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Note -- These fact sheets have been finalized as of September 14, 1998. Individual fact sheets may vary from versions posted on the Internet prior to that date.

Key Information

TEA-21 stands for the Transportation Equity Act for the 21st Century (P.L. 105-178)
TRA stands for the TEA 21 Restoration Act (Title IX of P.L. 105-206)
Brackets [ ] indicate TEA-21 or TRA section reference.

ISTEA stands for the Intermodal Surface Transportation Efficiency Act of 1991 (P.L. 102-240)
Numbers shown for FY 1997 indicate funding provided prior to TEA-21.

BUDGETARY TREATMENT OF HIGHWAY AND TRANSIT PROGRAMS

Year	1998[1]	1999	2000	2001	2002	2003	Total
Guaranteed Available for Obligation							
Highways:							
Firewall[1]	$21,841M	$25,883M	$26,629M	$27,158M	$27,767M	$28,233M	$157,511M
Exempt	$739M	$739M	$739M	$739M	$739M	$739M	$4,434M
Total	$22,580M	$26,622M	$27,368M	$27,897M	$28,506M	$28,972M	$161,945M
Transit:							
Firewall[1]	$4,844M	$5,365M	$5,797M	$6,271M	$6,747M	$7,226M	$36,250M
Total	$27,424M	$31,987M	$33,165M	$34,168M	$35,253M	$36,198M	$198,195M

Guaranteed Funding

New budget categories are established for highway and transit discretionary spending, effectively establishing a budgetary "firewall" between each of those programs and all other domestic discretionary programs. Previously the highway and transit discretionary programs competed for annual budgetary resources with most other domestic programs. [8101]

The new categories are still subject to budget constraints, but reductions in highway or transit spending will not allow increased spending in other programs. This removes the principal incentive to limit highway or transit spending.

The highway firewall "protects" the obligation limitation for Federal-aid Highways plus the motor carrier and other highway safety programs (highway safety grants and NHTSA operations and research) that have contract authority. [8101(c)]

The firewall amount for highways is keyed to the projected receipts to the Highway Account of the Highway Trust Fund and will be adjusted as new receipt projections and actual receipts become available. The adjustment will be determined each year, beginning with FY 2000, during the development of the President's Budget. [8101(d)] When the firewall amount is adjusted, equal adjustments are made to the Federal-aid Highway obligation limitation [1102(h)] and authorizations. (See revenue aligned budget authority below)

The guaranteed amount for highways has two components: the amount behind the highway budgetary firewall and the authorizations for programs exempt from obligation limitation—Emergency Relief and a portion ($639M per year) of the Minimum Guarantee. [8103(a), 1102(b)]

The guaranteed funding for transit programs has a single component—the firewall amount—which is not keyed to Trust Fund receipts. There is no provision for adjusting the transit firewall amount. [8103(b)]

Beyond Guaranteed Funding - the Red Zone

Authorizations in TEA-21 for 1998-2003 exceed the guaranteed funding levels by $5B for transit programs and $15B for highway and all other programs.

The authorizations in excess of the guaranteed levels are in the budgetary "red zone" and remain part of the general discretionary budget category. Red zone funds may be made available through the annual

[1]There is actually no firewall amount for FY 1998. The amounts shown reflect the amounts made available either as contract authority or appropriated budget authority.

budget and appropriations process and must compete with other budget priorities for their place in the budget each year. [8101(c)]

<u>Revenue Aligned Budget Authority (RABA)</u>

Beginning in FY 2000, authorizations for Federal-aid highway and highway safety construction programs funded from the Highway Account of the Highway Trust Fund will be adjusted (increased or decreased) whenever the highway firewall amount is adjusted to reflect changed estimates of Highway Account revenue, that is, the budget authority will be aligned with the revenue. [1105]

In the case of an increase, a portion of the increase in authorizations is reserved for the Federal-aid highway and highway safety construction programs allocated by the Secretary of Transportation—programs that are not apportioned by statutory formula. The amount reserved is determined by calculating the ratio of the authorizations for the allocated programs to total authorizations from the Highway Account for Federal-aid highway and highway safety construction programs and applying this ratio to the additional authorizations. The resulting amount is divided among the various allocated programs in the same proportion that those programs receive authorizations exclusive of RABA. [1105]

The remainder of the increased funding is distributed to the States proportional to their shares of Federal-aid highway and highway safety construction apportionments from the Highway Account. Each State's share is then divided proportionally among the following programs: Interstate Maintenance, National Highway System, Bridge Replacement and Rehabilitation, Surface Transportation Program, and Congestion Mitigation and Air Quality Improvement. [1105]

Should a decrease be necessary, the reductions in authorizations would be made in the succeeding fiscal year and applied proportionally to all Highway Account authorizations for Federal-aid highway and highway safety construction programs except Emergency Relief. [TRA 9002(e)]

FEDERAL-AID HIGHWAYS OBLIGATION LIMITATION

Year	1997	1998	1999	2000	2001	2002	2003
Limitation	$18,000M	$21,500M	$25,511M	$26,245M	$26,761M	$27,355M	$27,811M

Purpose

A limitation is placed on Federal-aid highway and highway safety construction program obligations to act as a ceiling on the obligation of contract authority that can be made within a specified time period, usually a fiscal year, regardless of the year in which the funds were apportioned. These limits are imposed in order to control the highway program spending in response to economic and budgetary conditions.

Continuing Provisions

The majority of the limitation is distributed among the States based on each State's relative share of the total of apportioned funds subject to the limitation to all States for the fiscal year. [1102(c)(6)]

Prior to distribution, a portion of the limitation is set aside for administrative expenses, the Highway Use Tax Evasion program, the Bureau of Transportation Statistics, and other programs funded from the administrative takedown at 100 percent of the funding available for these programs. [1102(c)(1)]

Certain Federal-aid highway programs—Emergency Relief, a portion of the Minimum Guarantee program ($639 million per year), demonstration projects authorized prior to TEA-21, and balances from the old Minimum Allocation program—are exempt from the obligation ceiling. [1102(b)]

The law provides for a redistribution in August of each year of the obligation ceiling from those States or programs unable to obligate their share of the ceiling to other States or programs that are able to obligate more than their initial share of the ceiling. [1102(d)]

Key Modifications

Several programs that received limitation under ISTEA equal to 100 percent of their available funding—such as National Recreational Trails, Ferry Boats, and research and Intelligent Transportation System programs—now receive limitation on the same basis as other Federal-aid highway programs; that is, in the ratio of the overall limitation for the fiscal year to the new contract authority for the fiscal year subject to the limitation. [1102(c)(5)]

Limitation set aside for selected programs—the Appalachian Highway Development System, High Priority Projects, Woodrow Wilson Memorial Bridge, and a portion of the Minimum Guarantee program ($2 billion per year)—is available for more than 1 fiscal year. This "no-year" limitation carries over and is available until it is obligated, therefore these programs will not be part of the August redistribution of obligation limitation described above. [1102(c)(4), 1102(g)]

Limitation set aside for research programs is also multi-year, but may be carried over for only 3 years. [1102(e), TRA 9002(b)(2)]

Within the overall Federal-aid highway program obligation ceiling, individual ceilings are set for administrative expenses [1102(I)] and research programs authorized under section 5001(a) of TEA-21. [5002]

TEA-21 establishes a mechanism where funding is shifted from certain programs and redistributed to the States to use as STP funds. Programs affected by this provision are those which are subject to the obligation limitation but are not apportioned to the States. Under this provision, any funds authorized for the fiscal year for these programs which are not available for obligation due to the imposition of a limitation are pulled back and redistributed to the States by formula. [1102(f)]

As part of the new budgetary treatment of highway and transit programs, funding levels for highways are keyed to the projected tax receipts to the Highway Account of the Highway Trust Fund and will be adjusted as new receipt projections and actual receipts become available. If the authorizations for the Federal-aid highway program are adjusted as a result of this provision, the obligation ceiling will be adjusted by an equal amount. [1102(h) and section 251(b)(1)(B)(I)(cc) of the Balanced Budget and Emergency Deficit Control Act of 1985 as amended]

MINIMUM GUARANTEE

Year	1997(ISTEA)	1998	1999	2000	2001	2002	2003
Authorization[2]	$5,732M[3]	$5,467M	$5,743M	$5,781M	$5,904M	$5,995M	$6,122M

Program Purpose

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

Calculation

TEA-21 specifies for each State a specific share of the aggregate annual funding for Interstate Maintenance (IM), National Highway System (NHS), Bridge, Congestion Mitigation and Air Quality Improvement (CMAQ), Surface Transportation Program (STP), Metropolitan Planning, High Priority Projects, Appalachian Development Highway System, Recreational Trails, and the Minimum Guarantee itself. The percentage shares were pegged to result in a 90.5 percent return using data available at the time of enactment. [1104(a)]

The percentage shares are adjusted each year to ensure that each State's share of apportionments for the specified programs is at least 90.5 percent of its percentage contributions to the Highway Account based on the latest data available at the time of the apportionment. The shares of States falling below that minimum return will be increased and the shares of the remaining States will be decreased so that the shares continue to total 100 percent. [1104(a)]

No State may receive less than $1 million per year in Minimum Guarantee funds. [TRA 9002(d)]

Administration of Funds

Each State's share of the first $2.8 billion of Minimum Guarantee funds is administered as STP funds except that the STP requirements for the setaside of funds for safety and transportation enhancements and the suballocation of funds to sub-State areas do not apply.

Each State's share of the remainder is divided among certain programs—IM, NHS, Bridge, CMAQ, and STP—based on the share the State received for each program under the program formulas. [1104(a), TRA 9002(d)]

Budgetary Controls

Nationwide, $639 million per year of Minimum Guarantee apportionments are exempt from the Federal-aid Highway Program obligation limitation.

An additional $2 billion annually receives an equivalent amount of special obligation limitation that does not expire.

The remainder of the Minimum Guarantee funds are treated like all other funds subject to the obligation limitation.

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[2] Such sums as may be necessary are authorized. Amount shown for 1998 is actual. Amounts shown for 1999-2003 are estimates based on the technical corrections in the TEA 21 Restoration Act.

[3] Includes authorizations for all ISTEA equity adjustments: Minimum Allocation, Donor State Bonus, 90 Percent of Payments Adjustment, Hold Harmless, Adjustment for Wisconsin, and Interstate Reimbursement.

Each State receives shares of each type of obligation authority in proportion to its share of Minimum Guarantee apportionments.

TRUST FUNDS AND TAXES

Extension of Highway-user Taxes

Extends the imposition of highway-user taxes through September 30, 2005. These taxes consist of gallonage taxes on highway motor fuel and truck related taxes, including an annual tax on heavy vehicle use, a weight-based tax on heavy truck tires and a retail sales tax on truck and trailer sales. Each of these taxes, with the exception of 4.3 cents per gallon of the motor fuel taxes would have expired after September 30, 1999. [9002(a)]

With the exception of alcohol fuels, all tax rates and related exemption and refund provisions are extended at the rates in effect prior to TEA-21 enactment. [9002(a)&(b)]

The partial fuel tax exemption for gasohol and other alcohol fuels is extended through September 30, 2007 with a slight phase down of the exemption beginning January 1, 2001. [9003]

Transfer of Highway-user Taxes to the Highway Trust Fund

Generally, the deposit of amounts equivalent to the proceeds of the highway-user taxes in the Highway Trust Fund is extended through September 30, 2005. [9002(c)]

The Leaking Underground Storage Tank Trust Fund continues to receive 0.1 cent per gallon of the motor fuel tax through March 30, 2005 at which time the 0.1 cent levy terminates. [26 USC 4081(a)(2)(B) & (d)(3)]

The Mass Transit Account of the Highway Trust Fund receives an increased share of the motor fuel taxes—2.86 cents per gallon. The Transit Account receives smaller amounts on certain fuels which are taxed at reduced rates, including liquefied petroleum gases, liquefied natural gas, and methanol from natural gas. Both changes take effect retroactively to October 1, 1997, correcting and clarifying provisions of the Taxpayer Relief Act of 1997. [9002(e)]

The General Fund of the Treasury continues to receive 2.5 cents per gallon on gasohol and other alcohol fuels where the alcohol source is not natural gas or a petroleum product. The General Fund also receives 0.6 cent per gallon on 10-percent gasohol and other higher-ethanol blends where the ethanol source is not natural gas or a petroleum product. [26 USC 9503(b)(4)(E) & (b)(5)]

The Highway Account of the Highway Trust Fund receives the remaining proceeds of the motor fuel taxes and all of the proceeds from the truck related taxes.

