification to Congress of the waiver with appropriate details.

“(b) SHARING OF MONETARY RECOVERIES.—
“(1) IN GENERAL.—Notwithstanding any other provision of law—

“(A) monetary judgments accruing to the Federal Government from judgments in Federal criminal prosecutions and civil judgments pertaining to fraud in highway and transit programs shall be shared with the State or local transit agency involved; and

“(B) the State or local transit agency shall use the funds for transportation infrastructure and oversight activities relating to programs authorized under title 23 and this title.

“(2) AMOUNT.—The amount of recovered funds to be shared with an affected State or local transit agency shall be—

“(A) determined by the Attorney General, in consultation with the Secretary; and

“(B) considered to be Federal funds to be used in compliance with other relevant Federal transportation laws (including regulations).

“(3) FRAUDULENT ACTIVITY.—Paragraph (1) shall not apply in any case in which a State or local transit agency is found by the Attorney General, in consultation with the Secretary, to have been involved or negligent with respect to the fraudulent activities.”.
(2) CONFORMING AMENDMENT.—The analysis for chapter 3 of title 49, United States Code, is amended by striking the item relating to section 307 and inserting the following:

“307. Contractor suspension and debarment policy; sharing fraud monetary recoveries.”.

SEC. 1803. DESIGN-BUILD CONTRACTING.

Section 112(b)(3) of title 23, United States Code, is amended by striking subparagraph (C) and inserting the following:

“(C) QUALIFIED PROJECTS.—A qualified project referred to in subparagraph (A) is a project under this chapter (including intermodal facilities) for which the Secretary has approved the use of design-build contracting under criteria specified in regulations promulgated by the Secretary.”.

SEC. 1804. PROGRAM EFFICIENCIES—FINANCE.

(a) ADVANCE CONSTRUCTION.—Section 115 of title 23, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d);

(2) by redesignating subsections (a)(2), (a)(2)(A), and (a)(2)(B) as subsections (c), (c)(1), and (c)(2), respectively, and indenting appropriately;
(3) by striking “(a) CONGESTION.—” and all that follows through subsection (a)(1)(B);
(4) by striking subsection (b); and
(5) by inserting after the section heading the following:
“(a) IN GENERAL.—The Secretary may authorize a State to proceed with a project authorized under this title—
“(1) without the use of Federal funds; and
“(2) in accordance with all procedures and requirements applicable to the project other than those procedures and requirements that limit the State to implementation of a project—
“(A) with the aid of Federal funds previously apportioned or allocated to the State; or
“(B) with obligation authority previously allocated to the State.
“(b) OBLIGATION OF FEDERAL SHARE.—The Secretary, on the request of a State and execution of a project agreement, may obligate all or a portion of the Federal share of the project authorized under this section from any category of funds for which the project is eligible.”.

(b) OBLIGATION AND RELEASE OF FUNDS.—Section 118 of title 23, United States Code, is amended by striking subsection (d) and inserting the following:
“(d) OBLIGATION AND RELEASE OF FUNDS.—
“(1) IN GENERAL.—Funds apportioned or allocated to a State for a particular purpose for any fiscal year shall be considered to be obligated if a sum equal to the total of the funds apportioned or allocated to the State for that purpose for that fiscal year and previous fiscal years is obligated.

“(2) RELEASED FUNDS.—Any funds released by the final payment for a project, or by modifying the project agreement for a project, shall be—

“(A) credited to the same class of funds previously apportioned or allocated to the State; and

“(B) immediately available for obligation.

“(3) NET OBLIGATIONS.—Notwithstanding any other provision of law (including a regulation), obligations recorded against funds made available under this section shall be recorded and reported as net obligations.”.

SEC. 1805. SET-ASIDES FOR INTERSTATE DISCRETIONARY PROJECTS.

Section 118(c)(1) of title 23, United States Code, is amended—

(1) by striking “$50,000,000” and all that follows through “2003” and inserting
“$100,000,000 for each of fiscal years 2004 through 2009”; and

(2) by striking “Transportation Equity Act for the 21st Century” and inserting “Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003”.

SEC. 1806. FEDERAL LANDS HIGHWAYS PROGRAM.

(a) Federal Share Payable.—

(1) In general.—Section 120(k) of title 23, United States Code, is amended—

(A) by striking “Federal-aid highway”; and

(B) by striking “section 104” and inserting “this title or chapter 53 of title 49”.

(2) Technical references.—Section 120(l) of title 23, United States Code, is amended by striking “section 104” and inserting “this title or chapter 53 of title 49”.

(b) Payments to Federal Agencies for Federal-Aid Projects.—Section 132 of title 23, United States Code, is amended—

(1) by striking the first 2 sentences and inserting the following:

“(a) In general.—In a case in which a proposed Federal-aid project is to be undertaken by a Federal agency

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in accordance with an agreement between a State and the Federal agency, the State may—

“(1) direct the Secretary to transfer the funds for the Federal share of the project directly to the Federal agency; or

“(2) make such deposit with, or payment to, the Federal agency as is required to meet the obligation of the State under the agreement for the work undertaken or to be undertaken by the Federal agency.

“(b) Reimbursement.—On execution of a project agreement with a State described in subsection (a), the Secretary may reimburse the State, using any available funds, for the estimated Federal share under this title of the obligation of the State deposited or paid under subsection (a)(2).”;

and

(2) in the last sentence, by striking “Any sums” and inserting the following:

“(c) Recovery and Crediting of Funds.—Any sums”.

(c) Allocations.—Section 202 of title 23, United States Code, is amended—

(1) in subsection (a), by striking “(a) On October 1” and all that follows through “Such allocation” and inserting the following:

“(a) Allocation Based on Need.—
“(1) In general.—On October 1 of each fiscal year, the Secretary shall allocate sums authorized to be appropriated for the fiscal year for forest development roads and trails according to the relative needs of the various national forests and grassland.

“(2) Planning.—The allocation under paragraph (1);

(2) by striking subsection (b) and inserting the following:

“(b) Allocation for Public Lands Highways.—

“(1) Public Lands Highways.—

“(A) In general.—On October 1 of each fiscal year, the Secretary shall allocate 33 1/3 percent of the sums authorized to be appropriated for that fiscal year for public lands highways among those States having unappropriated or unreserved public lands, or nontaxable Indian lands or other Federal reservations, on the basis of need in the States, respectively, as determined by the Secretary, on application of the State transportation departments of the respective States.

“(B) Preference.—In making the allocation under subparagraph (A), the Secretary shall give preference to those projects that are signifi-
cantly impacted by Federal land and resource
management activities that are proposed by a
State that contains at least 3 percent of the total
public land in the United States.

“(2) NATIONAL FOREST SYSTEM.—

“(A) IN GENERAL.—On October 1 of each
fiscal year, the Secretary shall allocate 66 2⁄3 per-
cent of the funds authorized to be appropriated
for public lands highways for forest highways in
accordance with section 134 of the Federal-Aid
Highway Act of 1987 (23 U.S.C. 202 note; 101

“(B) PUBLIC ACCESS TO AND WITHIN NA-
tional Forest System.—In making the alloca-
tion under subparagraph (A), the Secretary shall
give equal consideration to projects that provide
access to and within the National Forest System,
as identified by the Secretary of Agriculture
through—

“(i) renewable resource and land use
planning; and

“(ii) assessments of the impact of that
planning on transportation facilities.”;

(3) in subsection (c)—
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(A) by striking “(c) On” and inserting the following:

“(c) PARK ROADS AND PARKWAYS.—

“(1) IN GENERAL.—On”; and

(B) by adding at the end the following:

“(2) PRIORITY.—

“(A) DEFINITION OF QUALIFYING NATIONAL PARK.—In this paragraph, the term “qualifying national park” means a National Park that is used more than 1,000,000 recreational visitor days per year, based on an average of the 3 most recent years of available data from the National Park Service.

“(B) PRIORITY.—Notwithstanding any other provision of law, with respect to funds authorized for park roads and parkways, the Secretary shall give priority in the allocation of funds to projects for highways that—

“(i) are located in, or provide access to, a qualifying National Park; and

“(ii) were initially constructed before 1940.

“(C) PRIORITY CONFLICTS.—If there is a conflict between projects described in subpara-
graph (B), the Secretary shall give highest priority to projects that—

“(i) are in, or that provide access to, parks that are adjacent to a National Park of a foreign country; or

“(ii) are located in more than 1 State;”;

(4) in subsection (d)—

(A) in paragraph (1)—

(i) in the paragraph heading, by striking “1999” and inserting “2005”; and

(ii) by striking “1999” and inserting “2005”;

(B) in paragraph (2)—

(i) in the paragraph heading, by striking “2000” and inserting “2005”;

(ii) in subparagraphs (A), (B), and (D), by striking “2000” each place it appears and inserting “2005”;

(iii) in subparagraph (B), by striking “1999” each place it appears and inserting “2004”; and

(iv) by adding at the end the following:

“(E) TRANSFERRED FUNDS.—
“(i) **In general.**—Not later than 30 days after the date on which funds are made available to the Secretary of the Interior under this paragraph, the funds shall be distributed to, and available for immediate use by, the eligible Indian tribes, in accordance with the formula applicable for each fiscal year.

“(ii) **Formula.**—If the Secretary of the Interior has not promulgated final regulations for the distribution of funds under clause (i) for a fiscal year by the date on which the funds for the fiscal year are required to be distributed under that clause, the Secretary of the Interior shall distribute the funds under clause (i) in accordance with the applicable funding formula for the preceding year.”;

(C) in paragraph (3)(A)—

(i) by striking “under this title” and inserting “under this chapter and section 125(e)”;

(ii) by inserting “and the approved Indian reservation road transportation im-
provement program” before the period at
the end; and

(D) in paragraph (4)—

(i) in subparagraph (B)—

(I) by striking “(B) RESERVA-
tION.—Of the amounts” and all that
follows through “to replace,” and in-
serting the following:

“(B) FUNDING.—

“(i) RESERVATION OF FUNDS.—Of the
amounts authorized to be appropriated for
Indian reservation roads for each fiscal
year, the Secretary, in cooperation with the
Secretary of the Interior, shall reserve not
less than $15,000,000 for each of fiscal
years 2004 through 2009 to carry out plan-
ning, design, engineering, preconstruction,
construction, and inspection of projects to
replace,”; and

(II) by adding at the end the fol-
lowing:

“(ii) AVAILABILITY.—Funds made
available to carry out this subparagraph
shall be available for obligation in the same

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manner as if the funds were apportioned under chapter 1.”; and

(ii) by striking subparagraph (D) and inserting the following:

“(D) APPROVAL REQUIREMENT.—

“(i) IN GENERAL.—Subject to clause (ii), on request by an Indian tribe or the Secretary of the Interior, the Secretary may make funds available under this subsection for preliminary engineering for Indian reservation road bridge projects.

“(ii) CONSTRUCTION AND CONSTRUCTION ENGINEERING.—The Secretary may make funds available under clause (i) for construction and construction engineering only after approval by the Secretary of applicable plans, specifications, and estimates.”; and

(5) by adding at the end the following:

“(f) ADMINISTRATION OF INDIAN RESERVATION ROADS.—Notwithstanding any other provision of law, for any fiscal year not more than 6 percent of the contract authority amounts made available from the Highway Trust Fund to the Bureau of Indian Affairs under this title shall be used to pay the expenses incurred by the Bureau in ad-
ministering the Indian reservation roads program (including the administrative expenses relating to individual projects associated with the Indian reservation roads program).”.

(d) PLANNING AND AGENCY COORDINATION.—Section 204 of title 23, United States Code, is amended—

(1) in subsection (a)(1), by inserting “refuge roads,” after “parkways,”;

(2) by striking subsection (b) and inserting the following:

“(b) USE OF FUNDS.—

“(1) IN GENERAL.—Funds available for public lands highways, recreation roads, park roads and parkways, forest highways, and Indian reservation roads shall be used by the Secretary and the Secretary of the appropriate Federal land management agency to pay the cost of transportation planning, research, engineering, operation and maintenance of transit facilities, and construction of the highways, roads, parkways, forest highways, and transit facilities located on public land, national parks, and Indian reservations.

“(2) CONTRACT.—In connection with an activity described in paragraph (1), the Secretary and the Secretary of the appropriate Federal land manage-
ment agency may enter into a construction contract
or other appropriate agreement with—

“(A) a State (including a political subdivi-
sion of a State); or

“(B) an Indian tribe.

“(3) INDIAN RESERVATION ROADS.—In the case
of an Indian reservation road—

“(A) Indian labor may be used, in accord-
ance with such rules and regulations as may be
promulgated by the Secretary of the Interior, to
carry out any construction or other activity de-
scribed in paragraph (1); and

“(B) funds made available to carry out this
section may be used to pay bridge
preconstruction costs (including planning, de-
sign, and engineering).

“(4) FEDERAL EMPLOYMENT.—No maximum on
Federal employment shall be applicable to construc-
tion or improvement of Indian reservation roads.

“(5) AVAILABILITY OF FUNDS.—Funds available
under this section for each class of Federal lands
highway shall be available for any kind of transpor-
tation project eligible for assistance under this title
that is within or adjacent to, or that provides access
to, the areas served by the particular class of Federal lands highway.

“(6) RESERVATION OF FUNDS.—The Secretary of the Interior may reserve funds from administrative funds of the Bureau of Indian Affairs that are associated with the Indian reservation road program to finance the Indian technical centers authorized under section 504(b).”; and

(3) in subsection (k)(1)—

(A) in subparagraph (B)—

(i) by striking “(2), (5),” and inserting “(2), (3), (5),”; and

(ii) by striking “and” after the semicolon;

(B) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(D) maintenance of public roads in national fish hatcheries under the jurisdiction of the United States Fish and Wildlife Service;

“(E) the non-Federal share of the cost of any project funded under this title or chapter 53 of title 49 that provides access to or within a wildlife refuge; and
“(F) maintenance and improvement of recreational trails (except that expenditures on trails under this subparagraph shall not exceed 5 percent of available funds for each fiscal year).”.

(e) SAFETY.—

(1) ALLOCATIONS.—Section 202 of title 23, United States Code (as amended by subsection (c)(5)), is amended by adding at the end the following:

“(g) SAFETY.—Subject to paragraph (2), on October 1 of each fiscal year, the Secretary shall allocate the sums authorized to be appropriated for the fiscal year for safety as follows:

“(1) 12 percent to the Bureau of Reclamation.
“(2) 18 percent to the Bureau of Indian Affairs.
“(3) 17 percent to the Bureau of Land Management.
“(4) 17 percent to the Forest Service.
“(5) 7 percent to the United States Fish and Wildlife Service.
“(6) 17 percent to the National Park Service.
“(7) 12 percent to the Corps of Engineers.”.

(2) AVAILABILITY OF FUNDS.—Section 203 of title 23, United States Code, is amended by inserting
“safety projects or activities,” after “refuge roads,” each place it appears.

(3) **Use of Funding.**—Section 204 of title 23, United States Code, is amended by adding at the end the following:

“(l) **Safety Activities.**—

“(1) **In General.**—Notwithstanding any other provision of this title, funds made available for safety under this title shall be used by the Secretary and the head of the appropriate Federal land management agency only to pay the costs of carrying out—

“(A) transportation safety improvement activities;

“(B) activities to eliminate high-accident locations;

“(C) projects to implement protective measures at, or eliminate, at-grade railway-highway crossings;

“(D) collection of safety information;

“(E) transportation planning projects or activities;

“(F) bridge inspection;

“(G) development and operation of safety management systems;
“(H) highway safety education programs;
and
“(I) other eligible safety projects and activities authorized under chapter 4.

“(2) CONTRACTS.—In carrying out paragraph (1), the Secretary and the Secretary of the appropriate Federal land management agency may enter into contracts or agreements with—

“(A) a State;
“(B) a political subdivision of a State; or
“(C) an Indian tribe.

“(3) EXCEPTION.—The cost sharing requirements under the Federal Water Project Recreation Act (16 U.S.C. 460l–12 et seq.) shall not apply to funds made available to the Bureau of Reclamation under this subsection.”.

(f) RECREATION ROADS.—

(1) AUTHORIZATIONS.—Section 201 of title 23, United States Code, is amended in the first sentence by inserting “recreation roads,” after “public lands highways,”.

(2) ALLOCATIONS.—Section 202 of title 23, United States Code (as amended by subsection (e)(1)), is amended by adding at the end the following:

“(h) RECREATION ROADS.—
“(1) IN GENERAL.—Subject to paragraphs (2) and (3), on October 1 of each fiscal year, the Secretary, after completing the transfer under subsection 204(i), shall allocate the sums authorized to be appropriated for the fiscal year for recreation roads as follows:

“(A) 8 percent to the Bureau of Reclamation.

“(B) 9 percent to the Corps of Engineers.

“(C) 13 percent to the Bureau of Land Management.

“(D) 70 percent to the Forest Service.

“(2) ALLOCATION WITHIN AGENCIES.—Recreation road funds allocated to a Federal agency under paragraph (1) shall be allocated for projects and activities of the Federal agency according to the relative needs of each area served by recreation roads under the jurisdiction of the Federal agency, as indicated in the approved transportation improvement program for each Federal agency.”.

(3) AVAILABILITY OF FUNDS.—Section 203 of title 23, United States Code, is amended—

(A) in the first sentence, by inserting “recreation roads,” after “Indian reservation roads,”; and
(B) in the fourth sentence, by inserting “recreation roads,” after “Indian roads”.

(4) USE OF FUNDING.—Section 204 of title 23, United States Code (as amended by subsection (e)(3)), is amended by adding at the end the following:

“(m) RECREATION ROADS.—

“(1) IN GENERAL.—Notwithstanding any other provision of this title, funds made available for recreation roads under this title shall be used by the Secretary and the Secretary of the appropriate Federal land management agency only to pay the cost of—

“(A) maintenance or improvements of existing recreation roads;

“(B) maintenance and improvements of eligible projects described in paragraph (1), (2), (3), (5), or (6) of subsection (h) that are located in or adjacent to Federal land under the jurisdiction of—

“(i) the Department of Agriculture

“(ii) the Department of Defense; or

“(iii) the Department of the Interior;

“(C) transportation planning and administrative activities associated with those maintenance and improvements; and
“(D) the non-Federal share of the cost of any project funded under this title or chapter 53 of title 49 that provides access to or within Federal land described in subparagraph (B).

“(2) CONTRACTS.—In carrying out paragraph (1), the Secretary and the Secretary of the appropriate Federal land management agency may enter into contracts or agreements with—

“(A) a State;

“(B) a political subdivision of a State; or

“(C) an Indian tribe.

“(3) NEW ROADS.—No funds made available under this section shall be used to pay the cost of the design or construction of new recreation roads.

“(4) COMPLIANCE WITH OTHER ENVIRONMENTAL LAWS.—A maintenance or improvement project that is funded under this subsection, and that is consistent with or has been identified in a land use plan for an area under the jurisdiction of a Federal agency, shall not require any additional environmental reviews or assessments under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) if—

“(A) the Federal agency that promulgated the land use plan analyzed the specific proposal
for the maintenance or improvement project under that Act; and

“(B) as of the date on which the funds are to be expended, there are—

“(i) no significant changes to the proposal bearing on environmental concerns;

and

“(ii) no significant new information.

“(5) EXCEPTION.—The cost sharing requirements under the Federal Water Project Recreation Act (16 U.S.C. 460l–12 et seq.) shall not apply to funds made available to the Bureau of Reclamation under this subsection.”.

(g) CONFORMING AMENDMENTS.—

(1) Sections 120(e) and 125(e) of title 23, United States Code, are amended by striking “public lands highways,” each place it appears and inserting “public lands highways, recreation roads,”.

(2) Sections 120(e), 125(e), 201, 202(a), and 203 of title 23, United States Code, are amended by striking “forest development roads” each place it appears and inserting “National Forest System roads”.

(3) Section 202(e) of title 23, United States Code, is amended by striking “Refuge System,” and
inserting “Refuge System and the various national fish hatcheries.”.

(4) Section 204 of title 23, United States Code, is amended—

(A) in subsection (a)(1), by striking “public lands highways,” and inserting “public lands highways, recreation roads, forest highways,”; and

(B) in subsection (i), by striking “public lands highways” each place it appears and inserting “public lands highways, recreation roads, and forest highways”.

(5) Section 205 of title 23, United States Code, is amended—

(A) by striking the section heading and inserting the following:

§205. National Forest System roads and trails;

and

(B) in subsections (a) and (d), by striking “forest development roads” each place it appears and inserting “National Forest System roads”.

(6) The analysis for chapter 2 of title 23, United States Code, is amended by striking the item relating to section 205 and inserting the following:

“205. National Forest System roads and trails.”.
(7) Section 217(c) of title 23, United States Code, is amended by inserting “refuge roads,” after “Indian reservation roads,”.

SEC. 1807. EMERGENCY RELIEF.

Section 125(c)(1) of title 23, United States Code, is amended by striking “$100,000,000” and inserting “$300,000,000”.

SEC. 1808. HIGHWAY BRIDGE PROGRAM.

(a) In General.—Section 144 of title 23, United States Code, is amended—

(1) by striking the section heading and all that follows through subsection (a) and inserting the following:

“§ 144. Highway bridge program

“(a) Congressional Statement.—Congress finds and declares that it is in the vital interest of the United States that a highway bridge program be established to enable States to improve the condition of their bridges through replacement, rehabilitation, and systematic preventative maintenance on highway bridges over waterways, other topographical barriers, other highways, or railroads at any time at which the States and the Secretary determine that a bridge is unsafe because of structural deficiencies, physical deterioration, or functional obsolescence.”;
(2) by striking subsection (d) and inserting the following:

“(d) PARTICIPATION IN PROGRAM.—

“(1) IN GENERAL.—On application by a State to the Secretary for assistance in replacing or rehabilitating a highway bridge that has been determined to be eligible for replacement or rehabilitation under subsection (b) or (c), the Secretary may approve Federal participation in—

“(A) replacing the bridge with a comparable bridge; or

“(B) rehabilitating the bridge.

“(2) SPECIFIC KINDS OF REHABILITATION.—On application by a State to the Secretary for assistance in painting, seismic retrofit, or preventative maintenance of, or installation of scour countermeasures or applying calcium magnesium acetate, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions to, the structure of a highway bridge, the Secretary may approve Federal participation in the painting, seismic retrofit, or preventative maintenance of, or installation of scour countermeasures or application of acetate or sodium acetate/formate or such anti-icing or de-icing composition to, the structure.
“(3) ELIGIBILITY.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall determine the eligibility of highway bridges for replacement or rehabilitation for each State based on the number of unsafe highway bridges in the State.

“(B) PREVENTATIVE MAINTENANCE.—A State may carry out a project for preventative maintenance on a bridge, seismic retrofit of a bridge, or installation of scour countermeasures to a bridge under this section without regard to whether the bridge is eligible for replacement or rehabilitation under this section.”;

(3) in subsection (e)—

(A) in the third sentence, by striking “square footage” and inserting “area”;

(B) in the fourth sentence—

(i) by striking “by the total cost of any highway bridges constructed under subsection (m) in such State, relating to replacement of destroyed bridges and ferry-boat services, and,”; and

(ii) by striking “1997” and inserting “2003”; and
(C) in the seventh sentence, by striking “the Federal-aid primary system” and inserting “Federal-aid highways”;

(4) by striking subsections (f) and (g) and inserting the following:

“(f) Set Asides.—

“(1) Discretionary Bridge Program.—

“(A) In General.—Of the amounts authorized to be appropriated to carry out the bridge program under this section for each of fiscal years 2004 through 2009, all but $150,000,000 shall be apportioned as provided in subsection (e).

“(B) Availability.—The $150,000,000 referred to in subparagraph (A) shall be available at the discretion of the Secretary, except that not to exceed $25,000,000 of that amount shall be available only for projects for the seismic retrofit of bridges.

“(C) Set Asides.—For fiscal year 2004, the Secretary shall provide—

“(i) $50,000,000 to the State of Nevada for construction of a replacement of the federally-owned bridge over the Hoover Dam
in the Lake Mead National Recreation Area; and

“(ii) $50,000,000 to the State of Missouri for construction of a structure over the Mississippi River to connect the city of St. Louis, Missouri, to the State of Illinois.

“(2) OFF-SYSTEM BRIDGES.—

“(A) IN GENERAL.—Not less than 15 percent of the amount apportioned to each State in each of fiscal years 2004 through 2009 shall be expended for projects to replace, rehabilitate, perform systematic preventative maintenance or seismic retrofit, or apply calcium magnesium acetate, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions or install scour countermeasures to highway bridges located on public roads, other than those on a Federal-aid highway.

“(B) REDUCTION OF EXPENDITURES.—The Secretary, after consultation with State and local officials, may, with respect to the State, reduce the requirement for expenditure for bridges not on a Federal-aid highway if the Secretary...
determines that the State has inadequate needs to justify the expenditure.”;

(5) in subsection (i)—

(A) in paragraph (3), by striking “and”;

(B) in paragraph (4), by striking the period at the end and inserting “; and”;

(C) by striking “Such reports” and all that follows through “to Congress.”; and

(D) by adding at the end the following:

“(5) biennially submit such reports as are required under this subsection to the appropriate committees of Congress simultaneously with the report required by section 502(g).”;

(6) in the first sentence of subsection (n), by striking “all standards” and inserting “all general engineering standards”;

(7) in subsection (o)—

(A) in paragraph (3)—

(i) by striking “title (including this section)” and inserting “section”; and

(ii) by inserting “200 percent of” after “shall not exceed”; and

(B) in paragraph (4)(B)—

(i) in the second sentence, by inserting “200 percent of” after “not to exceed”; and
(ii) in the last sentence, by striking “title” and inserting “section”;

(8) by redesignating subsections (h) through (q) as subsections (g) through (p), respectively; and

(9) by adding at the end the following:

“(q) FEDERAL SHARE.—The Federal share of the cost of a project payable from funds made available to carry out this section shall be the share applicable under section 120(b), as adjusted under subsection (d) of that section.”.

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 1 of title 23, United States Code, is amended by striking the item relating to section 144 and inserting the following:

“144. Highway bridge program.”.

SEC. 1809. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.

(a) IN GENERAL.—Subchapter I of chapter 1 of title 23, United States Code (as amended by section 1702(a)), is amended by adding at the end the following:

“§ 170. Appalachian development highway system

“(a) APPORTIONMENT.—

“(1) IN GENERAL.—The Secretary shall apportion funds made available under section 1101(a)(7) of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003 for fiscal years 2004 through 2009 among States based on the latest available estimate of the cost to construct highways and
access roads for the Appalachian development highway system program prepared by the Appalachian Regional Commission under section 14501 of title 40.

“(2) AVAILABILITY.—Funds described in paragraph (1) shall be available to construct highways and access roads under chapter 145 of title 40.

“(b) APPLICABILITY OF TITLE.—Funds made available under section 1101(a)(7) of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003 for the Appalachian development highway system shall be available for obligation in the same manner as if the funds were apportioned under this chapter, except that—

“(1) the Federal share of the cost of any project under this section shall be determined in accordance with subtitle IV of title 40; and

“(2) the funds shall remain available until expended.”.

(b) CONFORMING AMENDMENTS.—

(1) USE OF TOLL CREDITS.—Section 120(j)(1) of title 23, United States Code is amended by inserting “and the Appalachian development highway system program under subtitle IV of title 40” after “(other than the emergency relief program authorized by section 125”.

November 19, 2003
(2) Analysis.—The analysis of chapter 1 of title 23, United States Code (as amended by section 1702(b)), is amended by adding at the end the following:

“170. Appalachian development highway system.”.

SEC. 1810. MULTISTATE CORRIDOR PROGRAM.

(a) In General.—Subchapter I of chapter 1 of title 23, United States Code (as amended by 1809(a)), is amended by adding at the end the following:

“§ 171. Multistate corridor program

“(a) Establishment and Purpose.—The Secretary shall carry out a program to—

“(1) support and encourage multistate transportation planning and development; and

“(2) facilitate transportation decisionmaking and coordinate project delivery involving multistate corridors.

“(b) Eligible Recipients.—A State transportation department and a metropolitan planning organization may receive and administer funds provided under this section.

“(c) Eligible Activities.—The Secretary shall make allocations under this program for multistate highway and multimodal planning studies and construction.

“(d) Other Provisions Regarding Eligibility.—

“(1) Studies.—All studies funded under this program shall be consistent with the continuing, coop-
ervative, and comprehensive planning processes required by sections 134 and 135.

“(2) CONSTRUCTION.—All construction funded under this program shall be consistent with section 133(b)(1).

“(e) SELECTION CRITERIA.—The Secretary shall select studies and projects to be carried out under the program based on—

“(1) the existence and significance of signed and binding multijurisdictional agreements;

“(2) endorsement of the study or project by applicable elected State and local representatives;

“(3) prospects for early completion of the study or project; or

“(4) whether the projects to be studied or constructed are located on corridors identified by section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; 105 Stat. 2032).

“(f) PROGRAM PRIORITIES.—In administering the program, the Secretary shall—

“(1) encourage and enable States and other jurisdictions to work together to develop plans for multimodal and multijurisdictional transportation decisionmaking; and
“(2) give priority to studies or projects that emphasize multimodal planning, including planning for operational improvements that—

“(A) increase—

“(i) mobility;

“(ii) freight productivity;

“(iii) access to marine or inland ports;

“(iv) safety and security; and

“(v) reliability; and

“(B) enhance the environment.

“(g) Federal Share.—The Federal share of the cost of a study or project carried out under the program, using funds from all Federal sources, shall be 80 percent.

“(h) Applicability.—Funds authorized to be appropriated under section 1101(10) of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003 to carry out this section shall be available for obligation in the same manner as if the funds were apportioned under this chapter.”.

(b) Conforming Amendment.—The analysis for subchapter I of chapter 1 of title 23, United States Code (as amended by section 1810(b)) is amended by adding at the end the following:

“171. Multistate corridor program.”.
SEC. 1811. BORDER PLANNING, OPERATIONS, TECHNOLOGY, AND CAPACITY PROGRAM.

(a) In General.—Subchapter I of chapter 1 of title 23, United States Code (as amended by section 1810(a)), is amended by adding at the end the following:

“§ 172. Border planning, operations, technology, and capacity program

“(a) Definitions.—In this section:


“(2) Program.—The term ‘program’ means the border planning, operations, technology, and capacity program established under subsection (b).

“(b) Establishment and Purpose.—The Secretary shall establish and carry out a border planning, operations, technology, and capacity improvement program to support coordination and improvement in bi-national transportation planning, operations, efficiency, information exchange, safety, and security at the international borders of the United States with Canada and Mexico.

“(c) Eligible Recipients.—State transportation departments and metropolitan planning organizations at or
near an international land border in a border State may receive and administer funds allocated under the program.

“(d) ELIGIBLE ACTIVITIES.—

“(1) IN GENERAL.—The Secretary shall make allocations under the program for projects to carry out eligible activities described in paragraph (2) at or near international land borders in border States.

“(2) ELIGIBLE ACTIVITIES.—The eligible activities referred to in paragraph (1) are—

“(A) highway and multimodal planning or environmental studies;

“(B) cross-border port of entry and safety inspection improvements, including operational enhancements and technology applications;

“(C) technology and information exchange activities; and

“(D) right-of-way acquisition, design, and construction, as needed—

“(i) to implement the enhancements or applications described in subparagraphs (B) and (C);

“(ii) to decrease air pollution emissions from vehicles or inspection facilities at border crossings; or
“(iii) to increase highway capacity at
or near international borders.

“(e) Other Provisions Regarding Eligibility.—

“(1) In general.—Each project funded under
the program shall be carried out in accordance with
the continuing, cooperative, and comprehensive plan-
ning processes required by sections 134 and 135.

“(2) Regionally significant projects.—To
be funded under the program, a regionally significant
project shall be included on the applicable transpor-
tation plan and program required by sections 134
and 135.

“(f) Selection Criteria.—The Secretary shall select
projects to be carried out under the program based on—

“(1) expected benefits, including air quality ben-
efits, of the project in relation to the cost of the
project;

“(2) prospects for early completion of the project;

“(3) endorsement of the project by formally con-
stituted bi-national organizations with Federal and
State or provincial representation;

“(4) the existence and significance of signed and
binding multijurisdictional agreements;

“(5) contributions, in amounts at least equal to
required minimums, of—
“(A) Federal funds made available for other
programs under this title; and

“(B) Federal funds made available under a
provision of law other than this title; and

“(6) the extent to which the benefits of the project
are multimodal.

“(g) PROGRAM PRIORITIES.—In administering the
program, the Secretary shall give priority to projects that
emphasize—

“(1) multimodal planning;

“(2) improvements in infrastructure; and

“(3) operational improvements that—

“(A) increase safety, security, freight capac-
ity, or highway access to rail, marine, and air
services; and

“(B) enhance the environment.

“(h) FEDERAL SHARE.—The Federal share of the cost
of a project carried out under the program shall be 80 per-
cent.

“(i) OBLIGATION.—Funds made available under sec-
tion 1101(11) of the Safe, Accountable, Flexible, and Effi-
cient Transportation Equity Act of 2003 to carry out the
program shall be available for obligation in the same man-
ner as if the funds were apportioned under this chapter.
“(j) INFORMATION EXCHANGE.—No individual project the scope of work of which is limited to information exchange shall receive an allocation under the program in an amount that exceeds $500,000 for any fiscal year.

“(k) PROJECTS IN CANADA OR MEXICO.—A project in Canada or Mexico, proposed by a border State to directly and predominantly facilitate cross-border vehicle and commercial cargo movements at an international gateway or port of entry into the border region of the State, may be constructed using funds made available under the program if, before obligation of those funds, Canada or Mexico, or the political subdivision of Canada or Mexico that is responsible for the operation of the facility to be constructed, provides assurances satisfactory to the Secretary that any facility constructed under this subsection will be—

“(1) constructed in accordance with standards equivalent to applicable standards in the United States; and

“(2) properly maintained and used over the useful life of the facility for the purpose for which the Secretary allocated funds to the project.

“(l) TRANSFER OF FUNDS TO THE GENERAL SERVICES ADMINISTRATION.—

“(1) STATE FUNDS.—At the request of a border State, funds made available under the program may
be transferred to the General Services Administration for the purpose of funding 1 or more specific projects if—

“(A) the Secretary determines, after consultation with the State transportation department of the border State, that the General Services Administration should carry out the project; and

“(B) the General Services Administration agrees to accept the transfer of, and to administer, those funds.

“(2) NON-FEDERAL SHARE.—

“(A) IN GENERAL.—A border State that makes a request under paragraph (1) shall provide directly to the General Services Administration, for each project covered by the request, the non-Federal share of the cost of each project described in subsection (h).

“(B) NO AUGMENTATION OF APPROPRIATIONS.—Funds provided by a border State under subparagraph (A)—

“(i) shall not be considered to be an augmentation of the appropriations made available to the General Services Administration; and
“(ii) shall be—

“(I) administered in accordance with the procedures of the General Services Administration; but

“(II) available for obligation in the same manner as if the funds were apportioned under this chapter.

“(C) OBLIGATION AUTHORITY.—Obligation authority shall be transferred to the General Services Administration in the same manner and amount as the funds provided for projects under subparagraph (A).

“(3) DIRECT TRANSFER OF AUTHORIZED FUNDS.—

“(A) IN GENERAL.—In addition to allocations to States and metropolitan planning organizations under subsection (c), the Secretary may transfer funds made available to carry out this section to the General Services Administration for construction of transportation infrastructure projects at or near the border in border States, if—

“(i) the Secretary determines that the transfer is necessary to effectively carry out the purposes of this program; and
“(ii) the General Services Administration agrees to accept the transfer of, and to administer, those funds.

“(B) No augmentation of appropriations.—Funds transferred by the Secretary under subparagraph (A)—

“(i) shall not be considered to be an augmentation of the appropriations made available to the General Services Administration; and

“(ii) shall be—

“(I) administered in accordance with the procedures of the General Services Administration; but

“(II) available for obligation in the same manner as if the funds were apportioned under this chapter.

“(C) Obligation authority.—Obligation authority shall be transferred to the General Services Administration in the same manner and amount as the funds transferred under subparagraph (A).

“(D) Nonapplicability of certain provision.—Section 120 shall not apply to the transfer of funds under this paragraph.”.
(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 1 of title 23, United States Code (as amended by section 1810(b)), is amended by adding at the end the following:

“172. Border planning, operations, and technology program.”.

SEC. 1812. PUERTO RICO HIGHWAY PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 1 of title 23, United States Code (as amended by section 1811(a)), is amended by adding at the end the following:

“§173. Puerto Rico highway program

“(a) IN GENERAL.—The Secretary shall allocate funds authorized by section 1101(a)(15) of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003 for each of fiscal years 2004 through 2009 to the Commonwealth of Puerto Rico to carry out a highway program in the Commonwealth.

“(b) APPLICABILITY OF TITLE.—

“(1) IN GENERAL.—Amounts made available by section 1101(a)(15) of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003 shall be available for obligation in the same manner as if such funds were apportioned under this chapter.

“(2) LIMITATION ON OBLIGATIONS.—The amounts shall be subject to any limitation on obligations for Federal-aid highway and highway safety construction programs.
“(c) TREATMENT OF FUNDS.—Amounts made available to carry out this section for a fiscal year shall be administered as follows:

“(1) APPORTIONMENT.—For purposes of this section, the amounts shall be treated as being apportioned to Puerto Rico under sections 104(b), 144, and 206, for each program funded under those sections in an amount determined by multiplying—

“(A) the aggregate of the amounts for the fiscal year; by

“(B) the ratio that—

“(i) the amount of funds apportioned to Puerto Rico for each such program for fiscal year 2003; bears to

“(ii) the total amount of funds apportioned to Puerto Rico for all such programs for fiscal year 2003.

“(2) PENALTY.—The amounts treated as being apportioned to Puerto Rico under each section referred to in paragraph (1) shall be deemed to be required to be apportioned to Puerto Rico under that section for purposes of the imposition of any penalty under this title and title 49.

“(3) EFFECT ON ALLOCATIONS AND APPOINTMENTS.—Subject to paragraph (2), nothing in this
section affects any allocation under section 105 and any apportionment under sections 104 and 144.”.

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 1 of title 23, United States Code (as amended by section 1811(b)), is amended by adding at the end the following:

“173. Puerto Rico highway program.”.

SEC. 1813. NATIONAL HISTORIC COVERED BRIDGE PRESERVATION.

(a) In General.—Subchapter I of chapter 1 of title 23, United States Code (as amended by section 1812(a)), is amended by adding at the end the following:

“§ 174. National historic covered bridge preservation

“(a) Definition of Historic Covered Bridge.—In this section, the term ‘historic covered bridge’ means a covered bridge that is listed or eligible for listing on the National Register of Historic Places.

“(b) Historic Covered Bridge Preservation.—Subject to the availability of appropriations, the Secretary shall—

“(1) collect and disseminate information on historic covered bridges;

“(2) conduct educational programs relating to the history and construction techniques of historic covered bridges;
“(3) conduct research on the history of historic covered bridges; and

“(4) conduct research on, and study techniques for, protecting historic covered bridges from rot, fire, natural disasters, or weight-related damage.

“(c) GRANTS.—

“(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall make a grant to a State that submits an application to the Secretary that demonstrates a need for assistance in carrying out 1 or more historic covered bridge projects described in paragraph (2).

“(2) ELIGIBLE PROJECTS.—A grant under paragraph (1) may be made for a project—

“(A) to rehabilitate or repair a historic covered bridge; or

“(B) to preserve a historic covered bridge, including through—

“(i) installation of a fire protection system, including a fireproofing or fire detection system and sprinklers;

“(ii) installation of a system to prevent vandalism and arson; or

“(iii) relocation of a bridge to a preservation site.
“(3) AUTHENTICITY REQUIREMENTS.—A grant under paragraph (1) may be made for a project only if—

“(A) to the maximum extent practicable, the project—

“(i) is carried out in the most historically appropriate manner; and

“(ii) preserves the existing structure of the historic covered bridge; and

“(B) the project provides for the replacement of wooden components with wooden components, unless the use of wood is impracticable for safety reasons.

“(4) FEDERAL SHARE.—The Federal share of the cost of a project carried out with a grant under this subsection shall be 80 percent.

“(d) FUNDING.—There is authorized to be appropriated to carry out this section $14,000,000 for each of fiscal years 2004 through 2009, to remain available until expended.”.

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 1 of title 23, United States Code (as amended by section 1812(b)), is amended by adding at the end the following:

“174. National historic covered bridge preservation.”.
SEC. 1814. TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PILOT PROGRAM.

(a) In general.—Subchapter I of chapter 1 of title 23, United States Code (as amended by section 1813(a)), is amended by adding at the end the following:

“§ 175. Transportation and community and system preservation pilot program

“(a) Establishment.—The Secretary shall establish a comprehensive program to facilitate the planning, development, and implementation of strategies by States, metropolitan planning organizations, federally-recognized Indian tribes, and local governments to integrate transportation, community, and system preservation plans and practices that address the goals described in subsection (b).