Expenditures from the Highway Trust Fund

Authority to expend Highway Trust Fund monies for authorized purposes is extended through September 30, 2003. After that date, expenditures from the Trust Fund are authorized only to liquidate obligations made before that date. Any other expenditure will cause the cessation of deposits of highway-user taxes to the Trust Fund. [9002(d)]

Highway Trust Fund Operation

Cash balances in the Highway Trust Fund not needed for immediate expenditure will continue to be invested in securities of the U.S. Government, but effective October 1, 1998, interest earnings on such investments will no longer be credited to the Trust Fund. [9004(a)]

A one-time adjustment to the cash balance of the Highway Account of the Trust Fund will be made on October 1, 1998. The Account balance will be reduced to $8 billion with the remainder of the former balance being credited to the General Fund of the Treasury. No adjustment will be made to the Mass Transit Account balance. [9004(a)]

The Mass Transit Account will be subject to the same anti-deficiency test (the Byrd Test) as the Highway Account. [9004(d)]

Federal Highway User Taxes

Fuel Type	Effective Date	Tax Rate (cents per gallon)	Distribution of Tax			
			Highway Trust Fund		Leaking Underground Storage Tank Trust Fund	General Fund
			Highway Account	Mass Transit Account		
Gasoline	10/01/1997	18.4	15.44	2.86	0.1	-
Diesel	10/01/1997	24.4	21.44	2.86	0.1	-
Gasohol (10% ethanol)	10/01/1997	13	6.94	2.86	0.1	3.1
	01/01/2001	13.1	7.04	2.86	0.1	3.1
	01/01/2003	13.2	7.14	2.86	0.1	3.1
	01/01/2005	13.3	7.24	2.86	0.1	3.1
Special Fuels:						
General rate	10/01/1997	18.4	15.44	2.86	0.1	-
Liquefied petroleum gas	10/01/1997	13.6	11.47	2.13	-	-
Liquefied natural gas	10/01/1997	11.9	10.04	1.86	-	-
M85 (from natural gas)	10/01/1997	9.25	7.72	1.43	0.1	-
Compressed natural gas (cents per thousand cu. ft.)	10/01/1997	48.54	38.83	9.70	-	-

Truck Related Taxes — All proceeds to Highway Account	
Tire Tax	0-40 pounds, no tax Over 40 pounds - 70 pounds, 15¢ per pound in excess of 40 Over 70 pounds - 90 pounds, $4.50 plus 30¢ per pound in excess of 70 Over 90 pounds, $10.50 plus 50¢ per pound in excess of 90
Truck and Trailer Sales Tax	12 percent of retailer's sales price for tractors and trucks over 33,000 pounds GVW and trailers over 26,000 pounds GVW
Heavy Vehicle Use Tax	Annual tax: Trucks 55,000 pounds and over GVW, $100 plus $22 for each 1,000 pounds (or fraction thereof) in excess of 55,000 pounds (maximum tax of $550)

Aquatic Resources Trust Fund

The transfer of motorboat gasoline and special fuel taxes and small engine gasoline taxes from the Highway Trust Fund to the Aquatic Resources Trust Fund is extended through September 30, 2005. [9002(c)]

The portion of the motorboat and small engine fuel taxes deposited to the Highway Trust Fund and then transferred to the Aquatic Resources Trust Fund is modified as follows [9005(a)]:

- Before October 1, 2001, 11.5 cents per gallon is transferred.
- From October 1, 2001 through September 30, 2003, 13 cents per gallon is transferred.
- Effective October 1, 2003, 13.5 cents per gallon is transferred.

Authority to expend Aquatic Resources Trust Fund's Boat Safety Account monies for the Recreational Boating Safety program is extended through September 30, 2003. After that date, expenditures from the Trust Fund are authorized only to liquidate obligations made before that date. Any other expenditure will cause the cessation of deposits of highway-user taxes to the Trust Fund. [9005(b) & (d)]

Taxes for Aquatic Resources Trust Fund

Fuel Type	Effective Date	Tax Rate (cents per gallon)	Distribution of Tax		
			Aquatic Resources Trust Fund	Leaking Underground Storage Tank Trust Fund	General Fund
Motorboat and Small Engine Fuel	10/01/1997	18.4	11.5	0.1	6.8
	10/01/2001	18.4	13	0.1	5.3
	10/01/2003	18.4	13.5	0.1	4.8

Other Provisions

The National Recreational Trails Trust Fund is repealed. The Trails Fund has never been used; the Recreational Trails Program is funded from the Highway Trust Fund. [9011]

The 5.55 cents-per-gallon deficit reduction tax on rail diesel is reduced to 4.3 cents per gallon effective October 1, 1998. [9006]

TRANSFERABILITY OF HIGHWAY PROGRAM FUNDS

National Highway System (NHS)

Up to 50 percent of NHS apportionments may be transferred to Interstate Maintenance (IM), Surface Transportation Program (STP), Congestion Mitigation and Air Quality Improvement Program (CMAQ) and/or the Bridge Replacement and Rehabilitation Program. [1310]

Up to 100 percent of NHS apportionments may be transferred to STP, if approved by the Secretary and if sufficient notice and opportunity for public comment is given. [23 USC 104(c)]

Interstate Maintenance

Up to 50 percent of Interstate Maintenance apportionments may be transferred to NHS, STP, CMAQ and/or the Bridge Replacement and Rehabilitation Program. [1310]

Bridge Replacement and Rehabilitation Program

Up to 50 percent of Bridge Program apportionments may be transferred to IM, NHS, STP, and/or CMAQ. [1310].

For purposes of apportioning Bridge Program funds, the transferred amount will be deducted from the total cost of deficient bridges in the State and in all States. [1109]

Funds set aside for bridges not on Federal-aid highways (off-system bridges) may not be transferred unless a determination is made that the State has inadequate needs to justify expenditure of the full amount of the setaside funds [23 USC 144(g)(3)]

Congestion Mitigation and Air Quality Improvement Program

Up to 50 percent of the amount by which the CMAQ apportionment for the fiscal year exceeds the amount that would have been apportioned for that fiscal year if the CMAQ program had been funded at $1.35 billion annually may be transferred to STP, NHS, IM, and/or the Bridge Program. Transferred funds may only be used in nonattainment and maintenance areas. [1310]

Surface Transportation Program

Transportation Enhancement (TE) setaside - Up to 25 percent of the difference between the amount set aside for TE for the fiscal year and the amount set aside for TE for FY 1997 may be transferred to IM, CMAQ, NHS and/or the Bridge Program. [1310]

Safety setaside - Safety setaside funds equivalent to the funds made available for FY 1991 for the Hazard Elimination and Railway-Highway Crossing Programs (23 USC 130 and 152) may not be transferred. Up to 25 percent of the difference between the remainder of the safety setaside for the fiscal year—the "optional safety" funds—and the comparable amount for FY 1997 may be transferred to IM, CMAQ, NHS and/or the Bridge Program. [1310]

Suballocation to areas - STP funds allocated to sub-State areas (rural, urbanized areas with population over 200,000) may not be transferred. [1310]

Transfers to STP from the IM, NHS, CMAQ, and Bridge Programs will not be subject to further STP setasides or suballocations.

Interstate Construction (IC)

A State, other than Massachusetts, may transfer an amount equivalent to the Federal share of the cost to complete its open-to-traffic Interstate segments included in the latest Interstate Cost Estimate (ICE) from its IC funds to NHS and/or IM. The work on which the transfer is based will be removed from the ICE and will lose its IC fund eligibility. [23 USC 119(b)]

States may transfer IC funds remaining after all work included in the ICE has been fully financed to the NHS. [1106]

States with remaining completion work on Interstate gaps or open-to-traffic segments may relinquish IC fund eligibility and transfer to the NHS amounts equivalent to the Federal share of the cost of such work in the most recent ICE. [1106]

FEDERAL MATCHING FLEXIBILITY

Purpose

Several provisions are included in the Act which provide greater flexibility to States, MPOs, and local governments in satisfying the non-Federal matching requirements of a project.

Tapered Match

The Act removes a provision in current law that requires application of the Federal match to each payment to the State. Removing this requirement allows the Secretary to develop policies regarding adjustment of the Federal match during the life of a project. [1302]

Credits for Acquired Land

The Act expands current law relating to donated private property to also allow the fair market value of land lawfully obtained by the State or local government to be applied to the non-Federal share of project costs. [1301]

Program Match

The Act establishes annual program-wide approval for STP projects, rather than the current quarterly project-by-project approval process. This provides the Secretary with discretion to apply the match requirement to the annual program in lieu of individual projects. [1108(c)]

Using Federal Funds as Match

For transportation enhancement projects, the State may apply funds from other Federal agencies to the non-Federal share of the project. [1108(b)(2)(C)(ii)]

Funds appropriated to any Federal land management agency may be used to pay the non-Federal share of a Federal-aid highway project funded under section 104 of Title 23, United States Code, (i.e. a project using NHS, CMAQ, STP, or IM funds.) [1115(a)]

Federal Lands Highway Program funds may be used to pay the non-Federal share of projects funded under Section 104 of Title 23 that provide access to or within Federal or Indian lands. [1115(a)]

Toll Revenue Credits

The Act codifies provisions similar to those authorized by section 1044 of the ISTEA which allows the States to accumulate credits to be applied to the non-Federal share of certain highway and transit projects. The credits are based on toll revenues used to build, improve, or maintain certain highways, bridges, or tunnels. [1111(c)]

INTERSTATE TOLL PILOT

Program Purpose

TEA-21 creates a pilot program under which a State may collect tolls on an Interstate highway for the purpose of reconstructing or rehabilitating an Interstate highway that could not otherwise be adequately maintained or functionally improved without the collection of tolls. [1216(b)(1)]

A maximum of three Interstate facilities may be included in the pilot program, and they must be in different States. [1216(b)(2)]

Funding

No funds are authorized for the pilot program.

Eligibility

Eligibility criteria for the pilots include [1216(b)(3)]—

- age, condition and intensity of use of the existing Interstate facility
- an assurance that the MPO has been consulted concerning placement of toll on any facility affecting a metropolitan area
- an analysis demonstrating that the Interstate facility cannot be maintained or improved from current and future funding to be received under TEA-21 or from other sources without toll revenues
- a facility management plan covering imposition of tolls, a financial plan, and other appropriate information.

An agreement between the State and the FHWA covering use of toll revenues must be executed for each Interstate toll pilot project. [1216(b)(5)]

During the term of the toll pilot, Interstate Maintenance funds cannot be used on the portion of the Interstate route where tolls are being collected. [1216(b)(6)]

The term of the toll pilot shall not be less than 10 years. [1216(b)(7)]

STATE INFRASTRUCTURE BANK PROGRAM

Program Purpose

TEA-21 establishes a new State Infrastructure Bank (SIB) pilot program under which four States—California, Florida, Missouri, and Rhode Island—are authorized to enter into cooperative agreements with the Secretary to set up infrastructure revolving funds eligible to be capitalized with Federal transportation funds authorized for the FY1998-2003 period. [1511(b)]

This new SIB program gives States the capacity to increase the efficiency of their transportation investment and significantly leverage Federal resources by attracting non-Federal public and private investment. The program provides greater flexibility to the States by allowing other types of project assistance in addition to the traditional reimbursable grant. [1511(d)(1)]

Assistance

SIBs provide various forms of non-grant assistance to eligible projects, including below-market rate subordinate loans, interest rate buy-downs on third-party loans, and guarantees and other forms of credit enhancement. Any debt that the SIB issues or guarantees must be of investment-grade caliber. [1511(d)]

Funding

The four States participating in the new pilot program may capitalize their SIBs with funds from the following Federal-aid categories without limitation: National Highway System, Surface Transportation Program (except safety and enhancements), Bridge, Minimum Guarantee, and Interstate Maintenance; funds provided under section 5302 of Title 49; and funds provided under subtitle V of Title 49 that are made available to the State. [1511(c)]

Federal capitalization grants funded from Interstate Maintenance funds and from Title 49 Rail project funds may only be used to provide credit assistance for related-purpose projects. [1511(e)]

Federal capitalization grants will be disbursed over a five-year period. [1511(h)(1)]

Eligibility [1511(e)]

Projects eligible for SIB assistance under the new TEA-21 pilot include highway and transit capital projects eligible under Title 23 and chapter 53 of Title 49, as well as other surface transportation projects designated by the Secretary.

Both the initial credit assistance funded with Federal capitalization grants and any subsequent assistance funded with loan repayments and other recycled funds will be subject to the requirements of Titles 23 and 49, as applicable.

SIBs Authorized by the NHS Designation Act

Thirty-four other States and the Commonwealth of Puerto Rico, which had been approved to establish SIBs under an earlier SIB pilot program authorized by the National Highway System Designation Act of 1995, will continue to operate their SIBs under the provisions of the NHS Designation Act and related guidance.

TEA-21 funds may not be used to capitalize these SIBs.

TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT

Year	1997	1998	1999	2000	2001	2002	2003
Authorization	0	0	$80M	$90M	$110M	$120M	$130M
Max. Nominal Amount of Credit	0	0	$1,600M	$1,800M	2,200M	$2,400M	$2,600M

Program Purpose

The Transportation Infrastructure Finance and Innovation Act of 1998 (TIFIA) will provide Federal credit assistance to major transportation investments of critical national importance, such as intermodal facilities, border crossing infrastructure, expansion of multi-State highway trade corridors, and other investments with regional and national benefits. The TIFIA credit program is designed to fill market gaps and leverage substantial private co-investment by providing supplemental and subordinate capital. [1503]

Program Products

The TIFIA credit program consists of three distinct types of financial assistance (product lines), designed to address projects' varying requirements throughout their life cycles:

- *Secured loans* are direct Federal loans to project sponsors offering flexible repayment terms and providing combined construction and permanent financing of capital costs.
- *Loan guarantees* provide full-faith-and-credit guarantees by the Federal government to institutional investors such as pension funds which make loans for projects.
- *Standby lines of credit* represent secondary sources of funding in the form of contingent Federal loans that may be drawn upon to supplement project revenues, if needed, during the first 10 years of project operations.

The amount of Federal credit assistance may not exceed 33 percent of total project costs. [1503]

Funding

A total of $530 million of contract authority is provided to pay the "subsidy cost" of supporting Federal credit under TIFIA, that is, to cover projected losses. Annual caps totaling $10.6 billion limit the nominal amount of credit instruments issued. [1503, TRA 9007]

Eligible Activities

Any type of project that is eligible for Federal assistance through surface transportation programs under Title 23 or chapter 53 of Title 49 U.S.C. (highway projects and transit capital projects) is eligible for the TIFIA credit program. In addition, the following types of projects are eligible: international bridges and tunnels; inter-city passenger bus and rail facilities and vehicles (including Amtrak and magnetic levitation systems); and publicly owned intermodal freight transfer facilities (except seaports or airports) on or adjacent to the National Highway System. [1503]

Each project must meet certain objectively measurable threshold criteria to qualify: it must cost at least $100M million or 50% of the State's annual apportionment of Federal-aid funds, whichever is less. (For intelligent transportation system projects, the minimum cost is $30M.) The project also must be supported in whole or in part from user charges or other non-Federal dedicated funding sources and be included in the State's transportation plan. [1503]

Qualified projects meeting the initial threshold eligibility criteria will be evaluated by the Secretary and selected based on the extent to which they generate economic benefits, leverage private capital, promote innovative technologies, and meet other program objectives. Each project must receive an investment grade rating on its senior debt obligations before its Federal credit assistance may be fully funded. [1503]

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING

Program Purpose

The railroad rehabilitation and improvement financing program is intended to make funding available through loans and loan guarantees for railroad capital improvements. No direct Federal funding is authorized in TEA-21; however, the Secretary is authorized to accept a commitment from a non-Federal source to fund the required credit risk premium. The aggregate unpaid principal amounts of obligations for direct loans and loan guarantees cannot exceed $3.5 billion at any one time, of which not less than $1 billion shall be available solely for other than Class I carriers. [7203]

Use of Funds

To provide direct loans and loan guarantees to—

- State and local governments
- government sponsored authorities
- corporations, railroads, and joint ventures that include at least one railroad

These loans are to be used to acquire, improve, develop or rehabilitate intermodal or rail equipment or facilities, including track, bridges, yards and shops.

Project Selection

Priority in selecting projects is to be given to those that—

- enhance public safety and the environment,
- promote economic development,
- enable United States companies to be more competitive in international markets,
- are endorsed in state and local transportation plans, or
- preserve or enhance rail or intermodal service to small communities or rural areas

Credit Risk Premiums

The Secretary is authorized to accept a commitment from a non-Federal source to fund in whole or in part required credit risk premiums (which fund the costs associated with a potential default on the loan/loan guarantee).

These private commitments can be used in lieu of or in combination with future appropriations of Federal funds.

The Secretary is to determine the amount required for credit risk premiums on the basis of the circumstances of the applicant, including—

- the collateral offered
- the proposed schedule of disbursements
- historical data on the repayment history of similar borrowers, in consultation with the Congressional Budget Office
- any other relevant factors

Loan Terms

May not exceed 25 years.

Must be justified by the present and probable future demand for rail services or intermodal facilities.

The applicant must provide reasonable assurance that the facilities or equipment to be acquired, rehabilitated, improved, developed or established will be economically and efficiently utilized.

The obligation must be reasonably expected to be repaid, taking into account an appropriate combination of credit risk premiums and collateral.

TRANSIT REVENUE BONDS

Purpose

TEA-21 allows transit operators to issue bonds secured with transit system revenues. The proceeds from the sale of bonds may be used as part of local matching funds for a transit capital project. This increases flexibility and local funding for transit capital projects. [3011]

Eligibility

Any transit capital project funded under Sections 5307 and 5309, provided that the grantee maintains a constant or rising level of effort in the subsequent 3 years, taking into account Federal, State and local expenditures for transit capital investment. [3011]

TRANSIT BENEFITS

Purpose

TEA-21 modifies provisions in the Internal Revenue Code to help level the playing field between employee parking benefits and transit/vanpool benefits.

Before Modification by TEA-21 [26 USC 132(f)]

Employers could provide employees transit and vanpool qualified transportation fringe benefits that were excludable from gross income (i.e., not taxable to the recipient) only if provided in addition to, and not in lieu of, any compensation otherwise payable to an employee.

Parking benefits were excludable from gross income even when provided in lieu of other compensation payable to an employee (i.e., purchased with pretax dollars) under the Taxpayer Relief Act of 1997. This option remains unchanged by TEA-21.

New Provisions [9010]

Transit and vanpool benefits may be offered in lieu of compensation payable to an employee for taxable years beginning after December 31, 1997. This gives transit and vanpool benefits the same tax treatment that parking benefits receive under the Taxpayer Relief Act of 1997.

The limit on nontaxable transit and vanpool benefits is increased from $65 to $100 per month for taxable years beginning after December 31, 2001.

All benefits are indexed for inflation; however, the indexing mechanism is suspended during the taxable year beginning after December 31, 1998. Therefore, the maximum transit/vanpool benefits will remain at $65 per month and parking will remain at $175 per month for calendar year 1999. The indexing mechanism will resume for the taxable year beginning after December 31, 1999.

Employer Options [9010]

Employers (for taxable years beginning after December 31, 1997) will be able to offer employees several options for qualified transportation fringe benefits. These benefits are not, however, permitted to be part of "cafeteria" plans or flexible spending accounts.

Employers can offer any combination of these benefits (up to the specified limits), either in addition to present compensation or in lieu of compensation, tax free.

Employers can also offer a parking cash out program whereby employees may choose to cash out the value of employer-provided parking, forego parking, and receive the taxable cash value of the parking, or receive a tax-free transit or vanpool benefit of up to $65 per month.

HIGHWAY SAFETY INFRASTRUCTURE

Program Purpose

The Highway Safety Infrastructure program funds activities for safety improvement projects to correct hazardous locations, sections and elements and to eliminate hazards at rail/highway grade crossings.

Program Elements

STP Safety Set Aside:

The Hazard Elimination Program [23USC152] funds activities to resolve safety problems at hazardous locations and sections, and roadway elements which may constitute a danger to motorists, pedestrians, and bicyclists.

The Railway/Highway Crossings Program [23USC130] is designed to fund safety improvements to reduce the number of fatalities, injuries, and crashes at public grade crossings.

Operation Lifesaver (OL) is a public information and education program designed to eliminate collisions, deaths and injuries at public and private grade crossings and on railroad rights-of-way. OL also promotes continued engineering research into ways to improve crossing safety. Operation Lifesaver programs are sponsored cooperatively by Federal, State and local governments, highway safety organizations, and the nation's railroads.

Railway-Highway Crossing Hazard Elimination in High-Speed Rail Corridors is a grade crossing safety program for certain elements of specified high speed rail corridors. (See separate Fact Sheet under Rail Programs)

Funding

STP Safety Set Aside

Retains 10% set aside from STP. [23USC133(d)(1)]

Operation Lifesaver [1103 (c)(1)]

Funding increased from $300,000 to $500,000 /year.

Now derived from STP setaside (under ISTEA was funded from administrative takedown).

Railway-Highway Crossing Hazard Elimination in High Speed Rail Corridors [1103(c)(2)]

Authorizes $5.25 M/year setaside from STP and an additional $15 M/year authorized to be appropriated from General Funds.

Earmark of not less than $250,000 per fiscal year of the setaside is to go for Minneapolis/St. Paul-Chicago segment of the Midwest High Speed Rail Corridor.

Transferability

STP safety setaside funds equivalent to the funds made available for FY 1991 for the Hazard Elimination and Railway-Highway Crossing Programs (23 USC 130 and 152) may not be transferred.

Up to 25 percent of the difference between the remainder of the safety setaside for the fiscal year—the "optional safety" funds—and the comparable amount for FY 1997 may be transferred to IM, CMAQ, NHS and/or the Bridge Program. [1310]

Eligibility

STP safety setaside eligibilities are modified as follows:

Hazard elimination program [1401]

- opened to Interstates (previously excluded), any public transportation surface facility , and any public bicycle or pedestrian pathway or trail
- explicitly mentions traffic calming (previously eligible) as eligible activity

Danger to bicyclists now included in survey of hazardous locations.

State may, at its discretion—

- identify, through a survey, hazards to motorists, bicyclists, pedestrians, and users of highway facilities
- develop and implement projects and programs to address the hazards

Railway/highway grade crossings program

Eligibility unchanged except States must now consider bicycle safety in carrying out projects. [1202(d)]

MOTOR CARRIER SAFETY

Year	1997	1998	1999	2000	2001	2002	2003
State Grants (Title IV)	$78.2M	$79M	$90M	$95M	$100M	$105M	$110M
Information Systems (Title IV)	0	$6M	$10M	$10M	$12M	$12M	$15M
Public Education (Title II)	0	$0.5M	$0.5M	$0.5M	$0.5M	$0.5M	$0.5M
ITS/CVO (Title V)	N/A	$25.5M	$27.2M	$30.2M	$32.2M	$33.5M	$35.5M
School Transportation Safety Study (Title IV) (GF)	0	0	0	$ 0.2M	$ 0.2M	0	0

Program Purpose

The National Motor Carrier Safety Program (NMCSP) is restructured to focus on strategic safety investments, increased flexibility for grantees by eliminating earmarks, strengthened Federal and State enforcement capabilities, and greater administrative flexibility to promote innovative approaches to improving motor carrier safety. States will have the opportunity to invest in areas of the greatest crash reduction based on their own circumstances. Additional emphasis is given to targeting unsafe carriers and improving information systems and analysis that underlies all national motor carrier safety activities.

Program Structure/Funding

Restructures the NMCSP into two major categories:

Motor Carrier Safety Assistance Program (State Grants)[4003]

- Eligible activities include uniform roadside driver and vehicle safety inspections, traffic enforcement, compliance reviews, and other complementary activities. Requires all States to adopt and implement a performance based program by the year 2000.
- Special set-asides of up to 5% for national safety priority initiatives and up to 5% for border enforcement.

Information Systems [4004]

Establishes a permanent funding source for information and analysis. Funds may be used for grants, cooperative agreements, or contracts. This program will fund:

- Improvements to electronic vehicle-based information systems containing carrier, vehicle, and driver safety records and development of new data bases.
- Expanded data analysis capacity and programs.
- Implementation of the Performance and Registration Information System Management (PRISM).
- Improvements to driver programs.

In addition are programs specifically funded from other sources—

- $3 million for public awareness is authorized under Title II, Highway Safety Research and Development (NHTSA). [2009]

- The Intelligent Transportation System /Commercial Vehicle Operations deployment is authorized at a total of $184.1 under Title V, Transportation Research. [5001]
- A special school bus safety study is authorized from the General Fund at $400,000. [4030]

Strengthening Enforcement Capabilities and Improving Compliance

In addition Title IV amends other provisions in the motor carrier statutes. Noteworthy changes are shown below.

Imposes a Mandatory Shutdown Provision On All Unfit Carriers—Strengthens the authority of the Secretary to order unsafe motor carriers to cease commercial motor vehicle operations by extending the existing out-of-service order authority to all motor carriers failing to meet Federal safety fitness requirements. Under the new provision, all motor carriers of property not already covered that fail to meet safety fitness requirements would have 60 days to improve before being prohibited from operating in interstate commerce. [4009]

Implementation Plan for Shippers, Brokers, and Others—Requires the Secretary to assess the scope of the problem of shippers and others that encourage violations of safety regulations. An implementation plan may be developed to identify the mechanisms and procedures that would be followed (if Congress subsequently provided authority) to enforce compliance by shippers, brokers, freight forwarders, consignees, and others with the motor carrier safety regulations. [4026]

Civil Penalties—Restructures the penalty provisions to enhance their effectiveness and establish a maximum penalty for all non-recordkeeping violations of the safety regulations of up to $10,000. The maximum fines and penalties would be more consistent with the safety penalties of other modes. [4015]

Commercial Motor Vehicle Defined—Amends the definition of commercial motor vehicle to take into account the actual gross vehicle weight of a vehicle rather than just the gross vehicle weight rating. This change is intended to stop evasion of safety regulations by those purchasing vehicles with weight ratings below the level at which the safety regulations apply, but hauling above that threshold. [4011,4003,4008]

Safety Performance Records and a Limitation on Liability—Limits the liability of persons complying with regulations issued by the Secretary regarding the furnishing and use of driver safety performance records. Regulations soon to be promulgated will require motor carriers to request records showing the safety performance history of drivers they plan to hire from the former motor carrier employers of that driver. In addition, these regulations are to require former employers to furnish the requested information. Willingness to comply with these new requirements may be constrained by the potential liability and the new requirement is designed to limit that liability while protecting the driver's rights and privacy. [4014]

New Procedures for Waivers and Exemptions—Revises the authority of the Secretary to issue waivers and exemptions from safety regulations and Commercial Drivers' License requirements. Waivers may be granted for a period of up to 3 months duration and have a limited scope. Exemptions could be granted for a period of up to 2 years. Establishes procedures for exemption pilot programs to demonstrate whether a new requirement should become a regulation, whether performance under existing regulation is effective, and whether alternative methods can produce the same safety benefit with less regulatory burden. Safety prerequisites for exemptions and pilot programs are outlined in the provision as well as public notice and comment requirements. [4007]

<u>Telephone Hotline for Drivers</u>—Establishes a commercial motor vehicle driver hotline to report potential violations of safety regulations. [4017]

<u>Special Studies and New Rulemakings</u>—Includes, among other things, studies on:

- the feasibility of using enforcement personnel to perform post-accident alcohol testing [4020]
- the practicality of developing a screening, operating, and monitoring protocol for insulin treated diabetes mellitus for drivers [4018]
- a new regulatory deadline for unique CDL identifiers [4011]
- a pilot program to improve the timely exchange of driver safety records [4022]
- a rulemaking and study to improve interstate school bus safety [4024, 4030]

STATE AND COMMUNITY HIGHWAY SAFETY GRANTS

Year	1997(ISTEA)*	1998	1999	2000	2001	2002	2003
Authorization	$140.2M	$149.7M	$150M	$152.8M	$155M	$160M	$165M

***** Under ISTEA, NHTSA and FHWA received separate 402 authorizations. The 1997 total reflects both programs.

Program Purpose
To support State highway safety programs designed to reduce traffic crashes and resulting deaths, injuries, and property damage. Under TEA-21, a consolidated 402 program is created, merging the ISTEA's separate FHWA 402 and NHTSA 402 authorizations into one authorization. A State may use these grant funds only for highway safety purposes (roadway and behavioral); at least 40 percent of these funds are to be used to address local traffic safety problems. [2001]

Distribution of Funds
The Section 402 formula is:

- 75 percent based on the ratio of the State's population in the latest Federal census to the total population in all States.
- 25 percent based on the ratio of the public road miles in the State to the total public road miles in all States.

The apportionment to each State is no less than one-half of one percent of the total 402 apportionment.