“(b) Goals.—The goals of the program are—

“(1) to improve the efficiency of the transportation system in the United States;

“(2) to reduce the impacts of transportation on the environment;

“(3) reduce the need for costly future investments in public infrastructure;

“(4) to provide efficient access to jobs, services, and centers of trade; and

“(5) to examine development patterns, and to identify strategies, to encourage private sector devel-
opment patterns that achieve the goals identified in paragraphs (1) through (4).

“(c) ALLOCATION OF FUNDS FOR IMPLEMENTATION.—

“(1) IN GENERAL.—The Secretary shall allocate funds made available to carry out this subsection to States, metropolitan planning organizations, and local governments to carry out projects to address transportation efficiency and community and system preservation.

“(2) CRITERIA.—In allocating funds made available to carry out this subsection, the Secretary shall give priority to applicants that—

“(A) have instituted preservation or development plans and programs that—

“(i) meet the requirements of this title and chapter 53 of title 49, United States Code; and

“(ii)(I) are coordinated with State and local adopted preservation or development plans;

“(II) are intended to promote cost-effective and strategic investments in transportation infrastructure that minimize adverse impacts on the environment; or
“(III) are intended to promote innovative private sector strategies.

“(B) have instituted other policies to integrate transportation and community and system preservation practices, such as—

“(i) spending policies that direct funds to high-growth areas;

“(ii) urban growth boundaries to guide metropolitan expansion;

“(iii) ‘green corridors’ programs that provide access to major highway corridors for areas targeted for efficient and compact development; or

“(iv) other similar programs or policies as determined by the Secretary;

“(C) have preservation or development policies that include a mechanism for reducing potential impacts of transportation activities on the environment;

“(D) examine ways to encourage private sector investments that address the purposes of this section; and

“(E) propose projects for funding that address the purposes described in subsection (b)(2).
“(3) **Equitable Distribution.**—In allocating funds to carry out this subsection, the Secretary shall ensure the equitable distribution of funds to a diversity of populations and geographic regions.

“(4) **Use of Allocated Funds.**—

“(A) **In general.**—An allocation of funds made available to carry out this subsection shall be used by the recipient to implement the projects proposed in the application to the Secretary.

“(B) **Types of Projects.**—The allocation of funds shall be available for obligation for—

“(i) any project eligible for funding under this title or chapter 53 of title 49, United States Code; or

“(ii) any other activity relating to transportation and community and system preservation that the Secretary determines to be appropriate, including corridor preservation activities that are necessary to implement—

“(I) transit-oriented development plans;

“(II) traffic calming measures; or
“(III) other coordinated transportation and community and system preservation practices.

“(d) FUNDING.—

“(1) In general.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $50,000,000 for each of fiscal years 2004 through 2009.

“(2) Contract authority.—Funds authorized under this subsection shall be available for obligation in the same manner as if the funds were apportioned under this chapter.”.

(b) Eligible projects.—Section 133(b) of title 23, United States Code (as amended by section 1701(a)), is amended by adding at the end the following:

“(18) Transportation and community system preservation to facilitate the planning, development, and implementation of strategies of metropolitan planning organizations and local governments to integrate transportation, community, and system preservation plans and practices that address the following:

“(A) Improvement of the efficiency of the transportation system in the United States.
“(B) Reduction of the impacts of transportation on the environment.

“(C) Reduction of the need for costly future investments in public infrastructure.

“(D) Provision of efficient access to jobs, services, and centers of trade.

“(E) Examination of development patterns, and identification of strategies to encourage private sector development patterns, that achieve the goals identified in subparagraphs (A) through (D).

“(19) Projects relating to intersections, including intersections—

“(A) that—

“(i) have disproportionately high accident rates;

“(ii) have high levels of congestion, as evidenced by—

“(I) interrupted traffic flow at the intersection; and

“(II) a level of service rating, issued by the Transportation Research Board of the National Academy of Sciences in accordance with the Highway Capacity Manual, that is not bet-
ter than ‘F’ during peak travel hours;
and
“(iii) are directly connected to or located on a Federal-aid highway; and
“(B) improvements that are approved in the regional plan of the appropriate local metropolitan planning organization.”.

(c) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 1 of title 23, United States Code (as amended by section 1813(b)), is amended by adding at the end the following:

“175. Transportation and community and system preservation pilot program.”.

SEC. 1815. TRIBAL-STATE ROAD MAINTENANCE AGREEMENTS.

Section 204 of title 23, United States Code (as amended by section 1806(f)(4)), is amended by adding at the end the following:

“(n) TRIBAL-STATE ROAD MAINTENANCE AGREEMENTS.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, regulation, policy, or guideline, an Indian tribe and a State may enter into a road maintenance agreement under which an Indian tribe assumes the responsibilities of the State for—

“(A) Indian reservation roads; and
“(B) roads providing access to Indian reservation roads.

“(2) Tribal-State Agreements.—Agreements entered into under paragraph (1)—

“(A) shall be negotiated between the State and the Indian tribe; and

“(B) shall not require the approval of the Secretary.

“(3) Annual Report.—Effective beginning with fiscal year 2004, the Secretary shall prepare and submit to Congress an annual report that identifies—

“(A) the Indian tribes and States that have entered into agreements under paragraph (1);

“(B) the number of miles of roads for which Indian tribes have assumed maintenance responsibilities; and

“(C) the amount of funding transferred to Indian tribes for the fiscal year under agreements entered into under paragraph (1).”.

SEC. 1816. FOREST HIGHWAYS.

Section 204 of title 23, United States Code (as amended by section 1815), is amended by adding at the end the following:

“(o) Forest Highways.—Of the amounts made available for forest highways, $15,000,000 for each fiscal
year shall be used to repair culverts and bridges on forest highways to—

“(1) facilitate appropriate fish passage and ensure reasonable flows; and

“(2) maintain and remove such culverts and bridges as appropriate.”.

SEC. 1817. TERRITORIAL HIGHWAY PROGRAM.

(a) IN GENERAL.—Chapter 2 of title 23, United States Code, is amended by striking section 215 and inserting the following:

“§ 215. Territorial highway program

“(a) DEFINITIONS.—In this section:

“(1) PROGRAM.—The term ‘program’ means the territorial highway program established under subsection (b).

“(2) TERRITORY.—The term ‘territory’ means any of the following territories of the United States:

“(A) American Samoa.

“(B) The Commonwealth of the Northern Mariana Islands.

“(C) Guam.

“(D) The United States Virgin Islands.

“(b) PROGRAM.—
“(1) IN GENERAL.—Recognizing the mutual benefits that will accrue to the territories and the United States from the improvement of highways in the territories, the Secretary may carry out a program to assist each territorial government in the construction and improvement of a system of arterial and collector highways, and necessary inter-island connectors, that is—

“(A) designated by the Governor or chief executive officer of each territory; and

“(B) approved by the Secretary.

“(2) FEDERAL ASSISTANCE.—The Secretary shall provide Federal financial assistance to territories under this section in accordance with section 120(h).

“(c) TECHNICAL ASSISTANCE.—

“(1) IN GENERAL.—To continue a long-range highway development program, the Secretary may provide technical assistance to the governments of the territories to enable the territories to, on a continuing basis—

“(A) engage in highway planning;

“(B) conduct environmental evaluations;

“(C) administer right-of-way acquisition and relocation assistance programs; and
“(D) design, construct, operate, and maintain a system of arterial and collector highways, including necessary inter-island connectors.

“(2) Form and Terms of Assistance.—Technical assistance provided under paragraph (1), and the terms for the sharing of information among territories receiving the technical assistance, shall be included in the agreement required by subsection (e).

“(d) Nonapplicability of Certain Provisions.—

“(1) In General.—Except to the extent that provisions of chapter 1 are determined by the Secretary to be inconsistent with the needs of the territories and the intent of the program, chapter 1 (other than provisions of chapter 1 relating to the apportionment and allocation of funds) shall apply to funds authorized to be appropriated for the program.

“(2) Applicable Provisions.—The specific sections of chapter 1 that are applicable to each territory, and the extent of the applicability of those sections, shall be identified in the agreement required by subsection (e).

“(e) Agreement.—

“(1) In General.—Except as provided in paragraph (3), none of the funds made available for the program shall be available for obligation or expendi-

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ture with respect to any territory until the Governor or chief executive officer of the territory enters into a new agreement with the Secretary (which new agreement shall be entered into not later than 1 year after the date of enactment of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003), providing that the government of the territory shall—

“(A) implement the program in accordance with applicable provisions of chapter 1 and subsection (d);

“(B) design and construct a system of arterial and collector highways, including necessary inter-island connectors, in accordance with standards that are—

“(i) appropriate for each territory; and

“(ii) approved by the Secretary;

“(C) provide for the maintenance of facilities constructed or operated under this section in a condition to adequately serve the needs of present and future traffic; and

“(D) implement standards for traffic operations and uniform traffic control devices that are approved by the Secretary.
“(2) **Technical Assistance.**—The new agreement required by paragraph (1) shall—

“(A) specify the kind of technical assistance to be provided under the program;

“(B) include appropriate provisions regarding information sharing among the territories; and

“(C) delineate the oversight role and responsibilities of the territories and the Secretary.

“(3) **Review and Revision of Agreement.**—

The new agreement entered into under paragraph (1) shall be reevaluated and, as necessary, revised, at least every 2 years.

“(4) **Existing Agreements.**—With respect to an agreement between the Secretary and the Governor or chief executive officer of a territory that is in effect as of the date of enactment of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003—

“(A) the agreement shall continue in force until replaced by a new agreement in accordance with paragraph (1); and

“(B) amounts made available for the program under the agreement shall be available for obligation or expenditure so long as the agree-
“(f) PERMISSIBLE USES OF FUNDS.—

“(1) IN GENERAL.—Funds made available for the program may be used only for the following projects and activities carried out in a territory:

“(A) Eligible surface transportation program projects described in section 133(b).

“(B) Cost-effective, preventive maintenance consistent with section 116.

“(C) Ferry boats, terminal facilities, and approaches, in accordance with subsections (b) and (c) of section 129.

“(D) Engineering and economic surveys and investigations for the planning, and the financing, of future highway programs.

“(E) Studies of the economy, safety, and convenience of highway use.

“(F) The regulation and equitable taxation of highway use.

“(G) Such research and development as are necessary in connection with the planning, design, and maintenance of the highway system.

“(2) PROHIBITION ON USE OF FUNDS FOR ROUTINE MAINTENANCE.—None of the funds made avail-
able for the program shall be obligated or expended for routine maintenance.

“(g) LOCATION OF PROJECTS.—Territorial highway projects (other than those described in paragraphs (1), (3), and (4) of section 133(b)) may not be undertaken on roads functionally classified as local.”

(b) CONFORMING AMENDMENTS.—

(1) ELIGIBLE PROJECTS.—Section 103(b)(6) of title 23, United States Code, is amended by striking subparagraph (P) and inserting the following:

“(P) Projects eligible for assistance under the territorial highway program under section 215.”.

(2) FUNDING.—Section 104(b)(1)(A) of title 23, United States Code, is amended by striking “to the Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands” and inserting “for the territorial highway program authorized under section 215”.

(3) ANALYSIS.—The analysis for chapter 2 of title 23, United States Code, is amended by striking the item relating to section 215 and inserting the following:

“215. Territorial highway program.”.
SEC. 1818. MAGNETIC LEVITATION TRANSPORTATION TECHNOLOGY DEPLOYMENT PROGRAM.

Section 322 of title 23, United States Code, is amended—

(1) in subsection (c)—

(A) by striking “Not later than” and inserting the following:

“(1) INITIAL SOLICITATION.—Not later than”;

and

(B) by adding at the end the following:

“(2) ADDITIONAL SOLICITATION.—Not later than 1 year after the date of enactment of this paragraph, the Secretary may solicit additional applications from States, or authorities designated by 1 or more States, for financial assistance authorized by subsection (b) for planning, design, and construction of eligible MAGLEV projects.”;

(2) in subsection (e), by striking “Prior to soliciting applications, the Secretary” and inserting “The Secretary”;

(3) in subsection (h)—

(A) in subparagraph (A), by striking clause (i) and inserting the following:

“(i) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Ac-
count) to carry out this section $15,000,000
for each of fiscal years 2004 through 2009.”;
and
(B) in subparagraph (B), by striking clause
(i) and inserting the following:
“(i) IN GENERAL.—There are author-
ized to be appropriated from the Highway
Trust Fund (other than the Mass Transit
Account) to carry out this section—
“(I) $375,000,000 for fiscal year
2004;
“(II) $400,000,000 for fiscal year
2005;
“(III) $415,000,000 for fiscal year
2006;
“(IV) $425,000,000 for fiscal year
2007;
“(V) $435,000,000 for fiscal year
2008; and
“(VI) $450,000,000 for fiscal year
2009.”; and
(4) by striking subsection (i).

SEC. 1819. DONATIONS AND CREDITS.

Section 323 of title 23, United States Code, is
amended—
(1) in the first sentence of subsection (c), by inserting “, or a local government from offering to donate funds, materials, or services performed by local government employees,” after “services”; and

(2) striking subsection (e).

SEC. 1820. DISADVANTAGED BUSINESS ENTERPRISES.

(a) General Rule.—Except to the extent that the Secretary determines otherwise, not less than 10 percent of the amounts made available for any program under titles I, III, and V of this Act shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals.

(b) Definitions.—In this section:

(1) Small Business Concern.—

(A) In general.—The term “small business concern” has the meaning given the term under section 3 of the Small Business Act (15 U.S.C. 632).

(B) Exclusion.—The term “small business concern” does not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals that has average annual gross receipts over the preceding 3 fiscal years in excess of
$17,420,000, as adjusted by the Secretary for inflation.

(2) **Socially and economically disadvantaged individuals.**—The term “socially and economically disadvantaged individuals” has the meaning given the term under section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations promulgated under that section, except that women shall be presumed to be socially and economically disadvantaged individuals for the purposes of this section.

(c) **Annual Listing of Disadvantaged Business Enterprises.**—Each State shall annually survey and compile a list of the small business concerns referred to in subsection (a) and the location of such concerns in the State and notify the Secretary, in writing, of the percentage of such concerns which are controlled by women, by socially and economically disadvantaged individuals (other than women), and by individuals who are women and are otherwise socially and economically disadvantaged individuals.

(d) **Uniform Certification.**—The Secretary shall establish minimum uniform criteria for State governments to use in certifying whether a concern qualifies for purposes of this subsection. Such minimum uniform criteria shall include on-site visits, personal interviews, licenses, analysis
of stock ownership, listing of equipment, analysis of bonding capacity, listing of work completed, resume of principal owners, financial capacity, and type of work preferred.

(e) COMPLIANCE WITH COURT ORDERS.—Nothing in this section limits the eligibility of an entity or person to receive funds made available under titles I, III, and V of this Act, if the entity or person is prevented, in whole or in part, from complying with subsection (a) because a Federal court issues a final order in which the court finds that the requirement of subsection (a), or the program established under subsection (a), is unconstitutional.
Subtitle I—Technical Corrections

SEC. 1901. REPEAL OR UPDATE OF OBSOLETE TEXT.

(a) LETTING OF CONTRACTS.—Section 112 of title 23, United States Code, is amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) as subsection (f).

(b) FRINGE AND CORRIDOR PARKING FACILITIES.—

Section 137(a) of title 23, United States Code, is amended in the first sentence by striking “on the Federal-aid urban system” and inserting “on a Federal-aid highway”.

SEC. 1902. CLARIFICATION OF DATE.

Section 109(g) of title 23, United States Code, is amended in the first sentence by striking “The Secretary” and all that follows through “of 1970” and inserting “Not later than January 30, 1971, the Secretary shall issue”.

SEC. 1903. INCLUSION OF REQUIREMENTS FOR SIGNS IDENTIFYING FUNDING SOURCES IN TITLE 23.

(a) IN GENERAL.—Section 154 of the Federal-Aid Highway Act of 1987 (23 U.S.C. 101 note; 101 Stat. 209) is—

(1) transferred to title 23, United States Code;

(2) redesignated as section 321;

(3) moved to appear after section 320 of that title; and
(4) amended by striking the section heading and
inserting the following:

“§ 321. Signs identifying funding sources”.

(b) CONFORMING AMENDMENT.—The analysis for
chapter 3 of title 23, United States Code, is amended by
inserting after the item relating to section 320 the following:

“321. Signs identifying funding sources.”.

SEC. 1904. INCLUSION OF BUY AMERICA REQUIREMENTS IN
TITLE 23.

(a) IN GENERAL.—Section 165 of the Highway Im-
is—

(1) transferred to title 23, United States Code;
(2) redesignated as section 313;
(3) moved to appear after section 312 of that
title; and

(4) amended by striking the section heading and
inserting the following:

“§ 313. Buy America”.

(b) CONFORMING AMENDMENTS.—

(1) The analysis for chapter 3 of title 23, United
States Code, is amended by inserting after the item
relating to section 312 the following:

“313. Buy America.”.

(2) Section 313 of title 23, United States Code
(as added by subsection (a)), is amended—
(A) in subsection (a), by striking “by this Act” the first place it appears and all that follows through “of 1978” and inserting “to carry out the Surface Transportation Assistance Act of 1982 (96 Stat. 2097) or this title”; 

(B) in subsection (b), by redesignating paragraph (4) as paragraph (3); 

(C) in subsection (d), by striking “this Act,” and all that follows through “Code, which” and inserting “the Surface Transportation Assistance Act of 1982 (96 Stat. 2097) or this title that”; 

(D) by striking subsection (e); and 

(E) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

SEC. 1905. TECHNICAL AMENDMENTS TO NONDISCRIMINATION SECTION.

Section 140 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking “subsection (a) of section 105 of this title” and inserting “section 135”; 

(B) in the second sentence, by striking “He” and inserting “The Secretary”;
(C) in the third sentence, by striking “where he considers it necessary to assure” and inserting “if necessary to ensure”; and

(D) in the last sentence—

(i) by striking “him” and inserting “the Secretary” and

(ii) by striking “he” and inserting “the Secretary”;

(2) in subsection (b)—

(A) in the first sentence, by striking “highway construction” and inserting “surface transportation”; and

(B) in the second sentence—

(i) by striking “as he may deem necessary” and inserting “as necessary”; and

(ii) by striking “not to exceed $2,500,000 for the transition quarter ending September 30, 1976, and”;

(3) in the second sentence of subsection (c)—

(A) by striking “subsection 104(b)(3) of this title” and inserting “section 104(b)(3)”; and

(B) by striking “he may deem”; and

(4) in the heading of subsection (d), by striking “AND CONTRACTING”.

November 19, 2003
Title II—Transportation Research

Subtitle A—Funding


(a) In General.—The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

1. Surface Transportation Research.—
   (A) In General.—For carrying out sections 502, 503, 506, 507, 508, and 511 of title 23, United States Code—
   (i) $211,000,000 for each of fiscal years 2004 and 2005;
   (ii) $215,000,000 for fiscal year 2006;
   (iii) $218,000,000 for fiscal year 2007;
   (iv) $220,000,000 for fiscal year 2008;
   and
   (v) $223,000,000 for fiscal year 2009.

   (B) Surface Transportation-Environmental Cooperative Research Program.—
   For each of fiscal years 2004 through 2009, the Secretary shall set aside $20,000,000 of the funds apportioned under subparagraph (A) to carry out the surface transportation-environmental cooperative research program.
(2) **TRAINING AND EDUCATION.**—For carrying out section 504 of title 23, United States Code—

(A) $27,000,000 for fiscal year 2004;
(B) $28,000,000 for fiscal year 2005;
(C) $29,000,000 for fiscal year 2006;
(D) $30,000,000 for fiscal year 2007;
(E) $31,000,000 for fiscal year 2008; and
(F) $32,000,000 for fiscal year 2009.

(3) **BUREAU OF TRANSPORTATION STATISTICS.**—For the Bureau of Transportation Statistics to carry out section 111 of title 49, United States Code, $28,000,000 for each of fiscal years 2004 through 2009.

(4) **ITS STANDARDS, RESEARCH, OPERATIONAL TESTS, AND DEVELOPMENT.**—For carrying out sections 524, 525, 526, 527, 528, and 529 of title 23, United States Code—

(A) $120,000,000 for fiscal year 2004;
(B) $123,000,000 for fiscal year 2005;
(C) $126,000,000 for fiscal year 2006;
(D) $129,000,000 for fiscal year 2007;
(E) $132,000,000 for fiscal year 2008; and
(F) $135,000,000 for fiscal year 2009.
(5) University Transportation Centers.—

For carrying out section 510 of title 23, United States Code—

(A) $40,000,000 for fiscal year 2004; and

(B) $45,000,000 for each of fiscal years 2005 through 2009.

(b) Applicability of Title 23, United States Code.—Funds authorized to be appropriated by subsection (a)—

(1) shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of a project or activity carried out using the funds shall be the share applicable under section 120(b) of title 23, United States Code, as adjusted under subsection (d) of that section (unless otherwise specified or otherwise determined by the Secretary); and

(2) shall remain available until expended.

(c) Allocations.—

(1) Surface Transportation Research.—Of the amounts made available under subsection (a)(1)—

(A) $27,000,000 for each of fiscal years 2004 through 2009 shall be available to carry out advanced, high-risk, long-term research
under section 502(d) of title 23, United States Code; and

(B) $18,000,000 for fiscal years 2004 and 2005, $17,000,000 for fiscal year 2006, $15,000,000 for fiscal year 2007, $12,000,000 for fiscal year 2008, and $10,000,000 for fiscal year 2009 shall be available to carry out the long-term pavement performance program under section 502(e) of that title.

(2) TECHNOLOGY APPLICATION PROGRAM.—Of the amounts made available under subsection (a)(1), $60,000,000 for each of fiscal years 2004 through 2009 shall be available to carry out section 503 of title 23, United States Code.

(3) TRAINING AND EDUCATION.—Of the amounts made available under subsection (a)(2)—

(A) $12,000,000 for fiscal year 2004, $12,500,000 for fiscal year 2005, $13,000,000 for fiscal year 2006, $13,500,000 for fiscal year 2007, $14,000,000 for fiscal year 2008, and $14,500,000 for fiscal year 2009 shall be available to carry out section 504(a) of title 23, United States Code (relating to the National Highway Institute);
B) $12,000,000 for fiscal year 2004, $12,500,000 for fiscal year 2005, $13,000,000 for fiscal year 2006, $13,500,000 for fiscal year 2007, $14,000,000 for fiscal year 2008, and $14,500,000 for fiscal year 2009 shall be available to carry out section 504(b) of that title (relating to local technical assistance); and

C) $3,000,000 for each of fiscal years 2004 through 2009 shall be available to carry out section 504(c)(2) of that title (relating to the Eisenhower Transportation Fellowship Program).

4) INTERNATIONAL HIGHWAY TRANSPORTATION OUTREACH PROGRAM.—Of the amounts made available under subsection (a)(1), $500,000 for each of fiscal years 2004 through 2009 shall be available to carry out section 506 of title 23, United States Code.

5) NEW STRATEGIC HIGHWAY RESEARCH PROGRAM.—For each of fiscal years 2004 through 2009, to carry out section 509 of title 23, United States Code, the Secretary shall set aside—

A) $15,000,000 of the amounts made available to carry out the interstate maintenance program under section 119 of title 23, United States Code, for the fiscal year;
(B) $19,000,000 of the amounts made available for the National Highway System under section 101 of title 23, United States Code, for the fiscal year;

(C) $13,000,000 of the amounts made available to carry out the bridge program under section 144 of title 23, United States Code, for the fiscal year;

(D) $20,000,000 of the amounts made available to carry out the surface transportation program under section 133 of title 23, United States Code, for the fiscal year;

(E) $5,000,000 of the amounts made available to carry out the congestion mitigation and air quality improvement program under section 149 of title 23, United States Code, for the fiscal year; and

(F) $3,000,000 of the amounts made available to carry out the highway safety improvement program under section 148 of title 23, United States Code, for the fiscal year.

(6) COMMERCIAL VEHICLE INTELLIGENT TRANSPORTATION SYSTEM INFRASTRUCTURE PROGRAM.—Of the amounts made available under subsection (a)(4), not less than $30,000,000 for each of fiscal years 2004
through 2009 shall be available to carry out section
527 of title 23, United States Code.

(d) **Transfers of Funds.**—The Secretary may
transfer—

(1) to an amount made available under para-
graphs (1), (2), or (4) of subsection (c), not to exceed
10 percent of the amount allocated for a fiscal year
under any other of those paragraphs; and

(2) to an amount made available under subpara-
graphs (A), (B), or (C) of subsection (c)(3), not to ex-
ceed 10 percent of the amount allocated for a fiscal
year under any other of those subparagraphs.

**Sec. 2002. Obligation Ceiling.**

Notwithstanding any other provision of law, the total
of all obligations from amounts made available from the
Highway Trust Fund (other than the Mass Transit Ac-
count) by section 2001(a) shall not exceed—

(1) $496,000,000 for fiscal year 2004;

(2) $510,000,000 for fiscal year 2005;

(3) $518,000,000 for fiscal year 2006;

(4) $525,000,000 for fiscal year 2007;

(5) $531,000,000 for fiscal year 2008; and

(6) $538,000,000 for fiscal year 2009.
SEC. 2003. NOTICE.

(a) NOTICE OF REPROGRAMMING.—If any funds authorized for carrying out this title or the amendments made by this title are subject to a reprogramming action that requires notice to be provided to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, notice of that action shall be concurrently provided to the Committee on Transportation and Infrastructure and the Committee on Science of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(b) NOTICE OF REORGANIZATION.—On or before the 15th day preceding the date of any major reorganization of a program, project, or activity of the Department of Transportation for which funds are authorized by this title or the amendments made by this title, the Secretary shall provide notice of the reorganization to the Committee on Transportation and Infrastructure and the Committee on Science of the House of Representatives and the Committee on Environment and Public Works of the Senate.

Subtitle B—Research and Technology

SEC. 2101. RESEARCH AND TECHNOLOGY PROGRAM.

(a) IN GENERAL.—Chapter 5 of title 23, United States Code, is amended to read as follows:
“CHAPTER 5—RESEARCH AND TECHNOLOGY

“Subchapter I—Surface Transportation

“Sec.
“502. Surface transportation research.
“503. Technology application program.
“504. Training and education.
“505. State planning and research.
“506. International highway transportation outreach program.
“507. Surface transportation-environment cooperative research program.
“508. Surface transportation research technology deployment and strategic planning.
“509. New strategic highway research program.
“510. University transportation centers.

“SUBCHAPTER II—INTELLIGENT TRANSPORTATION SYSTEM RESEARCH AND TECHNICAL ASSISTANCE PROGRAM

“522. Goals and purposes.
“524. General authorities and requirements.
“527. Commercial vehicle intelligent transportation system infrastructure program.
“528. Research and development.
“529. Use of funds.

“SUBCHAPTER I—SURFACE TRANSPORTATION

“§ 501. Definitions

“In this subchapter:

“(1) FEDERAL LABORATORY.—The term ‘Federal laboratory’ includes—

“(A) a Government-owned, Government-operated laboratory; and

“(B) a Government-owned, contractor-operated laboratory.
“(2) SAFETY.—The term ‘safety’ includes highway and traffic safety systems, research, and development relating to—

“(A) vehicle, highway, driver, passenger, bicyclist, and pedestrian characteristics;

“(B) accident investigations;

“(C) communications;

“(D) emergency medical care; and

“(E) transportation of the injured.

“§ 502. Surface transportation research

“(a) IN GENERAL.—

“(1) RESEARCH, DEVELOPMENT, AND TECHNOLOGY TRANSFER ACTIVITIES.—The Secretary may carry out research, development, and technology transfer activities with respect to—

“(A) all phases of transportation planning and development (including new technologies, construction, transportation systems management and operations development, design, maintenance, safety, security, financing, data collection and analysis, demand forecasting, multimodal assessment, and traffic conditions); and

“(B) the effect of State laws on the activities described in subparagraph (A).
“(2) TESTS AND DEVELOPMENT.—The Secretary may test, develop, or assist in testing and developing, any material, invention, patented article, or process.

“(3) COOPERATION, GRANTS, AND CONTRACTS.—

“(A) IN GENERAL.—The Secretary may carry out this section—

“(i) independently;

“(ii) in cooperation with—

“(I) any other Federal agency or instrumentality; and

“(II) any Federal laboratory; or

“(iii) by making grants to, or entering into contracts, cooperative agreements, and other transactions with—

“(I) the National Academy of Sciences;

“(II) the American Association of State Highway and Transportation Officials;

“(III) planning organizations;

“(IV) a Federal laboratory;

“(V) a State agency;

“(VI) an authority, association, institution, or organization;
“(VII) a for-profit or nonprofit corporation;
“(VIII) a foreign country; or
“(IX) any other person.
“(B) COMPETITION; REVIEW.—All parties entering into contracts, cooperative agreements or other transactions with the Secretary, or receiving grants, to perform research or provide technical assistance under this section shall be selected, to the maximum extent practicable—
“(i) on a competitive basis; and
“(ii) on the basis of the results of peer review of proposals submitted to the Secretary.
“(4) TECHNOLOGICAL INNOVATION.—The programs and activities carried out under this section shall be consistent with the surface transportation research and technology development strategic plan developed under section 508(c).
“(5) FUNDS.—
“(A) SPECIAL ACCOUNT.—In addition to other funds made available to carry out this section, the Secretary shall use such funds as may be deposited by any cooperating organization or
person in a special account of the Treasury established for this purpose.

“(B) Use of Funds.—The Secretary shall use funds made available to carry out this section to develop, administer, communicate, and promote the use of products of research, development, and technology transfer programs under this section.

“(b) Collaborative Research and Development.—

“(1) In General.—To encourage innovative solutions to surface transportation problems and stimulate the deployment of new technology, the Secretary may carry out, on a cost-shared basis, collaborative research and development with—

“(A) non-Federal entities (including State and local governments, foreign governments, colleges and universities, corporations, institutions, partnerships, sole proprietorships, and trade associations that are incorporated or established under the laws of any State); and

“(B) Federal laboratories.

“(2) Agreements.—In carrying out this subsection, the Secretary may enter into cooperative research and development agreements (as defined in sec-
(3) Federal share.—

(A) In general.—The Federal share of the cost of activities carried out under a cooperative research and development agreement entered into under this subsection shall not exceed 50 percent, except that if there is substantial public interest or benefit, the Secretary may approve a greater Federal share.

(B) Non-Federal share.—All costs directly incurred by the non-Federal partners, including personnel, travel, and hardware development costs, shall be credited toward the non-Federal share of the cost of the activities described in subparagraph (A).

(4) Use of technology.—The research, development, or use of a technology under a cooperative research and development agreement entered into under this subsection, including the terms under which the technology may be licensed and the resulting royalties may be distributed, shall be subject to the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a)).
“(5) WAIVER OF ADVERTISING REQUIREMENTS.—Section 3709 of the Revised Statutes (41 U.S.C. 5) shall not apply to a contract or agreement entered into under this chapter.

“(c) CONTENTS OF RESEARCH PROGRAM.—The Secretary shall include as priority areas of effort within the surface transportation research program—

“(1) the development of new technologies and methods in materials, pavements, structures, design, and construction, with the objectives of—

“(A)(i) increasing to 50 years the expected life of pavements;

“(ii) increasing to 100 years the expected life of bridges; and

“(iii) significantly increasing the durability of other infrastructure;

“(B) lowering the life-cycle costs, including—

“(i) construction costs;

“(ii) maintenance costs;

“(iii) operations costs; and

“(vi) user costs.

“(2) the development, and testing for effectiveness, of nondestructive evaluation technologies for
civil infrastructure using existing and new technologies;

“(3) the investigation of—

“(A) the application of current natural hazard mitigation techniques to manmade hazards; and

“(B) the continuation of hazard mitigation research combining manmade and natural hazards;

“(4) the improvement of safety—

“(A) at intersections;

“(B) with respect to accidents involving vehicles run off the road; and

“(C) on rural roads;

“(5) the reduction of work zone incursions and improvement of work zone safety;

“(6) the improvement of geometric design of roads for the purpose of safety;

“(7) the examination of data collected through the national bridge inventory conducted under section 144 using the national bridge inspection standards established under section 151, with the objectives of determining whether—

“(A) the most useful types of data are being collected; and
“(B) any improvement could be made in the types of data collected and the manner in which the data is collected, with respect to bridges in the United States;

“(8) the improvement of the infrastructure investment needs report described in subsection (g) through—

“(A) the study and implementation of new methods of collecting better quality data, particularly with respect to performance, congestion, and infrastructure conditions;

“(B) monitoring of the surface transportation system in a system-wide manner, through the use of—

“(i) intelligent transportation system technologies of traffic operations centers; and

“(ii) other new data collection technologies as sources of better quality performance data;

“(C) the determination of the critical metrics that should be used to determine the condition and performance of the surface transportation system; and
“(D) the study and implementation of new methods of statistical analysis and computer models to improve the prediction of future infrastructure investment requirements;

“(9) the development of methods to improve the determination of benefits from infrastructure improvements, including—

“(A) more accurate calculations of benefit-to-cost ratios, considering benefits and impacts throughout local and regional transportation systems;

“(B) improvements in calculating life-cycle costs; and

“(C) valuation of assets;

“(10) the improvement of planning processes to better predict outcomes of transportation projects, including the application of computer simulations in the planning process to predict outcomes of planning decisions;

“(11) the multimodal applications of Geographic Information Systems and remote sensing, including such areas of application as—

“(A) planning;

“(B) environmental decisionmaking and project delivery; and
“(C) freight movement;
“(12) the development and application of methods of providing revenues to the Highway Trust Fund with the objective of offsetting potential reductions in fuel tax receipts;
“(13) the development of tests and methods to determine the benefits and costs to communities of major transportation investments and projects;
“(14) the conduct of extreme weather research, including research to—
“(A) reduce contraction and expansion damage;
“(B) reduce or repair road damage caused by freezing and thawing;
“(C) improve deicing or snow removal techniques;
“(D) develop better methods to reduce the risk of thermal collapse, including collapse from changes in underlying permafrost;
“(E) improve concrete and asphalt installation in extreme weather conditions; and
“(F) make other improvements to protect highway infrastructure or enhance highway safety or performance;
“(15) the improvement of planning processes and project development through the development and application of collaboration tools and strategies for finding transportation solutions; and

“(16) any other surface transportation research topics that the Secretary determines, in accordance with the strategic planning process under section 508, to be critical.

“(d) ADVANCED, HIGH-RISK RESEARCH.—

“(1) IN GENERAL.—The Secretary shall establish and carry out, in accordance with the surface transportation research and technology development strategic plan developed under section 508(c) and research priority areas described in subsection (c), an advanced research program that addresses longer-term, higher-risk research with potentially dramatic breakthroughs for improving the durability, efficiency, environmental impact, productivity, and safety (including bicycle and pedestrian safety) aspects of highway and intermodal transportation systems.

“(2) PARTNERSHIPS.—In carrying out the program, the Secretary shall seek to develop partnerships with the public and private sectors.

“(3) REPORT.—The Secretary shall include in the strategic plan required under section 508(c) a de-
scription of each of the projects, and the amount of funds expended for each project, carried out under this subsection during the fiscal year.

“(c) **LONG-TERM PAVEMENT PERFORMANCE PROGRAM.**—

“(1) **AUTHORITY.**—The Secretary shall continue, through September 30, 2009, the long-term pavement performance program tests, monitoring, and data analysis.

“(2) **GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.**—Under the program, the Secretary shall make grants and enter into cooperative agreements and contracts to—

“(A) monitor, material-test, and evaluate highway test sections in existence as of the date of the grant, agreement, or contract;

“(B) analyze the data obtained in carrying out subparagraph (A); and

“(C) prepare products to fulfill program objectives and meet future pavement technology needs.

“(3) **CONCLUSION OF PROGRAM.**—

“(A) **SUMMARY REPORT.**—The Secretary shall include in the strategic plan required under section 508(c) a report on the initial conclusions
of the long-term pavement performance program that includes—

“(i) an analysis of any research objectives that remain to be achieved under the program;

“(ii) an analysis of other associated longer-term expenditures under the program that are in the public interest;

“(iii) a detailed plan regarding the storage, maintenance, and user support of the database, information management system, and materials reference library of the program;

“(iv) a schedule for continued implementation of the necessary data collection and analysis and project plan under the program; and

“(v) an estimate of the costs of carrying out each of the activities described in clauses (i) through (iv) for each fiscal year during which the program is carried out.

“(B) DEADLINE; USEFULNESS OF ADVANCES.—The Secretary shall, to the maximum extent practicable—
“(i) ensure that the long-term pavement performance program is concluded not later than September 30, 2009; and
“(ii) make such allowances as are necessary to ensure the usefulness of the technological advances resulting from the program.

“(f) Seismic Research.—The Secretary shall—
“(1) in consultation and cooperation with Federal agencies participating in the National Earthquake Hazards Reduction Program established by section 5 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704), coordinate the conduct of seismic research; and
“(2) take such actions as are necessary to ensure that the coordination of the research is consistent with—
“(A) planning and coordination activities of the Director of the Federal Emergency Management Agency under section 5(b)(1) of that Act (42 U.S.C. 7704(b)(1)); and
“(B) the plan developed by the Director of the Federal Emergency Management Agency under section 8(b) of that Act (42 U.S.C. 7705b(b)).
“(g) INFRASTRUCTURE INVESTMENT NEEDS REPORT.—

“(1) IN GENERAL.—Not later than July 31, 2004, and July 31 of every second year thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes—

“(A) estimates of the future highway and bridge needs of the United States; and

“(B) the backlog of current highway and bridge needs.

“(2) COMPARISON WITH PRIOR REPORTS.—Each report under paragraph (1) shall provide the means, including all necessary information, to relate and compare the conditions and service measures used in the previous biennial reports.

“(h) SECURITY RELATED RESEARCH AND TECHNOLOGY TRANSFER ACTIVITIES.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003, the Secretary, in consultation with the Secretary of Homeland Security, with key stakeholder input (including State transportation departments)
shall develop a 5-year strategic plan for research and
technology transfer and deployment activities per-
taining to the security aspects of highway infrastruc-
ture and operations.

“(2) COMPONENTS OF PLAN.—The plan shall
include—

“(A) an identification of which agencies are
responsible for the conduct of various research
and technology transfer activities;

“(B) a description of the manner in which
those activities will be coordinated; and

“(C) a description of the process to be used
to ensure that the advances derived from relevant
activities supported by the Federal Highway Ad-
ministration are consistent with the operational
guidelines, policies, recommendations, and regu-
lations of the Department of Homeland Security;
and

“(D) a systematic evaluation of the research
that should be conducted to address, at a
minimum—

“(i) vulnerabilities of, and measures
that may be taken to improve, emergency
response capabilities and evacuations;
“(ii) recommended upgrades of traffic management during crises;

“(iii) enhanced communications among the public, the military, law enforce-
ment, fire and emergency medical services, and transportation agencies;

“(iv) protection of critical, security-related infrastructure; and

“(v) structural reinforcement of key facilities.

“(3) Submission.—On completion of the plan under this subsection, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

“(A) a copy of the plan developed under paragraph (1); and

“(B) a copy of a memorandum of understanding specifying coordination strategies and assignment of responsibilities covered by the plan that is signed by the Secretary and the Secretary of Homeland Security.

“§ 503. Technology application program

“(a) Technology Application Initiatives and Partnerships Program.—
“(1) Establishment.—The Secretary, in consultation with interested stakeholders, shall develop and administer a national technology application initiatives and partnerships program.

“(2) Purpose.—The purpose of the program shall be to significantly accelerate the adoption of innovative technologies by the surface transportation community.

“(3) Application Goals.—

“(A) Establishment.—Not later than 180 days after the date of enactment of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003, the Secretary, in consultation with the Surface Transportation Research Technology Advisory Committee, State transportation departments, and other interested stakeholders, shall establish, as part of the surface transportation research and technology development strategic plan under section 508(c), goals to carry out paragraph (1).

“(B) Design.—Each of the goals and the program developed to achieve the goals shall be designed to provide tangible benefits, with respect to transportation systems, in the areas of effi-
ciency, safety, reliability, service life, environmental protection, and sustainability.

“(C) Strategies for achievement.—For each goal, the Secretary, in cooperation with representatives of the transportation community, such as States, local governments, the private sector, and academia, shall use domestic and international technology to develop strategies and initiatives to achieve the goal, including technical assistance in deploying technology and mechanisms for sharing information among program participants.

“(4) Integration with other programs.—The Secretary shall integrate activities carried out under this subsection with the efforts of the Secretary to—

“(A) disseminate the results of research sponsored by the Secretary; and

“(B) facilitate technology transfer.

“(5) Leveraging of federal resources.—In selecting projects to be carried out under this subsection, the Secretary shall give preference to projects that leverage Federal funds with other significant public or private resources.
“(6) Grants, cooperative agreements, and contracts.—Under the program, the Secretary may make grants and enter into cooperative agreements and contracts to foster alliances and support efforts to stimulate advances in transportation technology.

“(7) Reports.—The results and progress of activities carried out under this section shall be published as part of the annual transportation research report prepared by the Secretary under section 508(c)(5).

“(8) Allocation.—To the extent appropriate to achieve the goals established under paragraph (3), the Secretary may further allocate funds made available to carry out this section to States for use by those States.