Beginning in FY 1998, the apportionment to the Bureau of Indian Affairs is increased from one-half of one percent to no less than three-quarters of one percent. [2001(c)]

The apportionment to the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands is no less than one-quarter of one percent.

For purposes of this section, those jurisdictions defined as "States" in chapter 4 of Title 23 are eligible to receive Section 402 funds; this includes the 50 States, the District of Columbia, Puerto Rico, Virgin Islands, Guam, American Samoa, Commonwealth of the Northern Mariana Islands, and the Bureau of Indian Affairs.

Eligible Recipients
A State is eligible for these formula grants by submitting a Performance Plan, which establishes goals and performance measures to improve highway safety in the State, and a Highway Safety Plan, which describes activities to achieve those goals.

Key Provisions
TEA-21 revises the periodic rulemaking process used to determine national priority program areas, from one requiring States to direct resources to fixed program areas identified by the rulemaking, to one directing that the States consider such highly effective programs when developing their State highway safety program plans.

TEA-21 also allows any State in FY 1999 and 2000, to use their 402 funds to purchase television and radio time for highway safety messages. [2001(f)]

SAFETY INCENTIVE GRANTS FOR USE OF SEAT BELTS

Year	1997(ISTEA)	1998	1999	2000	2001	2002	2003
Authorization	0	0	$82M	$92M	$102M	$112M	$112M

Program Purpose

A new program of incentive grants (under Section 157 of chapter 1 of Title 23) to encourage States to increase seat belt use rates. A State may use these grant funds for any project eligible for assistance under Title 23. [1403]

Distribution of Funds

The amount of funding each State is awarded will be based on calculations by the Secretary of the annual savings to the Federal Government in medical costs (including savings under the medicare and medicaid programs).

- A State which qualifies for a grant under the first eligibility criterion above will receive an amount equal to the Federal savings due to the amount by which the State seat belt use rate for the previous calendar year exceeds the national average seat belt use rate for that year.
- A State which qualifies for a grant under the second eligibility criterion above will receive an amount equal to the Federal savings due to any increase in the State seat belt use rate for the previous calendar year over the base seat belt use rate.

Eligible Recipients

A State is eligible for an incentive grant if the State had a seat belt use rate greater than the national average for the two preceding calendar years.

If a State does not meet the criterion above, a State is eligible for an incentive grant if the State's seat belt use rate in the previous calendar year was higher than the State's "base seat belt use rate." (The " base seat belt use rate" is defined as the State's highest use rate for any calendar year from 1996 through the calendar year preceding the previous calendar year.)

"State seat belt use rate" as defined in TEA-21 means the rate of use of seat belts in passenger motor vehicles in a State, as measured and submitted to the Secretary; passenge motor vehicles include passenger cars, pickup trucks, vans and sport utility vehicles. For calendar years 1996 and 1997, the Department will weigh the State-submitted use rates to insure national consistency in methods of measurement. For calendar years 1998 and beyond, States must establish their seat belt use rates in accordance with guidelines issued by the Secretary.

For purposes of this section, those jurisdictions defined as "States" in chapter 1 of Title 23 are eligible to receive Section 157 incentive funds; this includes the 50 States, the District of Columbia, and Puerto Rico.

Program Administration

The Federal share of projects funded with Section 157 grant funds is determined by the requirements of the programs to which the State allocates funds.

On September 1 of each year, the Department will determine which States meet the eligibility criteria. Funds will be allocated based on this determination.

If there are any unallocated funds available in FY 1999, the excess amounts will be apportioned to the States for expenditure on the Surface Transportation Program (STP). If there are any unallocated funds available in FY 2000 through FY 2003, the Secretary is directed to allocate the funds to selected States to carry out innovative projects that promote increased seat belt use rates.

States will be selected based on plans submitted to the Secretary. To the maximum extent practicable, the Secretary must ensure demographic and geographic diversity and a diversity of seat belt use rates among the States selected for allocations.

The Federal share of an innovative seat belt project funded under this section is 100 percent.

SAFETY INCENTIVES TO PREVENT OPERATION OF MOTOR VEHICLES BY INTOXICATED PERSONS

Year	1997(ISTEA)	1998	1999	2000	2001	2002	2003
Authorization	0	$55M	$65M	$80M	$90M	$100M	$110M

Program Purpose

A new program of incentive grants (under Section 163 of chapter 1 of Title 23) to encourage States to establish 0.08 percent blood alcohol concentration (BAC) as the legal limit for drunk driving offenses. A State may use these grant funds for any project eligible for assistance under Title 23. [1404]

Distribution of Funds

Available funding each year is apportioned among all eligible States according to the Section 402 formula—

- 75 percent based on the ratio of the State's population in the latest Federal census to the total population in all States.
- 25 percent based on the ratio of the public road miles in the State to the total public road miles in all States.

The apportionment to each State is no less than one-half of one percent.

Eligible Recipients

Any State that has in effect and is enforcing a 0.08 percent BAC law, before the end of the fiscal year, is eligible to receive incentive funds for that fiscal year. The law must provide that any person with a blood alcohol concentration of 0.08 per cent or greater while operating a motor vehicle in the state shall be deemed to have committed a *per se* offense of driving while intoxicated (or an equivalent *per se* offense).

For purposes of this section, those jurisdictions defined as "States" in chapter 1 of Title 23 are eligible to receive Section 163 incentive funds; this includes the 50 States, the District of Columbia, and Puerto Rico.

Program Administration

The Federal share of a project funded under this section is 100 percent

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OCCUPANT PROTECTION INCENTIVE GRANTS

Year	1997(ISTEA)	1998	1999	2000	2001	2002	2003
Authorization	0	0	$10M	$10M	$13M	$15M	$20M

Program Purpose
A new program of incentive grants (under Section 405(a) of chapter 4 of Title 23) to encourage States to adopt and implement effective programs to reduce highway deaths and injuries resulting from individuals riding unrestrained or improperly restrained in motor vehicles. A State may use these grant funds only to implement and enforce occupant protection programs. [2003]

Distribution of Funds
Each State that qualifies for a grant receives up to 25 percent of its FY 1997 Section 402 apportionment.
The Secretary may transfer any amounts remaining available under Sections 405, 410, and 411 to the amounts made available under any other of these programs to ensure, to the maximum extent possible, that each State receives the maximum incentive funding for which it is eligible.
No State may receive a grant under this section in more than six years.
For purposes of this section, those jurisdictions defined as "States" in chapter 4 of Title 23 are eligible to receive Section 405 funds; this includes the 50 States, the District of Columbia, Puerto Rico, Virgin Islands, Guam, American Samoa, Commonwealth of the Northern Mariana Islands, and the Bureau of Indian Affairs.

Eligible Recipients
A State is eligible for an incentive grant by demonstrating that it has implemented at least 4 of the following 6 criteria:

1. A law requiring safety belt use by all front seat passengers in passenger vehicles (and beginning in FY 2001, in any seat in the vehicle).
2. A safety belt law providing for primary enforcement.
3. Minimum fines or penalty points for seat belt and child seat use law violations.
4. A statewide special traffic enforcement program for occupant protection that emphasizes publicity.
5. A statewide child passenger protection education program that includes education programs about proper seating positions for children in air bag equipped motor vehicles and instruction on how to reduce the improper use of child restraint systems.
6. A child passenger protection law that requires minors to be secured properly in a child safety seat or other appropriate restraint system.

Program Administration
The Federal share of programs funded by this section shall not exceed 75 percent in the first and second years in which a State receives a grant, 50 percent in the third and fourth years in which a State receives a grant, and 25 percent in the fifth and sixth years in which a State receives a grant.

CHILD PASSENGER PROTECTION EDUCATION GRANTS

Year	1997(ISTEA)	1998	1999	2000	2001	2002	2003
Authorization	0	0	0	$7.5M	$7.5M	0	0

Program Purpose
A new program of incentive grants (under Section 405(b) of chapter 4 of Title 23) to encourage States to implement child passenger protection programs. [2003]

Distribution of Funds
A State is eligible for a grant by submitting and receiving approval by the Secretary for an application to carry out child passenger protection education activities as described above through a State program or through grants to political subdivisions of the State or to an appropriate private entity.
A grant may be awarded to a State without regard to whether it is eligible to receive or has received an Occupant Protection Incentive Grant under Section 405.
The Federal share of programs funded under this subsection may not exceed 80 percent.

Eligible Use of Funds
A State may use these grant funds to implement programs that are designed to—

- prevent deaths and injuries to children
- educate the public concerning all aspects of the proper installation of child restraints, appropriate child restraint design, selection, and placement, and harness threading and harness adjustment on child restraints
- train and retrain child passenger safety professionals, police officers, fire and emergency medical personnel, and other educators concerning all aspects of child restraint use

Report Requirement [2003(b)(6)]
Each State that receives a grant under this subsection must submit a report to the Secretary, at a minimum, describing the program activities carried out with the grant funds.
Not later than June 1, 2002, the Secretary must report to Congress on the implementation of this subsection.

ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANTS

Year	1997(ISTEA)	1998	1999	2000	2001	2002	2003
Authorization	$25.5M	$34.5M	$35M	$36M	$36M	$38M	$40M

Program Purpose

TEA-21 amended the alcohol-impaired driving countermeasures incentive grant program (under Section 410 of chapter 4 of Title 23) to encourage States to adopt and implement effective programs to reduce traffic safety problems resulting from individuals driving while under the influence of alcohol. A State may use these grant funds only to implement and enforce impaired driving programs. (TEA-21 continued the current Section 410 through the end of FY 1998.)

Distribution of Funds

Beginning in FY 1999, each State that qualifies for a grant receives up to 25 percent of its FY 1997 Section 402 apportionment for each Basic Grant.

Supplemental grants may not exceed 10% of funding made available for Section 410.

The Secretary may transfer any amounts remaining available under Sections 405, 410, and 411 to the amounts made available under any other of these programs to ensure, to the maximum extent possible, that each State receives the maximum incentive funding for which it is eligible.

Eligible Recipients

Basic Grants: Beginning in FY 1999, a State has two options for qualifying for a basic grant—

Basic Grant A: A State demonstrates that it has implemented at least 5 of the following 7 criteria:

1. Administrative license revocation.
2. A program to prevent drivers under age 21 from obtaining alcoholic beverages.
3. A program for intensive impaired driving law enforcement.
4. A graduated licensing law with nighttime driving restrictions and zero tolerance.
5. A program to target drivers with high BAC.
6. Young adult drinking programs to reduce impaired driving by individuals age 21 through 34.
7. An effective system for increasing the rate of testing for BAC of drivers in fatal crashes; in FY2001 and after, the testing rate must be above the national average.

Basic Grant B: A State demonstrates:

1. A reduction in its percentage of fatally injured drivers with .10 percent BAC or greater, in each of last 3 years, and
2. its percentage of drivers with .10 percent BAC or greater is lower than the national average for each of last 3 years.

Supplemental Grants: A State which qualifies for a Basic Grant may apply for one or more Supplemental Grants by demonstrating that it implements any of the following—

1. Videotaping of drunk drivers by police.
2. A self-sustaining impaired driving prevention program.
3. Laws to reduce driving with suspended license.
4. Use of passive alcohol sensors by police.
5. Effective system for tracking information on drunk drivers.
6. Other innovative programs.

Program Administration

The Federal share of programs funded this section shall not exceed 75 percent in the first and second years in which a State receives a grant, 50 percent in the third and fourth years in which a State receives a grant, and 25 percent in the fifth and sixth years in which a State receives a grant.

MINIMUM PENALTIES FOR REPEAT OFFENDERS FOR DWI OR DUI

Program Purpose

A new program (under Section 164 of chapter 1 of Title 23) to encourage States to enact Repeat Intoxicated Driver laws. A State which does not have a Repeat Intoxicated Driver law which meets the minimum penalties described in the Act by October 1, 2000, will have certain Federal-aid highway funds transferred to the State's Section 402 State and Community Highway Safety grant program. [TRA 9005]

Requirements

Each State shall have in effect a Repeat Intoxicated Driver law that provides, as a minimum penalty, that an individual convicted of a second or subsequent offense for driving while intoxicated (DWI) or driving under the influence (DUI) after a previous conviction for that offense shall –

- receive a driver's license suspension for not less than 1 year;
- be subject to the impoundment or immobilization of each of the individual's motor vehicles or the installation of an ignition interlock system on each of the motor vehicles;
- receive an assessment of the individual's degree of abuse of alcohol and treatment as appropriate; and
- receive –
  (i) for 2nd offense, not less than 30 days community service or not less than 5 days of imprisonment; and
  (ii) for 3rd and subsequent offense, not less than 60 days community service or not less than 10 days of imprisonment.

For purposes of this section, those jurisdictions defined as "States" in chapter 1 of Title 23 are subject to the Section 164 transfer provisions; this includes the 50 States, the District of Columbia, and Puerto Rico.

Transfer of Funds

On October 1, 2000, and October 1, 2001, if a State has not enacted and is not enforcing a Repeat Intoxicated Driver law, an amount equal to 1½ percent of the funds apportioned to the State under paragraphs (1), (3), and (4) of Section 104(b) (i.e., NHS, STP, and Interstate Maintenance) will be transferred to the State's Section 402 apportionment. Funds transferred will be derived from one or more of the three apportionments as determined by the State.

On October 1, 2002, and each October 1 thereafter, if a State has not enacted and is not enforcing a Repeat Intoxicated Driver law, the transferred amount increases to 3 percent of the State's apportionment for the specified Federal-aid programs.

Federal-aid obligation authority transfers with the highway funds. No limitation on Section 402 obligation authority applies to the transferred funds.

Eligible Use of Funds

Funds transferred to Section 402 must be used for alcohol-impaired driving countermeasures or enforcement of DWI or DUI and other related laws.

A State may elect to use all or part of its transferred funds for activities eligible under the Section 152 Hazard Elimination Program.

Program Administration

The Federal share of a project funded under this new section is 100 percent.