“(b) Innovative Surface Transportation Infrastructure Research and Construction Program.—

“(1) In general.—The Secretary shall establish and carry out a program for the application of innovative material, design, and construction technologies in the construction, preservation, and rehabilitation of elements of surface transportation infrastructure.

“(2) Goals.—The goals of the program shall include—
“(A) the development of new, cost-effective, and innovative materials;

“(B) the reduction of maintenance costs and life-cycle costs of elements of infrastructure, including the costs of new construction, replacement, and rehabilitation;

“(C) the development of construction techniques to increase safety and reduce construction time and traffic congestion;

“(D) the development of engineering design criteria for innovative products and materials for use in surface transportation infrastructure;

“(E) the development of highway bridges and structures that will withstand natural disasters and disasters caused by human activity; and

“(F) the development of new, nondestructive technologies and techniques for the evaluation of elements of transportation infrastructure.

“(3) Grants, Cooperative Agreements, and Contracts.—

“(A) In General.—Under the program, the Secretary shall make grants to, and enter into cooperative agreements and contracts with—

“(i) States, other Federal agencies, universities and colleges, private sector enti-
ties, and nonprofit organizations, to pay the Federal share of the cost of research, development, and technology transfer concerning innovative materials and methods; and

“(ii) States, to pay the Federal share of the cost of repair, rehabilitation, replacement, and new construction of elements of surface transportation infrastructure that demonstrate the application of innovative materials and methods.

“(B) APPLICATIONS.—

“(i) In general.—To receive a grant under this subsection, an entity described in subparagraph (A) shall submit to the Secretary an application in such form and containing such information as the Secretary may require.

“(ii) Approval.—The Secretary shall select and approve an application based on whether the proposed project that is the subject of the application would meet the goals described in paragraph (2).

“(4) Technology and Information Transfer.—The Secretary shall take such action as is necessary to—
“(A) ensure that the information and technology resulting from research conducted under paragraph (3) is made available to State and local transportation departments and other interested parties, as specified by the Secretary; and

“(B) encourage the use of the information and technology.

“(5) FEDERAL SHARE.—The Federal share of the cost of a project under this section shall be determined by the Secretary.

§ 504. Training and education

“(a) NATIONAL HIGHWAY INSTITUTE.—

“(1) IN GENERAL.—The Secretary shall—

“(A) operate, in the Federal Highway Administration, a National Highway Institute (referred to in this subsection as the ‘Institute’); and

“(B) administer, through the Institute, the authority vested in the Secretary by this title or by any other law for the development and conduct of education and training programs relating to highways.

“(2) DUTIES OF THE INSTITUTE.—In cooperation with State transportation departments, induc-
tries in the United States, and national or international entities, the Institute shall develop and administer education and training programs of instruction for—

"(A) Federal Highway Administration, State, and local transportation agency employees;

"(B) regional, State, and metropolitan planning organizations;

"(C) State and local police, public safety, and motor vehicle employees; and

"(D) United States citizens and foreign nationals engaged or to be engaged in surface transportation work of interest to the United States.

"(3) COURSES.—

"(A) IN GENERAL.—The Institute shall—

"(i) develop or update existing courses in asset management, including courses that include such components as—

"(I) the determination of life-cycle costs;

"(II) the valuation of assets;

"(III) benefit-to-cost ratio calculations; and

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“(IV) objective decisionmaking processes for project selection; and
“(ii) continually develop courses relating to the application of emerging technologies for—
“(I) transportation infrastructure applications and asset management;
“(II) intelligent transportation systems;
“(III) operations (including security operations);
“(IV) the collection and archiving of data;
“(V) expediting the planning and development of transportation projects;
and
“(VI) the intermodal movement of individuals and freight.

“(B) ADDITIONAL COURSES.—In addition to the courses developed under subparagraph (A), the Institute, in consultation with State transportation departments, metropolitan planning organizations, and the American Association of State Highway and Transportation Officials, may develop courses relating to technology, meth-
ods, techniques, engineering, construction, safety, maintenance, environmental mitigation and compliance, regulations, management, inspection, and finance.

“(C) REVISION OF COURSES OFFERED.—
The Institute shall periodically—

“(i) review the course inventory of the Institute; and

“(ii) revise or cease to offer courses based on course content, applicability, and need.

“(4) ELIGIBILITY; FEDERAL SHARE.—The funds apportioned to a State under section 104(b)(3) for the surface transportation program shall be expended by the State transportation department for the payment of not to exceed 80 percent of the cost of tuition and direct educational expenses (excluding salaries) in connection with the education and training of employees of State and local transportation agencies in accordance with this subsection.

“(5) FEDERAL RESPONSIBILITY.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), education and training of employees of Federal, State, and local transpor-
(i) by the Secretary, at no cost to the States and local governments, if the Secretary determines that provision at no cost is in the public interest; or

(ii) by the State, through grants, cooperative agreements, and contracts with public and private agencies, institutions, individuals, and the Institute.

“(B) PAYMENT OF FULL COST BY PRIVATE PERSONS.—Private agencies, international or foreign entities, and individuals shall pay the full cost of any education and training (including the cost of course development) received by the agencies, entities, and individuals, unless the Secretary determines that payment of a lesser amount of the cost is of critical importance to the public interest.

“(6) TRAINING FELLOWSHIPS; COOPERATION.—

The Institute may—

(A) engage in training activities authorized under this subsection, including the granting of training fellowships; and
“(B) exercise the authority of the Institute independently or in cooperation with any—

“(i) other Federal or State agency;
“(ii) association, authority, institution, or organization;
“(iii) for-profit or nonprofit corporation;
“(iv) national or international entity;
“(v) foreign country; or
“(vi) person.

“(7) COLLECTION OF FEES.—

“(A) IN GENERAL.—In accordance with this subsection, the Institute may assess and collect fees to defray the costs of the Institute in developing or administering education and training programs under this subsection.

“(B) PERSONS SUBJECT TO FEES.—Fees may be assessed and collected under this subsection only with respect to—

“(i) persons and entities for whom education or training programs are developed or administered under this subsection; and
“(ii) persons and entities to whom education or training is provided under this subsection.
“(C) AMOUNT OF FEES.—The fees assessed and collected under this subsection shall be established in a manner that ensures that the liability of any person or entity for a fee is reasonably based on the proportion of the costs referred to in subparagraph (A) that relate to the person or entity.

“(D) USE.—All fees collected under this subsection shall be used, without further appropriation, to defray costs associated with the development or administration of education and training programs authorized under this subsection.

“(8) RELATION TO FEES.—The funds made available to carry out this subsection may be combined with or held separate from the fees collected under—

“(A) paragraph (7);
“(B) memoranda of understanding;
“(C) regional compacts; and
“(D) other similar agreements.

“(b) LOCAL TECHNICAL ASSISTANCE PROGRAM.—

“(1) AUTHORITY.—The Secretary shall carry out a local technical assistance program that will provide access to surface transportation technology to—
“(A) highway and transportation agencies in urbanized areas;

“(B) highway and transportation agencies in rural areas;

“(C) contractors that perform work for the agencies; and

“(D) infrastructure security.

“(2) Grants, cooperative agreements, and contracts.—The Secretary may make grants and enter into cooperative agreements and contracts to provide education and training, technical assistance, and related support services to—

“(A) assist rural, local transportation agencies and tribal governments, and the consultants and construction personnel working for the agencies and governments, to—

“(i) develop and expand expertise in road and transportation areas (including pavement, bridge, concrete structures, intermodal connections, safety management systems, intelligent transportation systems, incident response, operations, and traffic safety countermeasures);

“(ii) improve roads and bridges;

“(iii) enhance—
“(I) programs for the movement of passengers and freight; and

“(II) intergovernmental transportation planning and project selection;

and

“(iv) deal effectively with special transportation-related problems by preparing and providing training packages, manuals, guidelines, and technical resource materials;

“(B) develop technical assistance for tourism and recreational travel;

“(C) identify, package, and deliver transportation technology and traffic safety information to local jurisdictions to assist urban transportation agencies in developing and expanding their ability to deal effectively with transportation-related problems (particularly the promotion of regional cooperation);

“(D) operate, in cooperation with State transportation departments and universities—

“(i) local technical assistance program centers designated to provide transportation technology transfer services to rural areas and to urbanized areas; and
“(ii) local technical assistance program centers designated to provide transportation technical assistance to tribal governments; and
“(E) allow local transportation agencies and tribal governments, in cooperation with the private sector, to enhance new technology implementation.

“(c) Research Fellowships.—
“(1) General Authority.—The Secretary, acting independently or in cooperation with other Federal agencies and instrumentalities, may make grants for research fellowships for any purpose for which research is authorized by this chapter.

“(2) Dwight David Eisenhower Transportation Fellowship Program.—The Secretary shall establish and implement a transportation research fellowship program, to be known as the ‘Dwight David Eisenhower Transportation Fellowship Program’, for the purpose of attracting qualified students to the field of transportation.

“§505. State planning and research
“(a) In General.—Two percent of the sums apportioned to a State for fiscal year 2004 and each fiscal year thereafter under sections 104 (other than subsections (f) and
(h)) and 144 shall be available for expenditure by the State, in consultation with the Secretary, only for—

“(1) the conduct of engineering and economic surveys and investigations;

“(2) the planning of—

“(A) future highway programs and local public transportation systems; and

“(B) the financing of those programs and systems, including metropolitan and statewide planning under sections 134 and 135;

“(3) the development and implementation of management systems under section 303;

“(4) the conduct of studies on—

“(A) the economy, safety, and convenience of surface transportation systems; and

“(B) the desirable regulation and equitable taxation of those systems;

“(5) research, development, and technology transfer activities necessary in connection with the planning, design, construction, management, and maintenance of highway, public transportation, and intermodal transportation systems;

“(6) the conduct of studies, research, and training relating to the engineering standards and construction materials for surface transportation systems
described in paragraph (5) (including the evaluation
and accreditation of inspection and testing and the
regulation of and charging for the use of the stand-
ards and materials); and

“(7) the conduct of activities relating to the
planning of real-time monitoring elements.

“(b) MINIMUM EXPENDITURES ON RESEARCH, DEVEL-
OPMENT, AND TECHNOLOGY TRANSFER ACTIVITIES.—

“(1) IN GENERAL.—Subject to paragraph (2),
not less than 25 percent of the funds subject to sub-
section (a) that are apportioned to a State for a fiscal
year shall be expended by the State for research, de-
velopment, and technology transfer activities that—

“(A) are described in subsection (a); and

“(B) relate to highway, public transpor-
tation, and intermodal transportation systems.

“(2) WAIVERS.—The Secretary may waive the
application of paragraph (1) with respect to a State
for a fiscal year if—

“(A) the State certifies to the Secretary for
the fiscal year that total expenditures by the
State for transportation planning under sections
134 and 135 will exceed 75 percent of the funds
described in paragraph (1); and
“(B) the Secretary accepts the certification of the State.

“(3) Nonapplicability of assessment.—Funds expended under paragraph (1) shall not be considered to be part of the extramural budget of the agency for the purpose of section 9 of the Small Business Act (15 U.S.C. 638).

“(c) Federal share.—The Federal share of the cost of a project carried out using funds subject to subsection (a) shall be the share applicable under section 120(b), as adjusted under subsection (d) of that section.

“(d) Administration of sums.—Funds subject to subsection (a) shall be—

“(1) combined and administered by the Secretary as a single fund; and

“(2) available for obligation for the period described in section 118(b)(2).

“(e) Eligible use of State planning and research funds.—A State, in coordination with the Secretary, may obligate funds made available to carry out this section for any purpose authorized under section 506(a).
“§ 506. International highway transportation outreach program

“(a) Establishment.—The Secretary may establish an international highway transportation outreach program—

“(1) to inform the United States highway community of technological innovations in foreign countries that could significantly improve highway transportation in the United States;

“(2) to promote United States highway transportation expertise, goods, and services in foreign countries; and

“(3) to increase transfers of United States highway transportation technology to foreign countries.

“(b) Activities.—Activities carried out under the program may include—

“(1) the development, monitoring, assessment, and dissemination in the United States of information about highway transportation innovations in foreign countries that could significantly improve highway transportation in the United States;

“(2) research, development, demonstration, training, and other forms of technology transfer and exchange;

“(3) the provision to foreign countries, through participation in trade shows, seminars, expositions,
and other similar activities, of information relating to the technical quality of United States highway transportation goods and services;

“(4) the offering of technical services of the Federal Highway Administration that cannot be readily obtained from private sector firms in the United States for incorporation into the proposals of those firms undertaking highway transportation projects outside the United States, if the costs of the technical services will be recovered under the terms of the project;

“(5) the conduct of studies to assess the need for, or feasibility of, highway transportation improvements in foreign countries; and

“(6) the gathering and dissemination of information on foreign transportation markets and industries.

“(c) Cooperation.—The Secretary may carry out this section in cooperation with any appropriate—

“(1) Federal, State, or local agency;

“(2) authority, association, institution, or organization;

“(3) for-profit or nonprofit corporation;

“(4) national or international entity;

“(5) foreign country; or
“(6) person.

“(d) FUNDS.—

“(1) CONTRIBUTIONS.—Funds available to carry out this section shall include funds deposited by any cooperating organization or person into a special account of the Treasury established for this purpose.

“(2) ELIGIBLE USES OF FUNDS.—The funds deposited into the account, and other funds available to carry out this section, shall be available to cover the cost of any activity eligible under this section, including the cost of—

“(A) promotional materials;

“(B) travel;

“(C) reception and representation expenses;

and

“(D) salaries and benefits.

“(3) REIMBURSEMENTS FOR SALARIES AND BENEFITS.—Reimbursements for salaries and benefits of Department of Transportation employees providing services under this section shall be credited to the account.

“(e) REPORT—For each fiscal year, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that
describes the destinations and individual trip costs of international travel conducted in carrying out activities described in this section.

“§ 507. Surface transportation-environment cooperative research program

“(a) In General.—The Secretary shall establish and carry out a surface transportation-environment cooperative research program.

“(b) Contents.—The program carried out under this section may include research—

“(1) to develop more accurate models for evaluating transportation control measures and transportation system designs that are appropriate for use by State and local governments (including metropolitan planning organizations) in designing implementation plans to meet Federal, State, and local environmental requirements;

“(2) to improve understanding of the factors that contribute to the demand for transportation;

“(3) to develop indicators of economic, social, and environmental performance of transportation systems to facilitate analysis of potential alternatives;

“(4) to meet additional priorities as determined by the Secretary in the strategic planning process under section 508; and
“(5) to refine, through the conduct of workshops, symposia, and panels, and in consultation with stakeholders (including the Department of Energy, the Environmental Protection Agency, and other appropriate Federal and State agencies and associations) the scope and research emphases of the program.

“(c) PROGRAM ADMINISTRATION.—The Secretary shall—

“(1) administer the program established under this section; and

“(2) ensure, to the maximum extent practicable, that—

“(A) the best projects and researchers are selected to conduct research in the priority areas described in subsection (b)—

“(i) on the basis of merit of each submitted proposal; and

“(ii) through the use of open solicitations and selection by a panel of appropriate experts;

“(B) a qualified, permanent core staff with the ability and expertise to manage a large multiyear budget is used;

“(C) the stakeholders are involved in the governance of the program, at the executive, over-
all program, and technical levels, through the use
of expert panels and committees; and

“(D) there is no duplication of research ef-
fort between the program established under this
section and the new strategic highway research
program established under section 509.

“(d) NATIONAL ACADEMY OF SCIENCES.—The Sec-
retary may make grants to, and enter into cooperative
agreements with, the National Academy of Sciences to carry
out such activities relating to the research, technology, and
technology transfer activities described in subsections (b)
and (c) as the Secretary determines to be appropriate.

“§ 508. Surface transportation research technology de-
ployment and strategic planning

“(a) PLANNING.—

“(1) ESTABLISHMENT.—The Secretary shall—

“(A) establish, in accordance with section
306 of title 5, a strategic planning process
that—

“(i) enhances effective implementation
of this section through the establishment in
accordance with paragraph (2) of the Sur-
face Transportation Research Technology
Advisory Committee; and
“(ii) focuses on surface transportation research funded through paragraphs (1), (2), (4), and (5) of section 2001(a) of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003, taking into consideration national surface transportation system needs and intermodality requirements;

“(B) coordinate Federal surface transportation research, technology development, and deployment activities;

“(C) at such intervals as are appropriate and practicable, measure the results of those activities and the ways in which the activities affect the performance of the surface transportation systems of the United States; and

“(D) ensure, to the maximum extent practicable, that planning and reporting activities carried out under this section are coordinated with all other surface transportation planning and reporting requirements.

“(2) Surface Transportation Research Technology Advisory Committee.—

“(A) Establishment.—Not later than 90 days after the date of enactment of the Safe, Ac-
countable, Flexible, and Efficient Transportation Equity Act of 2003, the Secretary shall establish a committee to be known as the ‘Surface Transportation Research Technology Advisory Committee’ (referred to in this section as the ‘Committee’).

“(B) MEMBERSHIP.—The Committee shall be composed of 12 members appointed by the Secretary—

“(i) each of which shall have expertise in a particular area relating to Federal surface transportation programs, including—

“(I) safety;

“(II) operations;

“(III) infrastructure (including pavements and structures);

“(IV) planning and environment;

“(V) policy; and

“(VI) asset management; and

“(ii) of which—

“(I) 3 members shall be individuals representing the Federal Government;

“(II) 3 members—
“(aa) shall be exceptionally qualified to serve on the Committee, as determined by the Secretary, based on education, training, and experience; and

“(bb) shall not be officers or employees of the United States;

“(III) 3 members—

“(aa) shall represent the transportation industry (including the pavement industry); and

“(bb) shall not be officers or employees of the United States; and

“(IV) 3 members shall represent State transportation departments from 3 different geographical regions of the United States.

“(C) MEETINGS.—The advisory subcommittees shall meet on a regular basis, but not less than twice each year.

“(D) DUTIES.—The Committee shall provide to the Secretary, on a continuous basis, advice and guidance relating to—
“(i) the determination of surface transportation research priorities;

“(ii) the improvement of the research planning and implementation process;

“(iii) the design and selection of research projects;

“(iv) the review of research results;

“(v) the planning and implementation of technology transfer activities and

“(vi) the formulation of the surface transportation research and technology deployment and deployment strategic plan required under subsection (c).

“(E) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this paragraph $200,000 for each fiscal year.

“(b) IMPLEMENTATION.—The Secretary shall—

“(1) provide for the integrated planning, coordination, and consultation among the operating administrations of the Department of Transportation, all other Federal agencies with responsibility for surface transportation research and technology development, State and local governments, institutions of higher
education, industry, and other private and public sector organizations engaged in surface transportation-related research and development activities; and

“(2) ensure that the surface transportation research and technology development programs of the Department do not duplicate other Federal, State, or private sector research and development programs.

“(c) Surface Transportation Research and Technology Deployment Strategic Plan.—

“(1) In general.—After receiving, and based on, extensive consultation and input from stakeholders representing the transportation community and the Surface Transportation Research Advisory Committee, the Secretary shall, not later than 1 year after the date of enactment of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003, complete, and shall periodically update thereafter, a strategic plan for each of the core surface transportation research areas, including—

“(A) safety;

“(B) operations;

“(C) infrastructure (including pavements and structures);

“(D) planning and environment; and

“(E) policy.
“(2) COMPONENTS.—The strategic plan shall specify—

“(A) surface transportation research objectives and priorities;

“(B) specific highway research projects to be conducted;

“(C) recommended technology transfer activities to promote the deployment of advances resulting from the highway research conducted; and

“(D) short- and long-term technology development and deployment activities.

“(3) REVIEW AND SUBMISSION OF FINDINGS.—The Secretary shall enter into a contract with the Transportation Research Board of the National Academy of Sciences, on behalf of the Research and Technology Coordinating Committee of the National Research Council, under which—

“(A) the Transportation Research Board shall—

“(i) review the research and technology planning and implementation process used by Federal Highway Administration; and

“(ii) evaluate each of the strategic plans prepared under this subsection—
“(I) to ensure that sufficient stakeholder input is being solicited and considered throughout the preparation process; and

“(II) to offer recommendations relevant to research priorities, project selection, and deployment strategies; and

“(B) the Secretary shall ensure that the Research and Technology Coordinating Committee, in a timely manner, informs the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of the findings of the review and evaluation under subparagraph (A).

“(4) RESPONSES OF SECRETARY.—Not later than 60 days after the date of completion of the strategic plan under this subsection, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives written responses to each of the recommendations of the Research and Technology Coordinating Committee under paragraph (3)(A)(ii)(II).
“(d) Consistency With Government Performance and Results Act of 1993.—The plans and reports developed under this section shall be consistent with and incorporated as part of the plans developed under section 306 of title 5 and sections 1115 and 1116 of title 31.