OPEN CONTAINER REQUIREMENTS

Program Purpose

A new program (under Section 154 of chapter 1 of Title 23) to encourage States to enact open container laws. A State which has not enacted or is not enforcing an open container law (as described below) by October 1, 2000, will have certain Federal-aid highway funds transferred to the State's Section 402 State and Community Highway Safety grant program. [TRA 9005]

Requirements

Each State shall have in effect an Open Container law that prohibits the possession of any open alcoholic beverage container, or the consumption of any alcoholic beverage, in the passenger area of any motor vehicle (including possession or consumption by the driver of the vehicle) located on a public highway, or the right-of-way of a public highway, in the State.

For purposes of this section, those jurisdictions defined as "States" in chapter 1 of Title 23 are subject to the Section 154 transfer provisions; this includes the 50 States, the District of Columbia, and Puerto Rico.

Transfer of Funds

On October 1, 2000, and October 1, 2001, if a State has not enacted and is not enforcing an Open Container law, an amount equal to 1½ percent of the funds apportioned to the State under paragraphs (1), (3), and (4) of Section 104(b) (i.e., NHS, STP, and IM) will be transferred to the State's Section 402 apportionment. Funds transferred will be derived from one or more of the three apportionments as determined by the State.

On October 1, 2002, and each October 1 thereafter, if a State has not enacted and is not enforcing an Open Container law, the transferred amount increases to 3 percent of the State's apportionment for the specified Federal-aid programs.

Federal-aid obligation authority transfers with the highway funds. No limitation on Section 402 obligation authority applies to the transferred funds.

Eligible Use of Funds

Funds transferred to Section 402 must be used for alcohol-impaired driving countermeasures or enforcement of driving while intoxicated (DWI) or driving under the influence (DUI) and other related laws.

A State may elect to use all or part of its transferred funds for activities eligible under the Section 152 Hazard Elimination Program.

Program Administration

The Federal share of a project funded under this new program is 100 percent.

STATE HIGHWAY SAFETY DATA IMPROVEMENTS INCENTIVE GRANTS

Year	1997(ISTEA)	1998	1999	2000	2001	2002	2003
Authorization	0	0	$5M	$8M	$9M	$10M	0

Program Purpose

A new program of incentive grants (under Section 411 of chapter 4 of Title 23) to encourage States to adopt and implement effective programs to improve the timeliness, accuracy, completeness, uniformity, and accessibility of State data that is needed to identify priorities for national, State, and local highway and traffic safety programs; to evaluate the effectiveness of efforts to make such improvements; to link these State data systems, including traffic records, with other data systems within the State; and to improve the compatibility of the State data system with national data systems and data systems of other States to enhance the ability to observe and analyze national trends in crash occurrences, rates, outcomes, and circumstances. A State may use these grant funds only to implement such data improvement programs. [2005]

Distribution of Funds

Each State that qualifies for a grant under Option A receives $125,000.

Each State that qualifies for a grant under Option B receives a proportional amount based on Section 402 FY 1997 apportionments, but no less than $250,000.

Each State that qualifies for a grant under Option C receives $25,000.

Each State that qualifies for a second and subsequent year grant receives a proportional amount based on Section 402 FY 1997 apportionments, but no less than $225,000.

All grant amounts are subject to available funds.

The Secretary may transfer any amounts remaining available under Sections 405, 410, and 411 to the amounts made available under any other of these programs to ensure, to the maximum extent possible, that each State receives the maximum incentive funding for which it is eligible.

Eligible Recipients

***First Year Grants*:** A State has three options for qualifying for a first year grant—

Option A **-** To qualify, a State must:

1. Establish a multi-disciplinary highway safety data and traffic records coordinating committee.
2. Complete a highway safety data and traffic records assessment or audit within the five years prior to the first grant application.
3. Initiate development of a multi-year highway safety data and traffic records strategic plan (with performance-based measures) approved by the coordinating committee.

Option B **-** To qualify, a State must:

1. Certify that the State has met the criteria in (A)(1) and (A)(2) above.
2. Submit a data and traffic records multi-year plan, identifying goals, performance-based measures, and priorities; and that specifies how incentive funds will be used.
3. Certify that the coordinating committee continues to operate and support the plan.

Option C **-** The Secretary may award a grant of up to $25,000 for 1 year to any State that does not meet the criteria for Option A or B.

Second and Subsequent Year Grants: States that receive a First Year Grant then would be eligible to receive Second and Subsequent Year Grants. To qualify, a State must:

1. Submit or update a data and traffic records multi-year plan, identifying goals, performance-based measures and priorities; and that specifies how incentive funds will be used.
2. Certify that the coordinating committee continues to support the multi-year plan.
3. Report annually on the progress made to implement the plan.

No State may receive a grant under this section in more than six years.

For purposes of this section, those jurisdictions defined as “States” in chapter 4 of Title 23 are eligible to receive Section 405 funds; this includes the 50 States, the District of Columbia, Puerto Rico, Virgin Islands, Guam, American Samoa, Commonwealth of the Northern Mariana Islands, and the Bureau of Indian Affairs.

Program Administration

The Federal share of programs funded this section shall not exceed 75 percent in the first and second years in which a State receives a grant, 50 percent in the third and fourth years in which a State receives a grant, and 25 percent in the fifth and sixth years in which a State receives a grant.

The Secretary, in consultation with States and other appropriate parties, will determine the model data elements necessary to observe and analyze national trends in crash occurrences, rates, outcomes, and circumstances.

NATIONAL HIGHWAY SYSTEM

Year	1997(ISTEA)	1998	1999	2000	2001	2002	2003
Authorization*	$3,600M	$4,112M	$4,749M	$4,793M	$4,888M	$4,968M	$5,061M

* Authorizations shown here will be augmented by a portion of Minimum Guarantee funds.

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

Distribution of Funds
The following funds are to be set aside from authorized amounts:

Alaska Highway - $18.8 million to be set aside in each of fiscal years 1998 through 2002 [TRA 9002(c)(3)] for the portion of the Alaska Highway from the Alaska State line south to Haines Junction and from there south on the Haines Road (this is known as the Shakwak Highway Project). [1103(b)]

Territories - $36.4 million to be set aside in each of fiscal years 1998 through 2003 for the territories of Virgin Islands, Guam, American Samoa, and the Commonwealth of Northern Mariana Islands. These funds are available for improvements eligible under 23 U.S.C. 133. [1103(b)] Additionally, 23 U.S.C. 103 is amended to allow these funds to be used for airport and seaport improvements in the territories. [1106(b)]

Apportioned funds are to be distributed based on the following new formula [1103(b)]:

- 25% based on total lane miles of principal arterials (excluding the Interstate System) in each State as a percent of total such principal arterial lane miles in all States.
- 35% based on total vehicle miles traveled (VMT) on lanes of principal arterials (excluding the Interstate System) in each State as a percent of total VMT on lanes of such principal arterials in all States.
- 30% based on diesel fuel used on all highways in each State as a percent of diesel fuel used on all highways in all States.
- 10% based on total lane miles of principal arterials in each State divided by total population in each State as a percent of such ratio for all States.

Provides that each State shall receive a minimum ½% of combined NHS and IM apportionments.[1103(b)]

Transfer of funds
Up to 50% of apportionments may be transferred to IM, STP, CMAQ, and/or Bridge. [1310]
Up to 100% may be transferred to STP, if approved by the Secretary and if sufficient notice and opportunity for public comment is given. [23USC104(c)]

Eligible Activities
Expands NHS eligibility to include the following [1106(b)]:

- natural habitat mitigation (but specifies if wetland or natural habitat mitigation is within the service area of a mitigation bank, preference will be given to use the bank)

- publicly-owned intracity and intercity bus terminals
- infrastructure-based intelligent transportation system capital improvements

System Definition

Adds to the system the highways and connections to transportation facilities identified in the report submitted by the Secretary to Congress on May 24, 1996. [1106(b)]

Retains provision which allows the Secretary to make modifications to the NHS, including modifications to connections to major intermodal terminals.

Retains provision which requires the Secretary to add to the NHS any congressional high priority corridors upon the completion of feasibility studies.

NHS Intermodal Freight Connectors Study

TEA-21 requires the Secretary to report to Congress within two years on progress in improving NHS connectors to seaports, airports, and other intermodal freight transportation facilities for the efficient movement of freight, including movements of freight between modes. If impediments to improving the connectors are identified, the Secretary is to include recommendations. [1106(d)]

Program Administration

See fact sheet on Program Administration for important changes in program delivery and project oversight that affect the NHS Program.

INTERSTATE MAINTENANCE PROGRAM

Year	1997(ISTEA)	1998	1999	2000	2001	2002	2003
Authorization*	$2,914M	$3,427M	$3,957M	$3,995M	$4,073M	$4,140M	$4,218M

* Authorizations shown here will be augmented by a portion of Minimum Guarantee funds.

Program Purpose

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

Distribution of Funds

The following funds are to be set aside from authorized amounts:

Interstate Maintenance Discretionary - $50 million for FY 1998 and $100 million per year for FYs 1999-2003 for obligation by the Secretary for projects for 4R work (including added lanes) on any route or portion thereof on the Interstate System. Excluded are projects on any highway designated as a part of the Interstate System under Section 139 of 23 U.S.C. as in effect before the enactment of TEA-21 and any toll road on the Interstate System not subject to an agreement under Section 119(e) of 23 U.S.C. as in effect on December 17, 1991. [1107(b)]

Apportioned funds are to be distributed based on the following new formula [1103(b)]:

- 33-1/3% based on total lane miles on Interstate System routes open to traffic in each State as a percent of the total of such lane miles in all States.
- 33-1/3% based on total vehicle miles traveled (VMT) on Interstate System routes open to traffic in each State as a percent of such vehicle miles traveled in all States. [TRA 9002(c)(3)]
- 33-1/3% based on the total of each State's annual contributions to the Highway Account of the HTF attributable to commercial vehicles as a percent of the total of such annual contributions by all States.

Provides that each State shall receive a minimum ½% of combined IM and NHS apportionments.[1103(b)]

Transfer of Funds

Up to 50% of apportionments may be transferred to NHS, STP, CMAQ, and/or Bridge. [1310]

Eligible Activities

Expands IM project eligibilities to include "reconstruction." [1107(a)]
Added single occupancy vehicle (SOV) lanes continue to be ineligible. [23USC119(d)]

Routes Eligible for Funding [1107(a)]

Routes on the Interstate System designated under Section 103(c)(1) and, in Alaska and Puerto Rico, under section 103(c)(4)(A);
Routes on the Interstate System designated under Sections 139 (a) and (b) as in effect prior to TEA-21.
Any segments that become part of the Interstate System under Section 1105(e)(5) of ISTEA.
Toll roads only if such road is subject to a Secretarial agreement provided for in Section 129 or continued in effect by Section 1012(d) of ISTEA and not voided by the Secretary under Section 120(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987.

Program Administration

See fact sheet on Program Administration for important changes in program delivery and project oversight that affect the Interstate Maintenance Program.

SURFACE TRANSPORTATION PROGRAM

Year	1997(ISTEA)	1998	1999	2000	2001	2002	2003
Authorization*	$4,097M	$4,798M	$5,540M	$5,592M	$5,703M	$5,795M	$5,905M

* Authorizations shown here will be augmented by a portion of Minimum Guarantee funds.

Program Purpose
The STP provides flexible funding that may be used by States and localities for projects on any Federal-aid highway, including the NHS, bridge projects on any public road, transit capital projects, and intracity and intercity bus terminals and facilities. A portion of funds reserved for rural areas may be spent on rural minor collectors.

Distribution of Funds
The following funds are to be set aside from authorized amounts:

Railway-Highway Crossing Hazard Elimination in High Speed Rail Corridors - Increases setaside from $5 million per year to $5.25 million per year; adds three additional high speed rail corridors, expands one of the original five corridors and authorizes the Secretary to select up to three additional corridors." [1103(c)]

Operation Lifesaver - Authorizes setaside for Operation Lifesaver, which was previously funded from the administrative takedown; increases amount from $300,000 to $500,000 per year. [1103(c)]

Apportioned funds are to be distributed based on the following new formula [1103(b)]:

- 25% based on total lane miles of Federal-aid highways (FAH) in the State as a percent of total FAH lane miles in all States.
- 40% based on total vehicle miles traveled (VMT) on lanes of FAH in the State as a percent of total VMT on lanes of FAH in all States.
- 35% based on estimated tax payments attributable to highway users in the State paid into the Highway Account of the HTF in the latest fiscal year for which data are available, as a percent of total such payments by all States.

State suballocations of apportioned funds are retained with some changes --

- Retains 10% setaside for safety improvement projects including railway-highway crossings. [23USC133(d)(1)]
- Retains 10% setaside for transportation enhancements. [23USC133(d)(2)]
- Retains setaside for urbanized areas with populations over 200,000. [23USC133(d)(3)]
- Extends the provision requiring States to make available obligation authority to urbanized areas over 200,000 population, but in two 3-year increments rather than one 6-year period as in ISTEA. Adds the requirement that the State, affected MPO, and Secretary ensure compliance with this provision. [1108(e)]
- Retains the special rule for areas of less than 5,000 population [23USC133(d)(3)]. Permits up to 15 percent of amounts reserved for rural areas to be spent on rural minor collectors. [1108(f)]

Transfer of Funds [1310]

Transportation Enhancement (TE) setaside - Up to 25 percent of the difference between the amount set aside for TE for the fiscal year and the amount set aside for TE for FY 1997 may be transferred to IM, CMAQ, NHS and/or the Bridge Program. [1310]

Safety setaside - Safety setaside funds equivalent to the funds made available for FY 1991 for the Hazard Elimination and Railway-Highway Crossing Programs (23 USC 130 and 152) may not be transferred. Up to 25 percent of the difference between the remainder of the safety setaside for the fiscal year—the "optional safety" funds—and the comparable amount for FY 1997 may be transferred to IM, CMAQ, NHS and/or the Bridge Program. [1310]

Suballocation to areas - STP funds allocated to sub-State areas (rural, urbanized areas with population over 200,000) may not be transferred. [1310]

Transfers to STP from the IM, NHS, CMAQ, and Bridge Programs will not be subject to further STP setasides or suballocations.