§ 509. New strategic highway research program

“(a) In General.—The National Research Council shall establish and carry out, through fiscal year 2009, a new strategic highway research program.

“(b) Basis; Priorities.—With respect to the program established under subsection (a)—

“(1) the program shall be based on—

“(A) National Research Council Special Report No. 260, entitled ‘Strategic Highway Research’; and

“(B) the results of the detailed planning work subsequently carried out to scope the research areas through National Cooperative Research Program Project 20–58.

“(2) the scope and research priorities of the program shall—

“(A) be refined through stakeholder input in the form of workshops, symposia, and panels; and

“(B) include an examination of—
“(i) the roles of highway infrastructure, drivers, and vehicles in fatalities on public roads;

“(ii) high-risk areas and activities associated with the greatest numbers of highway fatalities;

“(iii) the roles of various levels of government agencies and non-governmental organizations in reducing highway fatalities (including recommendations for methods of strengthening highway safety partnerships);

“(iv) measures that may save the greatest number of lives in the short- and long-term;

“(v) renewal of aging infrastructure with minimum impact on users of facilities;

“(vi) driving behavior and likely crash causal factors to support improved countermeasures;

“(vii) reduction in congestion due to nonrecurring congestion;

“(viii) planning and designing of new road capacity to meet mobility, economic, environmental, and community needs;
“(3) the program shall consider, at a minimum, the results of studies relating to the implementation of the Strategic Highway Safety Plan prepared by the American Association of State Highway and Transportation Officials; and

“(4) the research results of the program, expressed in terms of technologies, methodologies, and other appropriate categorizations, shall be disseminated to practicing engineers as soon as practicable for their use.

“(c) PROGRAM ADMINISTRATION.—In carrying out the program under this section, the National Research Council shall ensure, to the maximum extent practicable, that—

“(1) the best projects and researchers are selected to conduct research for the program and priorities described in subsection (b)—

“(A) on the basis of the merit of each submitted proposal; and

“(B) through the use of open solicitations and selection by a panel of appropriate experts;

“(2) the National Research Council acquires a qualified, permanent core staff with the ability and expertise to manage a large research program and multiyear budget;
“(3) the stakeholders are involved in the governance of the program, at the executive, overall program, and technical levels, through the use of expert panels and committees; and

“(4) there is no duplication of research effort between the program established under this section and the surface transportation-environment cooperative research program established under section 507 or any other research effort of the Department.

“(d) NATIONAL ACADEMY OF SCIENCES.—The Secretary may make grants to, and enter into cooperative agreements with, the National Academy of Sciences to carry out such activities relating to research, technology, and technology transfer described in subsections (b) and (c) as the Secretary determines to be appropriate.

“(e) REPORT ON IMPLEMENTATION OF RESULTS.—

“(1) IN GENERAL.—Not later than October 1, 2007, the Secretary shall enter into a contract with the Transportation Research Board of the National Academy of Sciences under which the Transportation Research Board shall complete a report on the strategies and administrative structure to be used for implementation of the results of new strategic highway research program.
“(2) COMPONENTS.—The report under paragraph (1) shall include, with respect to the new strategic highway research program—

“(A) an identification of the most promising results of research under the program (including the persons most likely to use the results);

“(B) a discussion of potential incentives for, impediments to, and methods of, implementing those results;

“(C) an estimate of costs that would be incurred in expediting implementation of those results; and

“(D) recommendations for the way in which implementation of the results of the program under this section should be conducted, coordinated, and supported in future years, including a discussion of the administrative structure and organization best suited to carry out those responsibilities.

“(3) CONSULTATION.—In developing the report, the Transportation Research Board shall consult with a wide variety of stakeholders, including—

“(A) the American Association of State highway Officials;
“(B) the Federal Highway Administration;

and

“(C) the Surface Transportation Research Technology Advisory Committee.

“(4) Submission.—Not later than February 1, 2009, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the report under this subsection.

§ 510. University transportation centers

“(a) Centers.—

“(1) In general.—During fiscal year 2004, the Secretary shall provide grants to 40 nonprofit institutions of higher learning (or consortia of institutions of higher learning) to establish centers to address transportation design, management, research, development, and technology matters, especially the education and training of greater numbers of individuals to enter into the professional field of transportation.

“(2) Distribution of centers.—Not more than 1 university transportation center (or lead university in a consortia of institutions of higher learning), other than a center or university selected
through a competitive process, may be located in any
State.

“(3) IDENTIFICATION OF CENTERS.—The university
transportation centers established under this sec-
tion shall—

“(A) comply with applicable requirements
under subsection (c); and

“(B) be located at the institutions of higher
learning specified in paragraph (4).

“(4) IDENTIFICATION OF GROUPS.—For the pur-
pose of making grants under this subsection, the fol-
lowing grants are identified:

“(A) GROUP A.—Group A shall consist of
the 10 regional centers selected under subsection
(b).

“(B) GROUP B.—Group B shall consist of
the following:

“(i) [__________________].

“(ii) [__________________].

“(iii) [__________________].

“(iv) [__________________].

“(v) [__________________].

“(vi) [__________________].

“(vii) [__________________].

“(viii) [__________________].
“(C) GROUP C.—Group C shall consist of the following:

“(i) [________________].

“(ii) [________________].

“(iii) [________________].

“(iv) [________________].

“(v) [________________].

“(vi) [________________].

“(vii) [________________].

“(viii) [________________].

“(ix) [________________].

“(x) [________________].

“(xi) [________________].

“(D) GROUP D.—Group D shall consist of the following:

“(i) [________________].

“(ii) [________________].

“(iii) [________________].

“(iv) [________________].

“(v) [________________].

“(vi) [________________].

“(vii) [________________].
“(b) REGIONAL CENTERS.—

“(1) IN GENERAL.—Not later than September 30, 2004, the Secretary shall provide to nonprofit institutions of higher learning (or consortia of institutions of higher learning) grants to be used during the period of fiscal years 2005 through 2009 to establish and operate 1 university transportation center in each of the 10 Federal regions that comprise the Standard Federal Regional Boundary System.

“(2) SELECTION OF REGIONAL CENTERS.—

“(A) PROPOSALS.—In order to be eligible to receive a grant under this subsection, an institution described in paragraph (1) shall submit to the Secretary a proposal, in response to any request for proposals that shall be made by the Secretary, that is in such form and contains such information as the Secretary shall prescribe.

“(B) REQUEST SCHEDULE.—The Secretary shall request proposals once for the period of fiscal years 2004 through 2006 and once for the period of fiscal years 2007 through 2009.

“(C) ELIGIBILITY.—Any institution of higher learning (or consortium of institutions of
higher learning) that meets the criteria described in subsection (c) (including any institution identified in subsection (a)(4)) may apply for a grant under this subsection.

“(D) SELECTION CRITERIA.—The Secretary shall select each recipient of a grant under this subsection through a competitive process on the basis of—

“(i) the location of the center within the Federal region to be served;

“(ii) the demonstrated research capabilities and extension resources available to the recipient to carry out this section;

“(iii) the capability of the recipient to provide leadership in making national and regional contributions to the solution of immediate and long-range transportation problems;

“(iv) the demonstrated ability of the recipient to disseminate results of transportation research and education programs through a statewide or regionwide continuing education program; and
“(v) the strategic plan that the recipient proposes to carry out using funds from the grant.

“(E) SELECTION PROCESS.—In selecting the recipients of grants under this subsection, the Secretary shall consult with, and consider the advice of—

“(i) the Research and Special Programs Administration;

“(ii) the Federal Highway Administration; and

“(iii) the Federal Transit Administration.

“(c) CENTER REQUIREMENTS.—

“(1) IN GENERAL.—With respect to a university transportation center established under subsection (a) or (b), the institution or consortium that receives a grant to establish the center—

“(A) shall annually contribute at least $250,000 to the operation and maintenance of the center, except that payment by the institution or consortium of the salary required for transportation-related faculty and staff for a period greater than 90 days may not be counted against that contribution;
“(B) shall have established, as of the date of receipt of the grant, undergraduate or graduate programs in—

“(i) civil engineering;
“(ii) transportation engineering;
“(iii) transportation systems management and operations; or
“(iv) any other field significantly related to surface transportation systems, as determined by the Secretary; and

“(C) not later than 120 days after the date on which the institution or consortium receives notice of selection as a site for the establishment of a university transportation center under this section, shall submit to the Secretary a 6-year program plan for the university transportation center that includes, with respect to the center—

“(i) a description of the purposes of programs to be conducted by the center;
“(ii) a description of the undergraduate and graduate transportation education efforts to be carried out by the center;
“(iii) a description of the nature and scope of research to be conducted by the center;
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“(iv) a list of personnel, including the roles and responsibilities of those personnel within the center; and

“(v) a detailed budget, including the amount of contributions by the institution or consortium to the center; and

“(D) shall establish an advisory committee that—

“(i) is composed of a representative from each of the State transportation department of the State in which the institution or consortium is located, the Department of Transportation, and the institution or consortia, as appointed by those respective entities;

“(ii) in accordance with paragraph (2), shall review and approve or disapprove the plan of the institution or consortium under subparagraph (C); and

“(iii) shall, to the maximum extent practicable, ensure that the proposed research to be carried out by the university transportation center will contribute to the national highway research and technology agenda, as periodically updated by the Sec-
retary, in consultation with stakeholders representing the highway community.

“(2) PEER REVIEW.—

“(A) IN GENERAL.—The Secretary shall require peer review for each report on research carried out using funds made available for this section.

“(B) PURPOSES OF PEER REVIEW.—Peer review of a report under this section shall be carried out to evaluate—

“(i) the relevance of the research described in the report with respect to the strategic plan under, and the goals of, this section;

“(ii) the research covered by the report, and to recommend modifications to individual project plans;

“(iii) the results of the research before publication of those results; and

“(iv) the overall outcomes of the research.

“(C) INTERNET AVAILABILITY.—Each report under this section that is received by the Secretary shall be published—
“(i) by the Secretary, on the Internet website of the Department of Transportation; and

“(ii) by the University Transportation Center.

“(3) APPROVAL OF PLANS—A plan of an institution or consortium described in paragraph (1)(C) shall not be submitted to the Secretary until such time as the advisory committee established under paragraph (1)(D) reviews and approves the plan.

“(4) FAILURE TO COMPLY.—If a recipient of a grant under this subsection fails to submit a program plan acceptable to the Secretary and in accordance with paragraph (1)(C)—

“(A) the recipient shall forfeit the grant and the selection of the recipient as a site for the establishment of a university transportation center; and

“(B) the Secretary shall select a replacement recipient for the forfeited grant.

“(5) APPLICABILITY.—This subsection does not apply to any research funds received in accordance with a competitive contract offered and entered into by the Federal Highway Administration.
“(d) Objectives.—Each university transportation center established under subsection (a) or (b) shall carry out—

“(1) undergraduate or graduate education programs that include—

“(A) multidisciplinary coursework; and

“(B) opportunities for students to participate in research;

“(2) basic and applied research, the results and products of which shall be judged by peers or other experts in the field so as to advance the body of knowledge in transportation; and

“(3) an ongoing program of technology transfer that makes research results available to potential users in such form as will enable the results to be implemented, used, or otherwise applied.

“(e) Maintenance of Effort.—To be eligible to receive a grant under this section, an applicant shall—

“(1) enter into an agreement with the Secretary to ensure that the applicant will maintain total expenditures from all other sources to establish and operate a university transportation center and related educational and research activities at a level that is at least equal to the average level of those expenditures
during the 2 fiscal years before the date on which the
grant is provided;

“(2) provide the annual institutional contribu-
tion required under subsection (c)(1); and

“(3) submit to the Secretary, in a timely man-
ner, for use by the Secretary in the preparation of the
annual research report under section 508(c)(5) of title
23, an annual report on the projects and activities of
the university transportation center for which funds
are made available under section 2001 of the Safe,
Accountable, Flexible, and Efficient Transportation
Equity Act of 2003 that contains, at a minimum, for
the fiscal year covered by the report, a description
of—

“(A) the goals of the center;

“(B) the educational activities carried out
by the center (including a detailed summary of
the budget for those educational activities);

“(C) teaching activities of faculty at the
center;

“(D) each research project carried out by
the center, including—

“(i) the identity and location of each
investigator working on a research project;
“(ii) the overall funding amount for each research project (including the amounts expended for the project as of the date of the report);

“(iii) the current schedule for each research project; and

“(iv) the results of each research project through the date of submission of the report, with particular emphasis on results for the fiscal year covered by the report; and

“(E) overall technology transfer and implementation efforts of the center.

“(f) PROGRAM COORDINATION. — The Secretary shall—

“(1) coordinate the research, education, training, and technology transfer activities carried out by recipients of grants under this section; and

“(2) establish and operate a clearinghouse for, and disseminate, the results of those activities.

“(g) FUNDING. —

“(1) NUMBER AND AMOUNT OF GRANTS. — The Secretary shall make the following grants under this subsection:

“(A) GROUP A. — For each of fiscal years 2004 through 2009, the Secretary shall make a grant in the amount of $20,000,000 to each of
the institutions in group A (as described in subsection (a)(4)(A)).

“(B) GROUP B.—The Secretary shall make a grant to each of the institutions in group B (as described in subsection (a)(4)(B)) in the amount of—

“(i) $4,000,000 for each of fiscal years 2004 and 2005; and

“(ii) $6,000,000 for each of fiscal years 2006 and 2007.

“(C) GROUP C.—For each of fiscal years 2004 through 2007, the Secretary shall make a grant in the amount of $10,000,000 to each of the institutions in group C (as described in subsection (a)(4)(C)).

“(D) GROUP D.—For each of fiscal years 2004 through 2009, the Secretary shall make a grant in the amount of $25,000,000 to each of the institutions in group D (as described in subsection (a)(4)(D)).

“(E) LIMITED GRANTS FOR GROUPS B AND C.—For each of fiscal years 2008 and 2009, of the institutions classified in groups B and C (as described in subsection (a)(4)(B)), the Secretary shall select and make a grant in the amount of
$10,000,000 to each of not more than 15 institutions.

“(2) USE OF FUNDS—

“(A) IN GENERAL.—Of the funds made available for a fiscal year to a university transportation center established under subsection (a) or (b)—

“(i) not less than $250,000 shall be used to establish and maintain new faculty positions for the teaching of undergraduate, transportation-related courses;

“(ii) not more than $500,000 for the fiscal year, or $1,000,000 in the aggregate, may be used to construct or improve transportation-related laboratory facilities; and

“(iii) not more than $300,000 for the fiscal year may be used for student internships of not more than 180 days in duration to enable students to gain experience by working on transportation projects as interns with design or construction firms.

“(B) FACILITIES AND ADMINISTRATION FEE.—Not more than 10 percent of any grant made available to a university transportation center (or any institution or consortium that es-
establishes such a center) for a fiscal year may be
used to pay to the appropriate nonprofit institution of higher learning any administration and
facilities fee (or any similar overhead fee) for the fiscal year.

“(3) LIMITATION ON AVAILABILITY OF FUNDS.—
Funds made available under this subsection shall re-
main available for obligation for a period of 2 years
after September 30 of the fiscal year for which the funds are authorized.

“§ 511. Multistate corridor operations and manage-
ment

“(a) IN GENERAL.—The Secretary shall encourage multistate cooperative agreements, coalitions, or other ar-
rangements to promote regional cooperation, planning, and shared project implementation for programs and projects to improve transportation system management and oper-
ations.

“(b) INTERSTATE ROUTE I–95 CORRIDOR COALITION
TRANSPORTATION SYSTEMS MANAGEMENT AND OPER-
ATIONS.—

“(1) IN GENERAL.—The Secretary shall make grants under this subsection to States to continue in-
telligent transportation system management and op-
erations in the Interstate Route I–95 corridor coali-
tion region initiated under the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240).

“(2) FUNDING.—Of the amounts made available under section 2001(a)(4) of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003, the Secretary shall use to carry out this subsection—

“(A) $8,000,000 for fiscal year 2004;

“(B) $10,000,000 for fiscal year 2005;

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

“(D) $12,000,000 for fiscal year 2007;

“(E) $12,000,000 for fiscal year 2008; and

“(F) $12,000,000 for fiscal year 2009.”.

(b) OTHER UNIVERSITY FUNDING.—No university (other than university transportation centers specified in section 510 of title 23, United States Code (as added by subsection (a)) shall receive funds made available under section 2001 to carry out research unless the university is selected to receive the funds—

(1) through a competitive process that incorporates merit-based peer review; and

(2) based on a proposal submitted to the Secretary by the university in response to a request for proposals issued by the Secretary.
(c) CONFORMING AMENDMENT.—Section 5505 of title 49, United States Code, is repealed.

SEC. 2102. STUDY OF DATA COLLECTION AND STATISTICAL ANALYSIS EFFORTS.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATION.—The term “Administration” means the Federal Highway Administration.

(2) BOARD.—The term “Board” means the Transportation Research Board of the National Academy of Sciences.

(3) BUREAU.—The term “Bureau” means the Bureau of Transportation Statistics.

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

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

(b) PRIORITY AREAS OF EFFORT.—

(1) STATISTICAL STANDARDS.—The Secretary shall direct the Bureau to assume the role of the lead agency in working with other agencies of the Department to establish, by not later the date that is 1 year after the date of enactment of this Act, statistical standards for the Department.

(2) STATISTICAL ANALYSIS EFFORT.—
(A) IN GENERAL.—The Bureau shall provide to the Secretary, on an annual basis, an overview of the level of effort expended on statistical analyses by each agency within the Department.

(B) DUTY OF AGENCIES.—Each agency of the Department shall provide to the Bureau such information as the Bureau may require in carrying out subparagraph (A).

(3) NATIONAL SECURITY.—The Bureau shall—

(A) conduct a study of the ways in which transportation statistics are and may be used for the purpose of national security; and

(B) submit to the Transportation Security Administration recommendations for means by which the use of transportation statistics for the purpose of national security may be improved.

(4) MODERNIZATION.—The Bureau shall develop new protocols for adapting data collection and delivery efforts in existence as of the date of enactment of this Act to deliver information in a more timely and frequent fashion.

(c) STUDY.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall
provide a grant to, or enter into a cooperative agree-
ment or contract with, the Board for the conduct of
a study of the data collection and statistical analysis
efforts of the Department with respect to the modes of
surface transportation for which funds are made
available under this Act.

(2) PURPOSE.—The purpose of the study shall be
to provide to the Department information for use by
agencies of the Department in providing to surface
transportation agencies and individuals engaged in
the surface transportation field higher quality, and
more relevant and timely, data, statistical analyses,
and products.

(3) CONTENT.—The study shall include—

(A) an examination and analysis of the ef-
forts, analyses, and products (with respect to
usefulness and policy relevance) of the Bureau as
of the date of the study, as compared with the
duties of the Bureau specified in subsections (c)
through (f) of section 111 of title 49, United
States Code;

(B) an examination and analysis of data
collected by, methods of data collection of, and
analyses performed by, agencies within the De-
partment; and
(C) recommendations relating to—

(i) the future efforts of the Department in the area of surface transportation with respect to—

(I) types of data collected;

(II) methods of data collection;

(III) types of analyses performed; and

(IV) products made available by the Secretary to the transportation community and Congress;

(ii) the means by which the Department may cooperate with State transportation departments to provide technical assistance in the use of data collected by traffic operations centers; and

(iii) duplication of efforts within the Department, including ways in which—

(I) the duplication may be reduced or eliminated; and

(II) each agency of the Department may cooperate with, and complement the efforts of, the others.

(4) Consultation.—In conducting the study, the Board shall consult with such stakeholders, agen-
cies, and other entities as the Board considers to be appropriate.

(5) REPORT.—Not later than 1 year after the date on which a grant is provided, or a cooperative agreement or contract is entered into, for a study under paragraph (1)—

(A) the Board shall submit to the Secretary, the Committee on Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a final report on the results of the study; and

(B) the results of the study shall be published—

(i) by the Secretary, on the Internet website of the Department; and

(ii) by the Board, on the Internet website of the Board.

(6) IMPLEMENTATION OF RESULTS.—The Bureau shall, to the maximum extent practicable, implement any recommendations made with respect to the results of the study under this subsection.

(7) COMPLIANCE.—
(A) **IN GENERAL.**—The Comptroller General of the United States shall conduct a review of the study under this subsection.

(B) **NONCOMPLIANCE.**—If the Comptroller General of the United States determines that the Bureau failed to conduct the study under this subsection, the Bureau shall be ineligible to receive funds from the Highway Trust Fund until such time as the Bureau conducts the study under this subsection.

(d) **CONFORMING AMENDMENTS.**—

(1) Section 111 of title 49, United States Code, is amended—

(A) by redesignating subsection (k) as subsection (m);

(B) by inserting after subsection (j) the following:

“(k) **ANNUAL REPORT.**—

“(1) **IN GENERAL.**—For fiscal year 2004 and each fiscal year thereafter, the Bureau shall prepare and submit to the Secretary an annual report that—

“(A) describes progress made in responding to study recommendations for the fiscal year; and
“(B) summarizes the activities and expenditure of funds by the Bureau for the fiscal year.

“(2) AVAILABILITY.—The Bureau shall—

“(A) make the report described in paragraph (1) available to the public; and

“(B) publish the report on the Internet website of the Bureau.

“(3) COMBINATION OF REPORTS.—The report required under paragraph (1) may be included in or combined with the Transportation Statistics Annual Report required by subsection (j).

“(l) EXPENDITURE OF FUNDS.—Funds from the Highway Trust Fund (other than the Mass Transit Account) that are authorized to be appropriated, and made available, in accordance with section 2001(a)(3) of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003 shall be used only for the collection and statistical analysis of information relating to surface transportation systems.”; and

(C) in subsection (m) (as redesignated by subparagraph (A)), by inserting “surface transportation” after “sale of”.

(2) The analysis for chapter 55 of title 49, United States Code, is amended by striking the item relating to section 5505 and inserting the following:
SEC. 2103. CENTERS FOR SURFACE TRANSPORTATION EXCELLENCE.

(a) Establishment.—The Secretary shall establish the centers for surface transportation excellence described in subsection (b) to promote high-quality outcomes in support of strategic national programs and activities, including—

(1) the environment;
(2) operations;
(3) surface transportation safety;
(4) project finance; and
(5) asset management.

(b) Centers.—The centers for surface transportation excellence referred to in subsection (a) are—

(1) a Center for Environmental Excellence to provide technical assistance, information sharing of best practices, and training in the use of tools and decision-making processes to assist States in planning and delivering environmentally-sound surface transportation projects;

(2) a Center for Operations Excellence to provide support for an integrated and coordinated national program for implementing operations in planning and management (including standards development) for the transportation system in the United States;
(3) a Center for Excellence in Surface Transportation Safety to implement a program of support for State transportation departments, including—

(A) the maintenance of an Internet site to provide critical information on safety programs; 

(B) the provision of technical assistance to support a lead State transportation department for each of the 22 safety emphasis areas (as identified by the Secretary); and 

(C) the provision of training and education to enhance knowledge of personnel of State transportation departments in support of safety highway goals; 

(4) a Center for Excellence in Project Finance—

(A) to provide support to State transportation departments in the development of finance plans and project oversight tools; and 

(B) to develop and offer training in state-of-the-art financing methods to advance projects and leverage funds; and 

(5) a Center for Excellence in Asset Management to develop and conduct research, provide training and education, and disseminate information on the benefits and tools for asset management.

(c) PROGRAM ADMINISTRATION.—
(1) IN GENERAL.—Before funds authorized under this section for fiscal years 2005 through 2009 are obligated, the Secretary shall review and approve a multiyear strategic plan to be submitted by each of the centers.

(2) TIMING.—The plan shall be submitted before the beginning of fiscal year 2005 and, subsequently, shall be annually updated.

(3) CONTENT.—The plan shall include—

(A) a list of research and technical assistance projects and objectives; and

(B) a description of any other technology transfer activities, including a summary of training efforts.

(4) COOPERATION AND COMPETITION.—

(A) IN GENERAL.—The Secretary shall carry out this section by making grants to, or entering into contracts, cooperative agreements, and other transactions with—

(i) the National Academy of Sciences;

(ii) the American Association of State Highway and Transportation Officials;

(iii) planning organizations;

(iv) a Federal laboratory;

(v) a State agency;
(vi) an authority, association, institution, or organization; or

(vii) a for-profit or nonprofit corporation.

(B) COMPETITION; REVIEW.—All parties entering into contracts, cooperative agreements, or other transactions with the Secretary, or receiving grants, to perform research or provide technical assistance under this section shall be selected, to the maximum extent practicable—

(i) on a competitive basis; and

(ii) on the basis of the results of peer review of proposals submitted to the Secretary.

(5) NONDUPLICATION.—The Secretary shall ensure that activities conducted by each of the centers do not duplicate, and to the maximum extent practicable, are integrated and coordinated with similar activities conducted by the Federal Highway Administration, the local technical assistance program, university transportation centers, and other research efforts supported with funds authorized by this title.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—For each of fiscal years 2004 through 2009, of the funds made available under sec-
tion 2001(a)(1)(A), the Secretary shall set aside $10,000,000 to carry out this section.

(2) ALLOCATION OF FUNDS.—Of the funds made available under paragraph (1)—

(A) 20 percent shall be allocated to the Center for Environmental Excellence established under subsection (b)(1);

(B) 30 percent shall be allocated to the Center for Operations Excellence established under subsection (b)(2);

(C) 20 percent shall be allocated to the Center for Excellence in Surface Transportation Safety established under subsection (b)(3);

(D) 10 percent shall be allocated to the Center for Excellence in Project Finance established under subsection (b)(4); and

(E) 20 percent shall be allocated to the Center for Excellence in Asset Management established under subsection (b)(5).

(3) APPLICABILITY OF TITLE 23.—Funds made available under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share shall be 100 percent.
Subtitle C—Intelligent
Transportation System Research

SEC. 2201. INTELLIGENT TRANSPORTATION SYSTEM RESEARCH AND TECHNICAL ASSISTANCE PROGRAM.

(a) IN GENERAL.—Chapter 5 of title 23, United States Code (as amended by section 2101), is amended by adding at the end the following:

“SUBCHAPTER II—INTELLIGENT TRANSPORTATION SYSTEM RESEARCH AND TECHNICAL ASSISTANCE PROGRAM

§ 521. Finding

“Congress finds that continued investment in architecture and standards development, research, technical assistance for State and local governments, and systems integration is needed to accelerate the rate at which intelligent transportation systems—

“(1) are incorporated into the national surface transportation network; and

“(2) as a result of that incorporation, improve transportation safety and efficiency and reduce costs and negative impacts on communities and the environment.
“§ 522. Goals and purposes

“(a) GOALS.—The goals of the intelligent transportation system research and technical assistance program include—

“(1) enhancement of surface transportation efficiency and facilitation of intermodalism and international trade—

“(A) to meet a significant portion of future transportation needs, including public access to employment, goods, and services; and

“(B) to reduce regulatory, financial, and other transaction costs to public agencies and system users;

“(2) the acceleration of the use of intelligent transportation systems to assist in the achievement of national transportation safety goals, including the enhancement of safe operation of motor vehicles and nonmotorized vehicles, with particular emphasis on decreasing the number and severity of collisions;

“(3) protection and enhancement of the natural environment and communities affected by surface transportation, with particular emphasis on assisting State and local governments in achieving national environmental goals;

“(4) accommodation of the needs of all users of surface transportation systems, including—
“(A) operators of commercial vehicles, passenger vehicles, and motorcycles;

“(B) users of public transportation users (with respect to intelligent transportation system user services); and

“(C) individuals with disabilities; and

“(5)(A) improvement of the ability of the United States to respond to emergencies and natural disasters; and

“(B) enhancement of national security and defense mobility.

“(b) PURPOSES.—The Secretary shall carry out activities under the intelligent transportation system research and technical assistance program to, at a minimum—

“(1) assist in the development of intelligent transportation system technologies;

“(2) ensure that Federal, State, and local transportation officials have adequate knowledge of intelligent transportation systems for full consideration in the transportation planning process;

“(3) improve regional cooperation, interoperability, and operations for effective intelligent transportation system performance;

“(4) promote the innovative use of private resources;
“(5) assist State transportation departments in developing a workforce capable of developing, operating, and maintaining intelligent transportation systems;

“(6) maintain an updated national ITS architecture and consensus-based standards while ensuring an effective Federal presence in the formulation of domestic and international ITS standards;

“(7) advance commercial vehicle operations components of intelligent transportation systems—

“(A) to improve the safety and productivity of commercial vehicles and drivers; and

“(B) to reduce costs associated with commercial vehicle operations and Federal and State commercial vehicle regulatory requirements;

“(8) evaluate costs and benefits of intelligent transportation systems projects;

“(9) improve, as part of the Archived Data User Service and in cooperation with the Bureau of Transportation Statistics, the collection of surface transportation system condition and performance data through the use of intelligent transportation system technologies; and

“(10) ensure access to transportation information and services by travelers of all ages.
§ 523. Definitions

“In this subchapter:

“(1) Commercial vehicle information systems and networks.—The term ‘commercial vehicle information systems and networks’ means the information systems and communications networks that support commercial vehicle operations.

“(2) Commercial vehicle operations.—

“(A) In general.—The term ‘commercial vehicle operations’ means motor carrier operations and motor vehicle regulatory activities associated with the commercial movement of goods (including hazardous materials) and passengers.

“(B) Inclusions.—The term ‘commercial vehicle operations’, with respect to the public sector, includes—

“(i) the issuance of operating credentials;

“(ii) the administration of motor vehicle and fuel taxes; and

“(iii) roadside safety and border crossing inspection and regulatory compliance operations.

“(3) Intelligent transportation infrastructure.—The term ‘intelligent transportation infrastructure’ means fully integrated public sector in-
intelligent transportation system components, as defined by the Secretary.

“(4) INTELLIGENT TRANSPORTATION SYSTEM.—The term ‘intelligent transportation system’ means electronics, communications, or information processing used singly or in combination to improve the efficiency or safety of a surface transportation system.

“(5) NATIONAL ITS ARCHITECTURE.—The term ‘national ITS architecture’ means the common framework for interoperability adopted by the Secretary that defines—

“(A) the functions associated with intelligent transportation system user services;

“(B) the physical entities or subsystems within which the functions reside;

“(C) the data interfaces and information flows between physical subsystems; and

“(D) the communications requirements associated with the information flows.

“(6) STANDARD.—The term ‘standard’ means a document that—

“(A) contains technical specifications or other precise criteria for intelligent transportation systems that are to be used consistently as rules, guidelines, or definitions of characteristics
so as to ensure that materials, products, processes, and services are fit for their purposes; and

“(B) may—

“(i) support the national ITS architecture; and

“(ii) promote—

“(I) the widespread use and adoption of intelligent transportation system technology as a component of the surface transportation systems of the United States; and

“(II) interoperability among intelligent transportation system technologies implemented throughout the States.

§524. General authorities and requirements

“(a) SCOPE.—Subject to this subchapter, the Secretary shall carry out an ongoing intelligent transportation system research program—

“(1) to research, develop, and operationally test intelligent transportation systems; and

“(2) to provide technical assistance in the nationwide application of those systems as a component of the surface transportation systems of the United States.
“(b) POLICY.—Intelligent transportation system operational tests and projects funded under this subchapter shall encourage, but not displace, public-private partnerships or private sector investment in those tests and projects.

“(c) COOPERATION WITH GOVERNMENTAL, PRIVATE, AND EDUCATIONAL ENTITIES.—The Secretary shall carry out the intelligent transportation system research and technical assistance program in cooperation with—

“(1) State and local governments and other public entities;

“(2) the private sector;

“(3) Federal laboratories (as defined in section 501); and

“(4) colleges and universities, including historically black colleges and universities and other minority institutions of higher education.

“(d) CONSULTATION WITH FEDERAL OFFICIALS.—In carrying out the intelligent transportation system research program, the Secretary, as appropriate, shall consult with—

“(1) the Secretary of Commerce;

“(2) the Secretary of the Treasury;

“(3) the Administrator of the Environmental Protection Agency;
“(4) the Director of the National Science Foundation; and

“(5) the Secretary of Homeland Security.

“(e) Technical Assistance, Training, and Information.—The Secretary may provide technical assistance, training, and information to State and local governments seeking to implement, operate, maintain, or evaluate intelligent transportation system technologies and services.

“(f) Transportation Planning.—The Secretary may provide funding to support adequate consideration of transportation system management and operations (including intelligent transportation systems) within metropolitan and statewide transportation planning processes.

“(g) Information Clearinghouse.—The Secretary shall—

“(1) maintain a repository for technical and safety data collected as a result of federally sponsored projects carried out under this subchapter; and

“(2) on request, make that information (except for proprietary information and data) readily available to all users of the repository at an appropriate cost.

“(h) Advisory Committees.—

“(1) In General.—In carrying out this subchapter, the Secretary—
'(A) may use 1 or more advisory committees; and

''(B) shall designate a public-private organization, the members of which participate in on-going research, planning, standards development, deployment, and marketing of ITS programs, products, and services, and coordinate the development and deployment of intelligent transportation systems in the United States, as the Federal advisory committee authorized by section 5204(h) of the Transportation Equity Act for the 21st Century (112 Stat. 454).

“(2) FUNDING.—Of the amount made available to carry out this subchapter, the Secretary may use $1,500,000 for each fiscal year for advisory committees described in paragraph (1).

“(3) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Any advisory committee described in paragraph (1) shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

“(i) PROCUREMENT METHODS.—The Secretary shall develop and provide appropriate technical assistance and guidance to assist State and local agencies in evaluating and selecting appropriate methods of deployment and procurement for intelligent transportation system projects car-
ried out using funds made available from the Highway
Trust Fund, including innovative and nontraditional meth-
ods such as Information Technology Omnibus Procurement
(as developed by the Secretary).

“(j) EVALUATIONS.—

“(1) GUIDELINES AND REQUIREMENTS.—

“(A) IN GENERAL.—The Secretary shall
issue revised guidelines and requirements for the
evaluation of operational tests and other intel-
ligent transportation system projects carried out
under this subchapter.

“(B) OBJECTIVITY AND INDEPENDENCE.—
The guidelines and requirements issued under
subparagraph (A) shall include provisions to en-
sure the objectivity and independence of the eval-
uator so as to avoid any real or apparent con-
flict of interest or potential influence on the out-
come by—

“(i) parties to any such test; or

“(ii) any other formal evaluation car-
ried out under this subchapter.

“(C) FUNDING.—The guidelines and re-
quirements issued under subparagraph (A) shall
establish evaluation funding levels based on the
size and scope of each test that ensure adequate
evaluation of the results of the test or project.

“(2) SPECIAL RULE.—Any survey, questionnaire,
or interview that the Secretary considers necessary to
carry out the evaluation of any test or program ass-
essment activity under this subchapter shall not be
subject to chapter 35 of title 44.

“§ 525. National ITS Program Plan

“(a) IN GENERAL.—

“(1) UPDATES.—Not later than 1 year after the
date of enactment of the Safe, Accountable, Flexible,
and Efficient Transportation Equity Act of 2003, the
Secretary, in consultation with interested stakeholders
(including State transportation departments) shall
develop a 5-year National ITS Program Plan.

“(2) SCOPE.—The National ITS Program Plan
shall—

“(A) specify the goals, objectives, and mile-
stones for the research and deployment of intel-
ligent transportation systems in the contexts of—

“(i) major metropolitan areas;

“(ii) smaller metropolitan and rural
areas; and

“(iii) commercial vehicle operations;
“(B) specify the manner in which specific programs and projects will achieve the goals, objectives, and milestones referred to in subparagraph (A), including consideration of a 5-year timeframe for the goals and objectives;

“(C) identify activities that provide for the dynamic development, testing, and necessary revision of standards and protocols to promote and ensure interoperability in the implementation of intelligent transportation system technologies, including actions taken to establish standards; and

“(D) establish a cooperative process with State and local governments for—

“(i) determining desired surface transportation system performance levels; and

“(ii) developing plans for accelerating the incorporation of specific intelligent transportation system capabilities into surface transportation systems.

“(b) REPORTING.—The National ITS Program Plan shall be transmitted and biennially updated as part of the surface transportation research and technology development strategic plan developed under section 508(c).
§ 526. National ITS architecture and standards

“(a) IN GENERAL.—

“(1) DEVELOPMENT, IMPLEMENTATION, AND MAINTENANCE.—In accordance with section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note; 110 Stat. 783), the Secretary shall develop, implement, and maintain a national ITS architecture and supporting standards and protocols to promote the widespread use and evaluation of intelligent transportation system technology as a component of the surface transportation systems of the United States.

“(2) INTEROPERABILITY AND EFFICIENCY.—To the maximum extent practicable, the national ITS architecture shall promote interoperability among, and efficiency of, intelligent transportation system technologies implemented throughout the United States.

“(3) USE OF STANDARDS DEVELOPMENT ORGANIZATIONS.—In carrying out this section, the Secretary shall use the services of such standards development organizations as the Secretary determines to be appropriate.

“(b) PROVISIONAL STANDARDS.—

“(1) IN GENERAL.—If the Secretary finds that the development or selection of an intelligent transportation system standard jeopardizes the timely
achievement of the objectives identified in subsection (a), the Secretary may establish a provisional standard—

“(A) after consultation with affected parties; and

“(B) by using, to the maximum extent practicable, the work product of appropriate standards development organizations.

“(2) CRITICAL STANDARDS.—If a standard identified by the Secretary as critical has not been adopted and published by the appropriate standards development organization by the date of enactment of this subchapter, the Secretary shall establish a provisional standard—

“(A) after consultation with affected parties; and

“(B) by using, to the maximum extent practicable, the work product of appropriate standards development organizations.

“(3) PERIOD OF EFFECTIVENESS.—A provisional standard established under paragraph (1) or (2) shall—

“(A) be published in the Federal Register; and
“(B) remain in effect until such time as the appropriate standards development organization adopts and publishes a standard.

“(c) WAIVER OF REQUIREMENT TO ESTABLISH PROVISIONAL CRITICAL STANDARD.—

“(1) IN GENERAL.—The Secretary may waive the requirement under subsection (b)(2) to establish a provisional standard if the Secretary determines that additional time would be productive in, or that establishment of a provisional standard would be counterproductive to, the timely achievement of the objectives identified in subsection (a).

“(2) NOTICE.—The Secretary shall publish in the Federal Register a notice that describes—

“(A) each standard for which a waiver of the provisional standard requirement is granted under paragraph (1);

“(B) the reasons for and effects of granting the waiver; and

“(C) an estimate as to the date on which the standard is expected to be adopted through a process consistent with section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note; 110 Stat. 783).

“(3) WITHDRAWAL OF WAIVER.—
“(A) In general.—The Secretary may withdraw a waiver granted under paragraph (1) at any time.

“(B) Notice.—On withdrawal of a waiver, the Secretary shall publish in the Federal Register a notice that describes—

“(i) each standard for which the waiver has been withdrawn; and

“(ii) the reasons for withdrawing the waiver.

“(d) Conformity with National ITS Architecture.—

“(1) In general.—Except as provided in paragraphs (2) and (3), the Secretary shall ensure that intelligent transportation system projects carried out using funds made available from the Highway Trust Fund conform to the national ITS architecture, applicable standards or provisional standards, and protocols developed under subsection (a).

“(2) Discretion of Secretary.—The Secretary may authorize exceptions to paragraph (1) for projects designed to achieve specific research objectives outlined in—

“(A) the National ITS Program Plan under section 525; or
“(B) the surface transportation research and technology development strategic plan developed under section 508(c).

“(3) EXCEPTIONS.—Paragraph (1) shall not apply to funds used for operation or maintenance of an intelligent transportation system in existence on the date of enactment of this subchapter.

“§ 527. Commercial vehicle information systems and networks deployment

“(a) DEFINITIONS.—In this section:

“(1) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS.—The term ‘commercial vehicle information systems and networks’ means the information systems and communications networks that provide the capability to—

“(A) improve the safety of commercial vehicle operations;

“(B) increase the efficiency of regulatory inspection processes to reduce administrative burdens by advancing technology to facilitate inspections and increase the effectiveness of enforcement efforts;

“(C) advance electronic processing of registration information, driver licensing informa-
tion, fuel tax information, inspection and crash data, and other safety information;

“(D) enhance the safe passage of commercial vehicles across the United States and across international borders; and

“(E) promote the communication of information among the States and encourage multistate cooperation and corridor development.

“(2) COMMERCIAL VEHICLE OPERATIONS.—

“(A) IN GENERAL.—The term ‘commercial vehicle operations’ means motor carrier operations and motor vehicle regulatory activities associated with the commercial movement of goods (including hazardous materials) and passengers.