Eligible Activities

Expands STP eligibilities to specifically include the following [1108(a)]:

- sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and de-icing compositions
- programs to reduce extreme cold starts
- environmental restoration and pollution abatement projects, including retrofit or construction of stormwater treatment facilities (limited to 20% of total cost of 3R-type transportation projects)
- natural habitat mitigation, but specifies that if wetland or natural habitat mitigation is within the service area of a mitigation bank, preference will be given to use the bank
- privately owned vehicles and facilities that are used to provide intercity passenger service by bus
- modifications of existing public sidewalks (regardless of whether the sidewalk is on a Federal-aid highway right-of-way), to comply with the requirements of the Americans with Disabilities Act
- infrastructure based intelligent transportation system capital improvements

Program Administration

See fact sheet on Program Administration for important changes in program delivery and project oversight that affect the STP.

HIGHWAY BRIDGE REPLACEMENT AND REHABILITATION PROGRAM

Year	1997(ISTEA)	1998	1999	2000	2001	2002	2003
Authorization*	$2,763M	$2,941M	$3,395M	$3,427M	$3,495M	$3,552M	$3,619M

* Authorizations shown here will be augmented by a portion of Minimum Guarantee funds.

Program Purpose

The Highway Bridge Replacement and Rehabilitation Program (HBRRP) provides funds to assist the States in their programs to replace or rehabilitate deficient highway bridges and to seismic retrofit bridges located on any public road.

Distribution of Funds

The following funds are to be set aside from authorized amounts:

Bridge Discretionary - $25 million in FY 1998 and $100 million per year for FYs 1999-2003 for bridge projects at the discretion of the Secretary. Of these amounts, $25 million per year must be used for seismic retrofit. [1109(b)]

The following setasides are eliminated:

Timber Bridges - Timber bridge projects continue to be eligible for funding under the regular HBRRP or other Federal-aid categorical programs.

Indian Reservation Roads (IRR) Bridges - The 1% setaside for deficient IRR bridges is eliminated; funding for these bridges to be provided through a new setaside from IRR funds under the Federal Lands Highways program. [TRA 9002(I)(3)]

Apportioned funds are to be distributed according to the existing formula, which is based on each State's relative share of the total cost to repair or replace deficient highway bridges. [23USC144(e)]

- Continues guaranteed minimum of 0.25% of HBRRP funds to each State, with no State receiving more than 10%. [23USC144(e)]
- Continues the requirement that a minimum of 15% of a State's apportioned funds be expended for bridge projects located on other than Federal-aid highways (off-system), with a maximum amount of 35%. [23USC144(g)(3)]

Transfer of Funds

Up to 50% of apportionments may be transferred to IM, NHS, STP, and/or CMAQ. [1310]

For purposes of apportioning Bridge program funds, the transferred amount will be deducted for the succeeding fiscal year from the total cost of deficient bridges in the State and in all States. [1109]

Funds set aside for off-system bridges may not be transferred unless a determination is made that the State has inadequate needs to justify expenditure of the full amount of the setaside funds. [23 USC144(g)(3)]

Eligible Activities

Expands eligibility to include the following [1109(d)]:

- application of anti-icing/de-icing compositions
- installation of scour countermeasures

CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM

Year	1997(ISTEA)	1998	1999	2000	2001	2002	2003
Authorization*	$1, 029M	$1,193M	$1,345M	$1,358M	$1,385M	$1,407M	$1,434M

* Authorizations shown here will be augmented by a portion of Minimum Guarantee funds.

Program Purpose

The primary purpose of the Congestion Mitigation and Air Quality Improvement Program (CMAQ) is to fund projects and programs in air quality nonattainment and maintenance areas for ozone, carbon monoxide (CO), and small particulate matter (PM-10) which reduce transportation related emissions.

Distribution of Funds

Prior to apportionment, the following funds are to be set aside:

CMAQ Effectiveness Study - $500,000 to be set aside in each of fiscal years 1999 and 2000 for a study on the effectiveness of the CMAQ program (air quality, congestion relief, economic potential). [1110(e)]

Remaining funds are to be distributed according to a formula based on population and severity of pollution, as under existing law, with the following changes [1103]:

- Includes new weighting factors for ozone and CO maintenance areas, CO nonattainment areas, and ozone submarginal areas.
- Eliminates special treatment for California, New York, and Texas
- Eliminates the freeze on the apportionment factors imposed under the NHS Designation Act.

Transfer of Funds [1310(c)]

Up to 50% of the amount by which the apportionment for the fiscal year exceeds the amount that would have been apportioned for that fiscal year if the program had been funded at $1.35 billion annually may be transferred to STP, NHS, IM, and/or Bridge.

Transferred funds may only be used in nonattainment and maintenance areas.

Areas Eligible for Funding [1110(b)]

Expands the areas that are eligible to receive CMAQ funding to include:

- PM-10 nonattainment and maintenance areas
- areas designated as nonattainment under the 1997 revised air quality standards.

Limits eligibility of nonattainment and maintenance areas designated prior to December 31, 1997 to areas classified submarginal through extreme for ozone, and moderate or serious for CO and PM-10.

Eligible Activities

Expands eligibility to include :

- extreme low-temperature cold start programs.
- Magnetic Levitation Transportation Technology Deployment program projects.

Provides States which receive the minimum apportionment of 1/2% with some flexibility to use CMAQ funds for STP-eligible purposes. [1110(c)]

Partnership Provisions [1110(d)]

Provides greater flexibility for public/private partnerships by allowing States to allocate CMAQ funds to private and non-profit entities for land, facilities, vehicles and project development activities.

Limits eligibility of partnerships on alternative fuel projects to the incremental vehicle cost over a conventionally-fueled vehicle.

Prohibits use of CMAQ funds for nongovernmental partnerships on projects that are required under the Clean Air Act, the Energy Policy Act or other Federal laws.

FEDERAL LANDS HIGHWAYS PROGRAM

Year	1997(ISTEA)	1998	1999	2000	2001	2002	2003
Park Road & Parkways	$84.0 M	$115M	$165M	$165M	$165M	$165M	$165M
Indian Reservation Roads	$191.0M	$225M	$275M	$275M	$275M	$275M	$275M
Public Lands Highways							
Discretionary	$58.5M	$66.6M	$83.6M	$83.6M	$83.6M	$83.6M	$83.6M
Forest Highway	$113.5M	$129.4M	$162.4M	$162.4M	$162.4M	$162.4M	$162.4M
Refuge Roads	0	0	$20M	$20M	$20M	$20M	$20M
Total Funding	$447M	$536M	$706M	$706M	$706M	$706M	$706M

Program Purpose

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

Program Structure

A new program category for refuge roads (RR) was added to FHLP. [1115(e)] This program provides funds that may be used by the U.S. Fish and Wildlife Service and the FHWA for the maintenance and improvement of Federally owned public roads that provide access to or within a unit of the National Wildlife Refuge System.

Program Changes

Federal Share --Allows FLHP and/or appropriated Federal land management agency funds to be used for State/local share for Federal-Aid Highway funded projects (IM, NHS, STP, CMAQ). [1115(a)]

Federal Highway Administration Takedown -- The administrative takedown was reduced to 1.5 percent. [1103(a)]

Forest Highway -- No change in program procedures.

Indian Reservation Road (IRR) Bridges --Under the IRR category, a Nationwide Priority Program for improving IRR deficient bridges was established ($13/million per year). The 1 percent set aside of Bridge Replacement and Rehabilitation program funds for deficient IRR bridges is eliminated. [TRA 9002(I)(3)]

Indian Reservation Roads -- Tribes may contract for IRR projects under the Indian Self-Determination and Education Assistance Act provisions. Negotiated rule making with Indian tribal governments is required for IRR program procedures and the relative need fund formula. [1115(b)]

Management System -- Required as appropriate for bridge, congestion (new), pavement, and safety. [1115(d)]

Park Roads & Parkways -- No change in program procedures.

Point of Obligation -- FLHP funds may be obligated when engineering and related activities are approved and for construction contracts prior to contract award after the plans, specifications, and estimate are approved. [1115(c)]

Public Lands Highway -- No change in procedures for submitting or selecting candidate projects. Funds can be used to pay for administrative costs of Federal land management agencies participating in the program and for transportation planning by those agencies which are not funded elsewhere by the FLHP. [1115(d)] If a State receives these funds, there will be no reduction in other Federal-aid highway funding distributed to that State.

Transit Facilities -- Any category of funds except refuge roads may be used for transit facilities within public lands, national parks, and Indian reservations. [1115(d)]

Transportation Planning -- Amended FLHP transportation planning to permit Federal Lands Highway to approve all FLHP Transportation Improvement Programs (TIPs) and forward the TIPs to States and MPOs for their information and inclusion in their TIPs without further action. "Regionally significant" FLHP projects would be developed in cooperation with States and MPOs and shown in their TIPs. Regulations are required for FLHP transportation planning procedures and management systems. Such procedures are to be consistent with the metropolitan and statewide planning processes required under 23 U.S.C. 134 and 135. [1115(d)]

Hoover Dam bridge replacement -- Any category of funds except refuge roads can be used for a project to replace the Federally owned bridge on the Hoover Dam between Nevada and Arizona. [1115(d)]

Lake Tahoe (CA/NV) planning and projects -- Up to one percent of Federal Lands Highway Program funds may be used for Lake Tahoe (CA and NV) transportation planning and for projects in the Lake Tahoe Transportation Improvement Program. [1203(d)]

Refuge Roads funds may be used for:

- Maintenance and improvement of refuge roads;
- Maintenance and improvement of adjacent vehicular parking areas, provision for pedestrians and bicycles, and construction and reconstruction of roadside rest areas including sanitary and water facilities that are located in or adjacent to wildlife refuges;
- Administrative costs associated with such maintenance and improvements. [1115(e)]

Obligation Limitation

All categories of FLHP funds are subject to the annual limitation on obligations each year. This limitation is prorated as that provided for States. [1102(b) and 1102(c)]

Full obligation limitation is provided for FLHP FY 1997 and future fiscal year carryover funds. [1102]

Authorized funds (contract authority) which exceed the obligation limitation for FYs 1998-2003 are to be distributed to States as STP funds. These funds lose their identity as FLHP funds and are no longer available for obligation by Federal land management agencies. [1102(f)]

Congressionally Mandated Studies

The Secretary of Transportation must conduct a study, in coordination with the Secretary of the Interior on transit needs in National Parks and Public lands. The study is to cover all lands under the jurisdiction of the Bureau of Land Management, National Park Service, and the U.S. Fish and Wildlife Service. The report is due to Congress by January 2000. [3039]

NATIONAL CORRIDOR PLANNING AND DEVELOPMENT PROGRAM AND COORDINATED BORDER INFRASTRUCTURE PROGRAM

Year	1997(ISTEA)	1998	1999	2000	2001	2002	2003
Authorization	0	0	$140M	$140M	$140M	$140M	$140M

Program Purpose

The purpose of the National Corridor Planning and Development Program is to provide allocations to States and metropolitan planning organizations for coordinated planning, design, and construction of corridors of national significance, economic growth, and international or interregional trade. [1118(a)]

The purpose of the Coordinated Border Infrastructure Program is to improve the safe movement of people and goods at or across the border between the United States and Canada and the border between the United States and Mexico. [1119(a)]

Funding

These two programs are funded from a single source. [1101(a)(9)]

Requires the Secretary to establish and publish criteria for selection for all discretionary programs funded from the Highway Trust Fund, and submit lists of projects explaining how the projects were selected. [1311, TRA 9004(a)]

The Federal share for projects funded through these programs is 80% (sliding scale applies). [1118(e)]

Corridor Program

Eligible Recipients

Eligibility for funds from the Corridor Program is limited to States and MPOs. [1118(a)]

Eligibility for Corridor Program funds is further limited to:

- The 21 corridors identified in ISTEA, the 8 added in the 1995 National Highway Designation Act, and the 14 added by the 1998 TEA-21, as well as any modifications to these corridors made in succeeding legislation. [1211]

- Other significant corridors selected by the Secretary considering: [1118(b)]
  (1) Any increase since NAFTA in commercial vehicle traffic volume at border stations or ports of entry in each State and in the State as a whole;
  (2) Projected further increases of such traffic;
  (3) Flow of international truck-borne commodities through each State;
  (4) Reduction in travel time through a major international facility;
  (5) Leveraging of Federal funds via use of innovative financing, using funds from other Title 23 programs, other Federal funds and/or State, local and private funds;
  (6) Value of cargo and the economic costs of congestion; and
  (7) Economic growth and development in areas underserved by existing highway infrastructure.

Eligible Activities

Eligible work for corridor funds includes: [1118(c)]

- Planning, coordination, design, and location studies;

- Environmental review and construction (subsequent to the Secretary's review of a corridor development and management plan).

A corridor management plan shall include: [1118(d)]

- A complete and comprehensive analysis of corridor costs and benefits;
- A coordinated schedule showing completion of plans, development activities, environmental reviews and permits, and construction of all segments;
- A finance plan, including any innovative financing methods, and, if a multistate corridor, including a State-by-State allocation;
- Results of any environmental reviews and mitigation plans; and
- Identification of any impediments to the development and construction of the corridor, including any environmental, social, political and economic objections.

Corridor planning shall be coordinated with transportation planning of State, metropolitan, and Federal land, tribal government, and Mexican and Canadian agencies. [1118(f)]

Border Program

Eligible Recipients

Eligibility for funds from the Border Program is limited to border States and MPOs. [1119(a), 1119(b)]
Criteria for selection of projects supported by border program funds include: [1119(c)]

- Expected reduction in motor vehicle travel time through an international border crossing;
- Improvements in Canadian/Mexican border crossing vehicle safety and cargo security;
- Applicability of innovative and problem solving techniques of the proposed project to other border stations or ports of entry;
- Increased use of existing, underutilized border crossing facilities and approaches;
- Leveraging of Federal funds via use of innovative financing, using funds from other Title 23 programs, and/or Federal, State, local, and private funding;
- Degree of multinational involvement in the project;
- Degree of coordination with Federal inspection agencies;
- Local commitment to implement and sustain planning processes and programs; and
- Factors the Secretary determines appropriate to promote border efficiency and safety.

Eligible Activities

Eligible work for border funds includes: [1119(b)]

- Improvements to existing transportation and supporting infrastructure that facilitate cross-border vehicle and cargo movements;
- Construction of highways and related safety and safety enforcement facilities that will facilitate vehicle and cargo movements related to international trade;
- Operational improvements, including improvements relating to electronic data interchange and use of telecommunications, to expedite cross border vehicle and cargo movements;
- Modifications to regulatory procedures to expedite cross border vehicle and cargo movements;
- International coordination of planning, programming, and border operation with Canada and Mexico relating to expedite cross border vehicle an cargo movements; and
- Activities of Federal inspection agencies.

During the period FY 1998-2001, the Secretary may transfer up to a total of $10M to the Administrator of General Services at his/her request for construction of transportation infrastructure necessary for law enforcement in border States. [1119(d)]

VALUE PRICING

Year	1997(ISTEA)	1998	1999	2000	2001	2002	2003
Authorization	0*	0	$7M	$11M	$11M	$11M	$11M

* ISTEA authorized $25 million in FY 1997 for the Program, but the National Highway System (NHS) Act redirected these funds to other uses.

Program Purpose

The objective of this program, formerly the Congestion Pricing Pilot program, is to encourage implementation and evaluation of value pricing pilot projects in order to promote economic efficiency in the use of highways and support congestion reduction, air quality, energy conservation, and transit productivity goals. [1216(a)]

Funding

Provides funding to support the costs of implementing value pricing projects included in up to 15 new State and local value pricing programs.

- Supports pre-implementation costs, including public participation costs and pre-project planning costs, for up to 3 years.
- Supports implementation projects for up to 3 years from the time a project is implemented.

Funds allocated to a State shall be available for obligation for three years after the year of authorization.

If the amount of program funds authorized but not allocated to the States totals more than $8 million at the end of a fiscal year, the excess amount shall be available for redistribution to all States for purposes of the Surface Transportation Program.

Establishes a Federal funding share of 80 percent for value pricing programs.

Program Features

Local pilot programs have the flexibility to encompass a variety of value pricing applications, including:

- areawide pricing
- pricing of multiple or single facilities or corridors
- single lane pricing
- implementation of other market-based strategies, such as area-wide Parking Cash-Out demonstrations

All 15 new State and local pricing programs may include projects involving tolls on the Interstate system.

State and local pricing programs may permit vehicles with fewer than two occupants to operate in high occupancy vehicle lanes as part of a value pricing project.

Pricing programs are required to consider potential adverse financial effects on low-income drivers, and, where appropriate, to identify measures to mitigate these adverse effects.

HIGHWAY USE TAX EVASION PROJECTS

Year	1997(ISTEA)	1998	1999	2000	2001	2002	2003
Authorization	$5M	$10M	$5M	$5M	$5M	$5M	$5M

Program Purpose

The purpose of the Highway Use Tax Evasion program is to support the State and Federal efforts to enhance motor fuel tax enforcement. [1114]

Funding Features

Funds are to be allocated at the discretion of the Secretary to the Internal Revenue Service and to the States (100% Federal share). Before any other distribution is made, sufficient funds must be made available to the IRS to establish and operate an automated fuel reporting system. [TRA 9002(h)]

Permits ¼ of 1 percent of the Surface Transportation Program funds apportioned to a State each fiscal year, at 100% Federal share, to be used on initiatives to halt the evasion of payment of motor fuel taxes.

Eligible Activities

Funds authorized specifically to carry out this program may be used only for the following purposes:

- expand efforts to enhance motor fuel tax enforcement
- fund additional IRS staff, but only to carry out functions described in this section
- supplement motor fuel tax examinations and criminal investigations
- develop automated data processing tools to monitor motor fuel production and sales
- evaluate and implement registration and reporting requirements for motor fuel taxpayers
- reimburse State expenses that supplement existing fuel tax compliance efforts
- analyze and implement programs to reduce tax evasion associated with other highway use taxes

EMERGENCY RELIEF PROGRAM

Year	1997(ISTEA)	1998	1999	2000	2001	2002	2003
Authorization	$100M	$100M	$100M	$100M	$100M	$100M	$100M

Program Purpose
The emergency relief (ER) program provides funds for the repair or reconstruction of Federal-aid highways and roads on Federal lands which have suffered serious damage as a result of (1) natural disasters or (2) catastrophic failures from an external cause.

Funding [1113]
Continues annual funding of $100 million through a permanent authorization in Section 125 of Title 23, as amended by Section 1113 of TEA-21.
If needs exceed the resources available under this authorization in a given year, supplemental appropriations are enacted as needed.

Devil's Slide [1217]
Mandates eligibility for repair or reconstruction of a route in San Mateo County, California, known as Devil's Slide, as long as the project complies with local coastal plan.
Lifts the $100 million obligation restriction for a single disaster in a State for the Devil's Slide project.

TRANSPORTATION ENHANCEMENTS

Program Purpose

Transportation enhancements (TE) are transportation-related activities that are designed to strengthen the cultural, aesthetic, and environmental aspects of the Nation's intermodal transportation system. The transportation enhancements program provides for the implementation of a variety of non-traditional projects, with examples ranging from the restoration of historic transportation facilities, to bike and pedestrian facilities, to landscaping and scenic beautification, and to the mitigation of water pollution from highway runoff.

Funding

Retains the 10% transportation enhancements set-aside of STP funds. [23USC133(d)(2)]

Federal Share [1108(b)(2)]

Continues current matching requirements, with the following new innovative financing options:

- State may apply funds from other Federal agencies to the non-Federal share of the project.
- The non-Federal share may be calculated on a project, multiple-project, or program basis.

Under either of the above options, up to 100% of an individual project may be financed with Federal funds.

Transferability [1310]

Up to 25 percent of the difference between the amount set aside for TE for the fiscal year and the amount set aside for TE for FY 1997 may be transferred to IM, CMAQ, NHS and/or the Bridge Program.

Eligibility [1201]

Requires that transportation enhancement activities must relate to surface transportation.

Expands the definition of transportation enhancements eligibilities to specifically include the following (italicized type indicates new language):

- *provision of safety and educational activities for pedestrians and bicyclists*
- scenic or historic highway programs (*including provision of tourist and welcome center facilities)*
- *environmental* mitigation to address water pollution due to highway runoff or *reduce vehicle-caused wild-life mortality while maintaining habitat connectivity*
- *establishment of transportation museums*

Encourages use of qualified youth conservation or service corps to perform appropriate TE activities. [1108(g)]

Mandated TE Projects [1215, TRA 9003(g)]

In addition to TE funding from the STP setaside, the following projects are mandated in TEA-21, each with accompanying HTF contract authority:

- Gettysburg, PA - $400,000 for FYs 1998 and 1999 for restoration of the train station
- Duluth, MN - $1.5 million/year for FYs 1998-2003 to establish a center for technical communications and network support for nationally designated scenic byway routes
- West Virginia - $2 million/year for FYs 1999-2001 for the Coal Heritage Scenic Byway
- Virginia - $5 million for FY 1999 and $2 million/year for FYs 2000-2003 to implement traffic calming measures on Rt. 50 in Fauquier and Loudoun counties

- Virginia - $1 million for FY 1999 for a pedestrian bridge over RT. 29 at Emmet St. in Charlottesville
- Virginia - $600,000 for FY 1999 for construction of the Virginia Blue Ridge Parkway interpretive center on the Roanoke River Gorge
- Missouri - $2 million for FY 1999 for the renovation and preservation of Rt. 66 Chain of Rocks Bridge

An additional TE project for construction of Type II noise barriers on a portion of I-285 in Dekalb County, Georgia, to be funded from NHS and STP apportionments.

NATIONAL SCENIC BYWAYS PROGRAM

Year	1997 (ISTEA)	1998	1999	2000	2001	2002	2003
Authorization	$14M	$23.5M	$23.5M	$24.5M	$24.5M	$25.5M	$26.5M

Program Purpose

The National Scenic Byways Program provides for the designation by the Secretary of Transportation of roads that have outstanding scenic, historic, cultural, natural, recreational, and archaeological qualities as All-American Roads (AAR) or National Scenic Byways (NSB). The program also provides discretionary grants for scenic byway projects on an AAR, an NSB, or a State-designated scenic byway and for planning, designing, and developing State scenic byway programs. [1219]

National Designations

Continues the designations of AARs and NSBs in accordance with criteria developed by the Secretary.

Continues the requirement that a road be designated as a State scenic byway or a Federal land management agency byway before being considered for national designation.

Federal Share

Modifies the Federal share provisions to allow Federal land management agencies to provide the non-Federal share for projects on Federal or Indian lands.

Eligibility

Expands the list of eligible activities to include the development and implementation of scenic byway marketing programs.

Project Qualification

Continues the requirement that a project must protect the scenic, historic, cultural, natural, recreational, and archaeological integrity of a highway and adjacent areas.

Establishes the following priorities for making grant decisions:

- Projects on routes designated as either an AAR or an NSB.
- Projects that would make routes eligible for designation as either an AAR or an NSB.
- Projects associated with developing State scenic byway programs.

RECREATIONAL TRAILS PROGRAM

Year	1997(ISTEA)	1998	1999	2000	2001	2002	2003
Authorization	($15M)*	$30M	$40M	$50M	$50M	$50M	$50M

*Funded from administrative takedown

Program Purpose

The Recreational Trails Program provides funds to develop and maintain recreational trails for motorized and nonmotorized recreational trail users.

Funding

Provides stable funding for the Recreational Trails program by establishing it as a Federal-aid program category with contract authority. [1103(f), 1112(a)]

Funds are apportioned to the States by formula—50% equally among all eligible States and 50% in proportion to the amount of off-road recreational fuel use—fuel used for off-road recreation by snowmobiles, all-terrain vehicles, off-road motorcycles, and off-road light trucks. [1103(f)(2)]

The maximum Federal share attributable to the Recreational Trails Program is 80% [23USC206(f)]

- Federal agency project sponsors may provide additional Federal funds up to a total Federal share of 95%.
- Funds from other Federal programs may be used for the matching share.
- States may allow a programmatic match instead of a project level match.

“Soft match” (credit for donations of funds, materials, services, or new right-of-way) is permitted from any project sponsor, whether a private organization or public agency. [23USC206(h)(1)]

Eligibility

Eligible project categories are [23USC206(d)(2)]:

- maintenance and restoration of existing recreational trails;
- development and rehabilitation of trailside and trailhead facilities and trail linkages;
- purchase and lease of recreational trail construction and maintenance equipment;
- construction of new recreational trails (with restrictions on new trails on Federal land);
- acquisition of easements or property for recreational trails or recreational trail corridors;
- State administrative costs related to program administration (up to 7% of a State’s funds); and
- operation of educational programs to promote safety and environmental protection as those objectives related to the use of recreational trails (up to 5% of a State’s funds).

Use of Funds

States must meet minimum funding shares among motorized, nonmotorized, diverse trail use [1112(a)]:

- 40% minimum for diverse trail use
- 30% minimum for motorized recreation
- 30% minimum for nonmotorized recreation
- A diverse motorized use project may satisfy the diverse and motorized requirements simultaneously.
- A diverse nonmotorized use project may satisfy the diverse and nonmotorized requirements simultaneously.

States should give consideration to projects that provide for the redesign, reconstruction, nonroutine maintenance, or relocation of recreational trails to benefit the natural environment. [1112(a)]

States are encouraged to enter into contracts and cooperative agreements with qualified youth conservation or service corps to perform trail construction and maintenance. [1112(e)]

State Program Administration

The Governor of the State designates the agency to administer the program, which may be an agency other than the State DOT. [23USC206(c)(1)]

The State must have a State Recreational Trail Advisory Committee that represents both motorized and nonmotorized recreational trail users, which shall meet not less often than once per fiscal year. [23USC206(c)(2)]

APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM

Year	1997	1998	1999	2000	2001	2002	2003
Authorization	$30M*	0	$450M	$450M	$450M	$450M	$450M

*Additional funds were available from other sources.

Program Purpose
The Appalachian Development Highway System (ADHS) program provides funds for the construction of the Appalachian corridor highways in 13 States to promote economic development and to establish a State-Federal framework to meet the needs of the region. More than 92 percent of the ADHS is located on the National Highway System (NHS). The ADHS is 76 percent complete.

Funding
Authorizations are from the HTF (previously funded from various General fund sources). [1101(a)(6)]
Funded by contract authority, to remain available until expended. [1117(b)]

Federal Share
The Federal share for normally financed projects remains at 80%. [1117(b)]
Increases the Federal share for pre-financed (advance construction) work from 70% to 80%. [1117(c)]

Distribution of Funds
Authorizes administrative takedown of up to 1.5 %. [1103(a)]
The Secretary shall apportion funds made available for FYs 1999-2003 among the 13 States based on the latest cost to complete estimate for the ADHS. [1117(a)]

Obligation Limitation
Provides for set-aside for ADHS funds of the annual limitation on Federal-aid highway obligations, prorated on the same basis as for other Federal-aid programs. [1102(c)(4)]
Obligation limitation set aside for this program shall remain until expended. [1102(g)]

Eligible Use of Funds
Funds shall be available to construct highways and local access roads under Section 201 of the 1965 Appalachian Act. [1117(a)]

BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS

Program Purpose

The Bicycle Transportation and Pedestrian Walkways provisions of Section 217 of Title 23, as amended by TEA-21, describe how Federal-aid funds may be used for bicycle and pedestrian projects. These projects are broadly eligible for all of the major funding programs where they compete with other transportation projects for available funding at the State and MPO levels.