“(B) INCLUSIONS.—The term ‘commercial vehicle operations’, with respect to the public sector, includes—

“(i) the issuance of operating credentials;

“(ii) the administration of motor vehicle and fuel taxes; and

“(iii) the administration of roadside safety and border crossing inspection and regulatory compliance operations.
“(3) CORE DEPLOYMENT.—The term ‘core deployment’ means the deployment of systems in a State necessary to provide the State with—

“(A) safety information exchange to—

“(i) electronically collect and transmit commercial vehicle and driver inspection data at a majority of inspection sites;

“(ii) connect to the Safety and Fitness Electronic Records system for access to—

“(I) interstate carrier and commercial vehicle data;

“(II) summaries of past safety performance; and

“(III) commercial vehicle credentials information; and

“(iii) exchange carrier data and commercial vehicle safety and credentials information within the State and connect to Safety and Fitness Electronic Records system for access to interstate carrier and commercial vehicle data;

“(B) interstate credentials administration to—

“(i) perform end-to-end (including carrier application) jurisdiction applica-
tion processing, and credential issuance, of
at least the International Registration Plan
and International Fuel Tax Agreement cre-
dentials; and

“(II) extend the processing to other cre-
dentials, including intrastate, titling, over-
size or overweight requirements, carrier reg-
istration, and hazardous materials;

“(ii) connect to the International Reg-
istration Plan and International Fuel Tax
Agreement clearinghouses; and

“(iii)(I) have at least 10 percent of the
transaction volume handled electronically;
and

“(II) have the capability to add more
carriers and to extend to branch offices
where applicable; and

“(C) roadside electronic screening to elec-
tronically screen transponder-equipped commer-
cial vehicles at a minimum of 1 fixed or mobile
inspection site and to replicate the screening at
other sites.

“(4) EXPANDED DEPLOYMENT.—The term ‘ex-
panded deployment’ means the deployment of systems
in a State that—
“(A) exceed the requirements of a core deployment of commercial vehicle information systems and networks;

“(B) improve safety and the productivity of commercial vehicle operations; and

“(C) enhance transportation security.

“(b) PROGRAM.—The Secretary shall carry out a commercial vehicle information systems and networks program to—

“(1) improve the safety and productivity of commercial vehicles and drivers; and

“(2) reduce costs associated with commercial vehicle operations and Federal and State commercial vehicle regulatory requirements.

“(c) PURPOSE.—It is the purpose of the program 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.

“(d) CORE DEPLOYMENT GRANTS.—

“(1) IN GENERAL.—The Secretary shall make grants to eligible States for the core deployment of commercial vehicle information systems and networks.
“(2) ELIGIBILITY.—To be eligible for a core deployment grant under this subsection, a State shall—

“(A) have a commercial vehicle information systems and networks program plan and a top level system design approved by the Secretary;

“(B) certify to the Secretary that the commercial vehicle information systems and networks deployment activities of the State (including hardware procurement, software and system development, and infrastructure modifications)—

“(i) are consistent with the national intelligent transportation systems and commercial vehicle information systems and networks architectures and available standards; and

“(ii) promote interoperability and efficiency, to the maximum extent practicable; and

“(C) agree to execute interoperability tests developed by the Federal Motor Carrier Safety Administration to verify that the systems of the State conform with the national intelligent transportation systems architecture, applicable
standards, and protocols for commercial vehicle information systems and networks.

“(3) Amount of Grants.—The maximum aggregate amount a State may receive under this subsection for the core deployment of commercial vehicle information systems and networks may not exceed $2,500,000, including funds received under section 2001(a) of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003 for the core deployment of commercial vehicle information systems and networks.

“(4) Use of Funds.—

“(A) In General.—Subject to subparagraph (B), funds from a grant under this subsection may only be used for the core deployment of commercial vehicle information systems and networks.

“(B) Remaining Funds.—An eligible State that has completed the core deployment of commercial vehicle information systems and networks, or completed the deployment before core deployment grant funds are expended, may use the remaining core deployment grant funds for the expanded deployment of commercial vehicle information systems and networks in the State.
“(e) EXPANDED DEPLOYMENT GRANTS.—

“(1) In general.—For each fiscal year, from the funds remaining after the Secretary has made core deployment grants under subsection (d), the Secretary may make grants to each eligible State, on request, for the expanded deployment of commercial vehicle information systems and networks.

“(2) Eligibility.—Each State that has completed the core deployment of commercial vehicle information systems and networks shall be eligible for an expanded deployment grant.

“(3) Amount of grants.—Each fiscal year, the Secretary may distribute funds available for expanded deployment grants equally among the eligible States in an amount that does not exceed $1,000,000 for each State.

“(4) Use of funds.—A State may use funds from a grant under this subsection only for the expanded deployment of commercial vehicle information systems and networks.

“(f) Federal share.—The Federal share of the cost of a project payable from funds made available to carry out this section shall be the share applicable under section 120(b), as adjusted under subsection (d) of that section.
“(g) FUNDING.—Funds authorized to be appropriated to carry out this section shall be available for obligation in the same manner and to the same extent as if the funds were apportioned under chapter 1, except that the funds shall remain available until expended.

“§ 528. Research and development

“(a) IN GENERAL.—The Secretary shall carry out a comprehensive program of intelligent transportation system research, development, and operational tests of intelligent vehicles and intelligent infrastructure systems, and other similar activities that are necessary to carry out this subchapter.

“(b) PRIORITY AREAS.—Under the program, the Secretary shall give priority to funding projects that—

“(1) assist in the development of an interconnected national intelligent transportation system network that—

“(A) improves the reliability of the surface transportation system;

“(B) supports national security;

“(C) reduces, by at least 20 percent, the cost of manufacturing, deploying, and operating intelligent transportation systems network components;
“(D) could assist in deployment of the Armed Forces in response to a crisis; and

“(E) improves response to, and evacuation of the public during, an emergency situation;

“(2) address traffic management, incident management, transit management, toll collection traveler information, or highway operations systems with goals of—

“(A) reducing metropolitan congestion by 5 percent by 2010;

“(B) ensuring that a national, interoperable 511 system, along with a national traffic information system that includes a user-friendly, comprehensive website, is fully implemented for use by travelers throughout the United States by September 30, 2010; and

“(C)(i) improving incident management response, particularly in rural areas, so that rural emergency response times are reduced by an average of 10 minutes; and

“(ii) subject to subsection (d), improving communication between emergency care providers and trauma centers;
“(3) address traffic management, incident management, transit management, toll collection, traveler information, or highway operations systems;

“(4) conduct operational tests of the integration of at least 3 crash-avoidance technologies in passenger vehicles;

“(5) incorporate human factors research, including the science of the driving process;

“(6) facilitate the integration of intelligent infrastructure, vehicle, and control technologies;

“(7) incorporate research on the impact of environmental, weather, and natural conditions on intelligent transportation systems, including the effects of cold climates;

“(8) as determined by the Secretary, will improve the overall safety performance of vehicles and roadways, including the use of real-time setting of speed limits through the use of speed management technology;

“(9) examine—

“(A) the application to intelligent transportation systems of appropriately modified existing technologies from other industries; and
“(B) the development of new, more robust intelligent transportation systems technologies and instrumentation;

“(10) develop and test communication technologies that—

“(A) are based on an assessment of the needs of officers participating in a motor carrier safety program funded under section 31104 of title 49;

“(B) take into account the effectiveness and adequacy of available technology;

“(C) address systems integration, connectivity, and interoperability challenges; and

“(D) provide the means for officers participating in a motor carrier safety program funded under section 31104 of title 49 to directly assess, without an intermediary, current and accurate safety and regulatory information on motor carriers, commercial motor vehicles and drivers at roadside or mobile inspection facilities;

“(11) enhance intermodal use of intelligent transportation systems for diverse groups, including for emergency and health-related services;
“(12) improve sensing and wireless communications that provide real-time information regarding congestion and incidents;

“(13) develop and test high-accuracy, lane-level, real-time accessible digital map architectures that can be used by intelligent vehicles and intelligent infrastructure elements to facilitate safety and crash avoidance (including establishment of national standards for an open-architecture digital map of all public roads that is compatible with electronic 9-1-1 services);

“(14) encourage the dual-use of intelligent transportation system technologies (such as wireless communications) for—

“(A) emergency services;

“(B) road pricing; and

“(C) local economic development; and

“(15) advance the use of intelligent transportation systems to facilitate high-performance transportation systems, such as through—

“(A) congestion-pricing;

“(B) real-time facility management;

“(C) rapid-emergency response; and

“(D) just-in-time transit.
“(c) OPERATIONAL TESTS.—Operational tests conducted under this section shall be designed for—

“(1) the collection of data to permit objective evaluation of the results of the tests;

“(2) the derivation of cost-benefit information that is useful to others contemplating deployment of similar systems; and

“(3) the development and implementation of standards.

“(d) FEDERAL SHARE.—The Federal share of the costs of operational tests under subsection (a) shall not exceed 80 percent.

“§ 529. Use of funds

“(a) IN GENERAL.—For each fiscal year, not more than $5,000,000 of the funds made available to carry out this subchapter shall be used for intelligent transportation system outreach, public relations, displays, tours, and brochures.

“(b) APPLICABILITY.—Subsection (a) shall not apply to intelligent transportation system training, scholarships, or the publication or distribution of research findings, technical guidance, or similar documents.”.

(b) CONFORMING AMENDMENT.—Title V of the Transportation Equity Act for the 21st Century is amended by striking subtitle C (23 U.S.C. 502 note; 112 Stat. 452).
TITLE III—INTERMODAL PASSENGER FACILITIES

SEC. 3001. INTERMODAL PASSENGER FACILITIES.

(a) In General.—Chapter 55 of title 49, United States Code, is amended by adding the following at the end:

“SUBCHAPTER III—INTERMODAL PASSENGER FACILITIES

§ 5571. Policy and purposes

“(a) DEVELOPMENT AND ENHANCEMENT OF INTERMODAL PASSENGER FACILITIES.—It is in the economic interest of the United States to improve the efficiency of public surface transportation modes by ensuring their connection with and access to intermodal passenger terminals, thereby streamlining the transfer of passengers among modes, enhancing travel options, and increasing passenger transportation operating efficiencies.

“(b) GENERAL PURPOSES.—The purposes of this subchapter are to accelerate intermodal integration among North America’s passenger transportation modes through—

“(1) ensuring intercity public transportation access to intermodal passenger facilities;

“(2) encouraging the development of an integrated system of public transportation information; and
“(3) providing intercity bus intermodal passenger facility grants.

§ 5572. Definitions

“In this subchapter—

“(1) ‘capital project’ means a project for—

“(A) acquiring, constructing, improving, or renovating an intermodal facility that is related physically and functionally to intercity bus service and establishes or enhances coordination between intercity bus service and transportation, including aviation, commuter rail, intercity rail, public transportation, seaports, and the National Highway System, such as physical infrastructure associated with private bus operations at existing and new intermodal facilities, including special lanes, curb cuts, ticket kiosks and counters, baggage and package express storage, employee parking, office space, security, and signage; and

“(B) establishing or enhancing coordination between intercity bus service and transportation, including aviation, commuter rail, intercity rail, public transportation, and the National Highway System through an integrated system of public transportation information.
“(2) ‘commuter service’ means service designed primarily to provide daily work trips within the local commuting area.

“(3) ‘intercity bus service’ means regularly scheduled bus service for the general public which operates with limited stops over fixed routes connecting two or more urban areas not in close proximity, which has the capacity for transporting baggage carried by passengers, and which makes meaningful connections with scheduled intercity bus service to more distant points, if such service is available and may include package express service, if incidental to passenger transportation, but does not include air, commuter, water or rail service.

“(4) ‘intermodal passenger facility’ means passenger terminal that does, or can be modified to, accommodate several modes of transportation and related facilities, including some or all of the following: intercity rail, intercity bus, commuter rail, intracity rail transit and bus transportation, airport limousine service and airline ticket offices, rent-a-car facilities, taxis, private parking, and other transportation services.

“(5) ‘local governmental authority’ includes—

“(A) a political subdivision of a State;
“(B) an authority of at least one State or political subdivision of a State;

“(C) an Indian tribe; and

“(D) a public corporation, board, or commission established under the laws of the State.

“(6) ‘owner or operator of a public transportation facility’ means an owner or operator of intercity-rail, intercity-bus, commuter-rail, commuter-bus, rail-transit, bus-transit, or ferry services.

“(7) ‘recipient’ means a State or local governmental authority or a nonprofit organization that receives a grant to carry out this section directly from the Federal government.

“(8) ‘Secretary’ means the Secretary of Transportation.

“(9) ‘State’ means a State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.

“(10) ‘urban area’ means an area that includes a municipality or other built-up place that the Secretary, after considering local patterns and trends of urban growth, decides is appropriate for a local public transportation system to serve individuals in the locality.
“§ 5573. Assurance of access to intermodal passenger
facilities

“Intercity buses and other modes of transportation
shall, to the maximum extent practicable, have access to
publicly funded intermodal passenger facilities, including
those passenger facilities seeking funding under section
5574.

“§ 5574. Intercity bus intermodal passenger facility
grants

“(a) General Authority.—The Secretary of Trans-
portation may make grants under this section to recipients
in financing a capital project, as defined in section 5572
of this chapter, only if the Secretary finds that the proposed
project is justified and has adequate financial commitment.

“(b) Competitive Grant Selection.—The Secretary
shall conduct a national solicitation for applications for
grants under this section. Grantees shall be selected on a
competitive basis.

“(c) Share of Net Project Costs.—A grant shall
not exceed 50 percent of the net project cost, as determined
by the Secretary.

“(d) Regulations.—The Secretary may promulgate
such regulations as are necessary to carry out this section.

“§ 5575. Funding

“(a) Highway Account.—
“(1) There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this subchapter $10,000,000 for each of fiscal years 2005 through 2009.

“(2) The funding made available under paragraph (1) of this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23 and shall be subject to any obligation limitation imposed on funds for Federal-aid highways and highway safety construction programs.

“(b) Period of Availability.—Amounts made available by subsection (a) of this section shall remain available until expended.”.

(b) Conforming Amendment.—The analysis for chapter 55 of title 49, United States Code, is amended by adding at the end the following:

“Subchapter III—Intermodal Passenger Facilities

Sec.
"5571. Policy and Purposes.
"5572. Definitions.
"5573. Assurance of access to intermodal facilities.
"5574. Intercity bus intermodal facility grants.
"5575. Funding.”.
TITLE IV—FEDERAL AID IN SPORT FISH RESTORATION ACT AMENDMENTS

SEC. 4001. AMENDMENT OF FEDERAL AID IN FISH RESTORATION ACT.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Act entitled “An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes,” approved August 9, 1950 (64 Stat. 430; 16 U.S.C. 777 et seq.).

SEC. 4002. AUTHORIZATION OF APPROPRIATIONS.

Section 3 (16 U.S.C. 777b) is amended—

(1) by striking “the succeeding fiscal year.” in the third sentence and inserting “succeeding fiscal years.”; and

(2) by striking “in carrying on the research program of the Fish and Wildlife Service in respect to fish of material value for sport and recreation.” and inserting “to supplement the 55.3 percent of each annual appropriation to be apportioned among the States, as provided for in section 4(b) of this Act.”.
SEC. 4003. DIVISION OF ANNUAL APPROPRIATIONS.

Section 4 (16 U.S.C. 777c) is amended—

(1) by striking subsections (a) through (d) and redesignating subsections (e), (f), and (g) as subsections (b), (c), and (d);

(2) by inserting before subsection (b), as redesignated, the following:

“(a) IN GENERAL.—For fiscal years 2004 through 2009, each annual appropriation made in accordance with the provisions of section 3 of this Act shall be distributed as follows:

“(1) COASTAL WETLANDS.—18 percent to the Secretary of the Interior for distribution as provided in the Coastal Wetlands Planning, Protection, and Restoration Act (16 U.S.C. 3951 et seq.).

“(2) BOATING SAFETY.—18 percent to the Secretary of Homeland Security for State recreational boating safety programs under section 13106 of title 46, United States Code.

“(3) CLEAN VESSEL ACT.—1.9 percent to the Secretary of the Interior for qualified projects under section 5604(c) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note).

“(4) BOATING INFRASTRUCTURE.—1.9 percent to the Secretary of the Interior for obligation for qualified projects under section 7404(d) of the Sportfishing
and Boating Safety Act of 1998 (16 U.S.C. 777g–1(d)).

“(5) NATIONAL OUTREACH AND COMMUNICATIONS.—1.9 percent to the Secretary of the Interior for the National Outreach and Communications Program under section 8(d) of this Act. Such amounts shall remain available for 3 fiscal years, after which any portion thereof that is unobligated by the Secretary for that program may be expended by the Secretary under subsection (b) of this section.

“(6) SET-ASIDE FOR EXPENSES FOR ADMINISTRATION OF THIS CHAPTER.—

“(A) In general.—2.1 percent to the Secretary of the Interior for expenses for administration incurred in implementation of this Act, in accordance with this section, section 9, and section 14 of this Act.

“(B) APPORTIONMENT OF UNOBLIGATED FUNDS.—If any portion of the amount made available to the Secretary under subparagraph (A) remains unexpended and unobligated at the end of a fiscal year, that portion shall be apportioned among the States, on the same basis and in the same manner as other amounts made available under this Act are apportioned among
the States under subsection (b) of this section, within 60 days after the end of that fiscal year. Any amount apportioned among the States under this subparagraph shall be in addition to any amounts otherwise available for apportionment among the States under subsection (b) for the fiscal year.”;

(3) by striking “of the Interior, after the distribution, transfer, use, and deduction under subsections (a), (b), (c), and (d), respectively, and after deducting amounts used for grants under section 14, shall apportion the remainder” in subsection (b), as redesignated, and inserting “shall apportion 55.3 percent”;

(4) by striking “per centum” each place it appears in subsection (b), as redesignated, and inserting “percent”;

(5) by striking “subsections (a), (b)(3)(A), (b)(3)(B), and (c)” in paragraph (1) of subsection (d), as redesignated, and inserting “paragraphs (1), (3), (4), and (5) of subsection (a)”;

(6) by adding at the end the following:

“(e) TRANSFER OF CERTAIN FUNDS.—Amounts available under paragraphs (3) and (4) of subsection (a) that are unobligated by the Secretary after 3 fiscal years shall
be transferred to the Secretary of Homeland Security and shall be expended for State recreational boating safety programs under section 13106(a) of title 46, United States Code.”

SEC. 4004. MAINTENANCE OF PROJECTS.

Section 8 (16 U.S.C. 777g) is amended—

(1) by striking “in carrying out the research program of the Fish and Wildlife Service in respect to fish of material value for sport or recreation.” in subsection (b)(2) and inserting “to supplement the 55.3 percent of each annual appropriation to be apportioned among the States under section 4(b) of this Act.”; and

(2) by striking “subsection (c) or (d) of section 4” in subsection (d)(3) and inserting “paragraph (5) or (6) of section 4(a)”.

SEC. 4005. BOATING INFRASTRUCTURE.


SEC. 4006. REQUIREMENTS AND RESTRICTIONS CONCERNING USE OF AMOUNTS FOR EXPENSES FOR ADMINISTRATION.

Section 9 (16 U.S.C. 777h) is amended—
(1) by striking “section 4(d)(1)” in subsection (a) and inserting “section 4(a)(6)”; and
(2) by striking “section 4(d)(1)” in subsection (b)(1) and inserting “section 4(a)(6)”.

SEC. 4007. PAYMENTS OF FUNDS TO AND COOPERATION WITH PUERTO RICO, THE DISTRICT OF CO-LUMBIA, GUAM, AMERICAN SAMOA, COMMON-WEALTH OF THE NORTHERN MARINA IS-LANDS, AND VIRGIN ISLANDS.

Section 12 (16 U.S.C. 777k) is amended by striking “in carrying on the research program of the Fish and Wild-life Service in respect to fish of material value for sport or recreation.” and inserting “to supplement the 55.3 per-cent of each annual appropriation to be apportioned among the States under section 4(b) of this Act.”.

SEC. 4008. MULTISTATE CONSERVATION GRANT PROGRAM.

Section 14 (16 U.S.C. 777m) is amended—
(1) by striking so much of subsection (a) as pre-cedes paragraph (2) and inserting the following:
“(a) IN GENERAL.—
“(1) AMOUNT FOR GRANTS.—For each of fiscal years 2004 through 2009, 0.9 percent of each annual appropriation made in accordance with the provi-sions of section 3 of this Act shall be distributed to the Secretary of the Interior for making multistate
conservation project grants in accordance with this section.”;

(2) by striking “section 4(e)” each place it appears in subsection (a)(2)(B) and inserting “section 4(b)”;

(3) by striking “Of the balance of each annual appropriation made under section 3 remaining after the distribution and use under subsections (a), (b), and (c) of section 4 for each fiscal year and after deducting amounts used for grants under subsection (a)—” in subsection (e) and inserting “Of amounts made available under section 4(a)(6) for each fiscal year—”.

November 19, 2003