Eligible Use of Funds

Bicycle and pedestrian projects are eligible for NHS, STP (including Transportation Enhancements, and Sections 130 and 152), CMAQ, Federal Lands, Scenic Byways, and Recreational Trails funds.

TEA-21 amends the eligibility of certain projects for Federal-aid funding including:

- National Highway System funds may now be used for pedestrian walkways. [1202(a)(1)]
- National Highway System funds for bicycle and pedestrian projects may now be used for projects within Interstate corridors. [1202(a)(2)]
- Expands eligible uses of STP safety setaside funds to include bicycle improvements. In addition, Hazard Elimination (part of the STP safety setaside) funds can now be used for pedestrian and bicyclist public pathways and trails and facilities; traffic calming projects are specifically mentioned as eligible activities. [1401]

Program Features

Provides additional information and guidance on a wide range of planning, policy and safety issues affecting bicycling and walking, including:

- Bicyclists and pedestrians shall be given due consideration in State and MPO long range transportation plans. [1202(a)(3)]
- Bicycle and pedestrian projects shall be considered, where appropriate, in conjunction with all new construction and reconstruction of transportation facilities, except where bicycle and pedestrian use is not permitted. [1202(a)(3)]
- Transportation plans and projects shall provide due consideration for safety and contiguous routes for bicyclists and pedestrians. [1202(a)(3)]
- Bicycle safety issues must now be addressed in carrying out railway-highway crossing hazard elimination projects under 23 USC Sections 130 and 152 [1202(d), 1401].
- FHWA shall, within 18 months, develop guidance on the various approaches to accommodating bicycles and pedestrian travel, including making recommendations on amending and updating AASHTO design standards for streets and highways. [1202(b)]
- The Secretary shall not approve any project or take any regulatory action that will sever an existing major nonmotorized route or adversely affect the safety of nonmotorized traffic and light motorcycles, unless a reasonable alternate route exists or is established. [1202(c)]
- FHWA is authorized to develop a national bicycle safety education curriculum. [1202(e)]

Definitions [1202(a)(7)]

Clarifies the permissibility of motorized wheelchair use on trails and pedestrian walkways that otherwise prohibit motorized use and also permits the use of electric bicycles on these facilities where State or local regulations permit.

Electric bicycles are defined as any bicycle or tricycle with a low-powered electric motor weighing under 100 pounds, with a top motor-powered speed of 20 miles per hour.

WOODROW WILSON MEMORIAL BRIDGE

Year	1997	1998	1999	2000	2001	2002	2003
Authorization	($30M)*	$25M	$75M	$150M	$200M	$225M	$225M

*****Funded from FHWA's administrative takedown.

Program Purpose

Design and construction of a new bridge where Interstate 95 crosses the Potomac River, along with related approaches and interchanges, as well as any needed interim repairs to the existing Woodrow Wilson Memorial Bridge (together, the "Project").

Background

On September 26, 1996, the Woodrow Wilson Bridge Coordinating Committee identified its preferred alternative for improvement to the Woodrow Wilson Bridge.

The preferred alternative for the Project has now been selected: two side-by-side, 70-foot-high drawbridges along the current alignment, plus associated improvements at 4 interchanges in Maryland and Virginia.

On November 25, 1997, a record of decision (ROD) was executed in compliance with the 1969 NEPA.

Funding Features [1116(c)]

A total of $900 million in HTF contract authority is authorized, to remain available until expended.

None of the funds shall be available for construction before the execution of an agreement concerning transferring ownership of the Bridge. Until such time, only maintenance and rehabilitation of the Bridge, the design of the Project, and right-of-way acquisition (including early acquisition of construction staging areas) can be funded.

Costs associated with the new bridge shall be given priority for funding over other eligible Project costs, other than design costs.

Federal Share [1116(c)]

The Federal share of the Bridge component of the Project shall not exceed 100 percent.

The Federal share of the cost of any other component of the Project shall not exceed 80 percent.

Ownership Agreement [1116(b)]

TEA-21 requires that an agreement be entered into between the Secretary and the Authority (or another designated political jurisdiction) that accepts ownership of the new bridge.

In compliance with the ROD, the agreement must require that —

- the Project is to include no more than 12 traffic lanes, including 8 general purpose lanes, 2 merging/diverging lanes, and 2 high occupancy vehicle, express bus, or rail transit lanes.
- all provisions described in the environmental impact statement for the Project or a ROD for mitigation of environmental and other impacts of the Project are to be implemented.

The agreement must also contain a financial plan satisfactory to the Secretary that specifies —

- the total cost of the Project
- a schedule for Project implementation
- the sources of funding for the non-Federal share of Project costs

NATIONAL HISTORIC COVERED BRIDGE PRESERVATION

Year	1997(ISTEA)	1998	1999	2000	2001	2002	2003
Authorization	0	0	$10M	$10M	$10M	$10M	$10M

Program Purpose
This new grant program provides funds to assist the States in their efforts to rehabilitate or repair and to preserve the Nation's historic covered bridges. [TRA 9003 adds Section 1224 to TEA-21]

Funding [1224(d)]
A total of $10 million is authorized from the General fund for each of FYs 1999 through 2003; these funds must be appropriated before they are available for obligation.
Funds remain available until expended.
Federal share is 80%. [1224(c)(4)]

Eligible Use of Funds [1224(c)]
Within the available funding limitation, grants will be awarded to States submitting applications that demonstrate a need for assistance in carrying out 1 or more eligible projects to—

- rehabilitate or repair a historic covered bridge.
- preserve a historic covered bridge, including through the installation of fire protection systems; the installation of a system to prevent vandalism and arson; or relocation of a bridge to a preservation site.

Eligible Projects
Bridges that are listed or eligible for listing on the National Register of Historic Places are eligible for funding under the program. [1224(a)]
A grant may be made for a project only if [1224(c)(3)] —

- to the maximum extent practicable the project is carried out in the most historically appropriate manner and preserves the existing structure of the historic bridge.
- the project provides for the replacement of wooden components with wooden components, unless the use of wood is impracticable for safety reasons.

FERRY BOAT PROGRAMS

Year	1997 (ISTEA)	1998	1999	2000	2001	2002	2003
FHWA Ferry Boat Discretionary Program	$18M	$30M	$38M	$38M	$38M	$38M	$38M
FTA Ferry Boat Program	0	0	$14M	$14M	$14M	$14M	$14M

Ferry Boat Discretionary (FBD) Program [1207]

Administered by FHWA to fund the construction of ferry boats and ferry terminal facilities.

Continues funding from the Highway Trust Fund; funds are subject to the overall limitation on Federal-aid obligations. [1207(b)]

The Federal share remains at 80 percent.

Establishes a new $20 million per year set-aside for NHS ferry facilities from FBD funds authorized for each of the fiscal years 1999 through 2003 as follows [1207(b)] :

- Alaska - $10 million
- Washington - $5 million
- New Jersey - $5 million

TEA-21 expands eligibility for ferry boats and terminals beyond those that are publicly owned to also include those that are publicly operated or those that are majority publicly owned and provide substantial public benefit. [1207(a)]

Study [1207(c)]

Requires the Secretary to conduct a study of ferry transportation in the United States and its possessions to identify—

- existing ferry operations
- potential domestic ferry routes
- potential for use of high-speed and alternative-fueled ferry services

Transit Ferry Boat Program [3009(g)]

Administered by FTA.

A total of $14 million/year for FYs 1999-2003 is authorized to be set aside from the New Starts program under Transit Capital Investment Grants and Loans for capital projects in Alaska or Hawaii for new fixed guideway systems and extensions to fixed guideway systems that are ferry boats or ferry terminal facilities, or that are approaches to ferry terminal facilities.

Ferry service that meets the definition of mass transit continues to be eligible for funding under Capital Investment Grants and Loans, Urbanized Area Formula Grants program, and Formula Grants for Other than Urbanized Areas.

HIGH PRIORITY (DEMONSTRATION) PROJECTS

Year	1997(ISTEA)	1998	1999	2000	2001	2002	2003
Authorization	$1,101M	$1,029M	$1,404M	$1,685M	$1,685M	$1,778M	$1,778M

Program Purpose

The High Priority Projects Program provides designated funding for specific projects (commonly referred to as demonstration projects) identified by Congress, and is now included in 23 U.S.C. 117. TEA-21 includes 1850 of these projects, each with a specified amount of funding over the 6 years of TEA-21. The designated funding can only be used for the project as described in the law. [1601(a)]

Allocation of Funds

TEA-21 establishes 23 U.S.C. 117(b), which requires that the funds authorized for each project be made available for obligation over the 6-year period as follows: 11% in FY 1998, 15% in FY 1999, 18% in FY 2000, 18% in FY 2001, 19% in FY 2002, and 19% in FY 2003. [1601(a)]

Also establishes 23 U.S.C. 117(e), Advance Construction, which permits States to construct a high priority project under this section without the aid of Federal funds, and then be reimbursed as the Federal funds become available in accordance with the above distribution schedule. [1601(a)]

Funding

Authorizes $9,359,850,000 for these projects, which is a 54% increase over the $6,083,000,000 provided for demonstration projects in ISTEA. [1101(a)(13)]

The Federal share for these projects is 80%, with the exception of the project for construction on the Baltimore Washington Parkway (Project 1020), which has a Federal share of 100%, and for projects in American Samoa and the Virgin Islands which have a Federal share of 100%. [1212(n), 1601(a), 23USC120(h)]

The High Priority Projects Program is subject to an obligation limitation which is set aside specifically for this program and may not be used elsewhere, does not expire if not used by the end of the fiscal year but carries over until obligated, and is made available at the same pro rata share as limitation provided to core highway programs. [1102(c)]

Eligibility

The funds are available only for the activities described for each project in Section 1602 of TEA-21. Some of the projects are described as “high priority highway and bridge projects,” or “State priority projects.” For these projects the funds authorized could be used for any project eligible for Federal funds under Title 23, or for any of the other designated high priority projects within a State. [1602]

Program Administration

Administration of these projects would depend on the Federal-aid highway on which the project is located. See the fact sheet on Program Administration for important changes in program delivery and project oversight that may affect the high priority projects.

TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PILOT PROGRAM

Year	1997	1998	1999	2000	2001	2002	2003
Authorization	0	0	$20M	$25M	$25M	$25M	$25M

Program Purpose

The Transportation and Community and System Preservation Pilot Program (TCSP) provides funding for a comprehensive initiative including planning grants, implementation grants, and research to investigate and address the relationships between transportation and community and system preservation and to identify private sector-based initiatives. [1221]

Funding

Authorizations are HTF contract authority.

In allocating funds, the Secretary shall ensure equity of distribution among a diversity of populations and geographic regions.

Eligible Use of Funds

Any project eligible for funding under Title 23 or chapter 53 of Title 49 U.S.C.

Any other activity relating to the purposes of this section determined appropriate by the Secretary including corridor preservation activities necessary to implement transit oriented development plans, traffic calming measures, or other coordinated preservation practices.

Preservation practices include:

- spending policies that direct funds to high growth areas;
- urban growth boundaries to guide metropolitan expansion;
- green corridors that provide access to major highway corridors for efficient and compact development; or
- other similar programs or policies determined by the Secretary.

Major Components

Research

The Secretary shall carry out a comprehensive research program to—

- investigate the relationships between transportation, community preservation, and the environment.
- investigate the role of the private sector in shaping such relationships.
- monitor and analyze projects carried out under the grant program.

Grants

States, metropolitan planning organizations and local governments are eligible for planning and for implementation grants that meet the purposes of this section—

- improve the efficiency of the transportation system;
- reduce impacts of transportation on the environment;
- reduce the need for costly future public infrastructure investments;
- ensure efficient access to jobs, services and centers of trade; and
- examine and encourage private sector development patterns which meet these purposes.

Planning grants:

To plan, develop, and implement strategies to meet the purposes of the TCSP.
Priority for planning grants will be given to applicants that demonstrate a commitment:

- of non-Federal resources to the proposal; and
- to public and private involvement including involvement of nontraditional partners.

Implementation grants:
To carry out projects that meet the purposes of the TCSP.
Priority for implementation grants will be given to applicants that:

- have instituted preservation or development plans and programs that:
  - meet the requirements of Title 23 and chapter 53 of Title 49 U.S.C.
  - are coordinated with State and local adopted preservation or development plans;
  - promote cost-effective and strategic investment in transportation infrastructure that minimize adverse impacts of the environment; or
  - promote innovative private sector strategies
- have instituted other policies to integrate preservation practices;
- have preservation or development polices that include a mechanism for reducing the potential impacts of transportation activities on the environment;
- examine ways to encourage private sector investments that meet the purposes of the TCSP; and
- propose projects for funding that meet the purposes of the TCSP.

SURFACE TRANSPORTATION RESEARCH PROGRAM

Year	1997*	1998	1999	2000	2001	2002	2003
Authorization	$101.6M	$96M	$97M	$97M	$98M	$101M	$103M

* Funded from General Operating Expenses

Program Purpose

The Surface Transportation Research program funds research, development, and technology transfer activities with respect to all phases of transportation planning and development and motor carrier transportation, in addition to testing and development activities.

Funding

Provides contract authority funding for research and technology (R&T). [5001(a)(1)] Funding previously provided for R&T through annual appropriations for General Operating Expenses (GOE) is no longer available for research and technology activities.

- R&T funds continue to be subject to the overall Federal-aid obligation limitation, but will no longer receive limitation equal to 100 percent of available funding. They will now be included in the formula distribution of the limitation and will receive a prorated share on the same basis as other Federal-aid programs. [1102(c)(5)]
- R&T obligations will now also be subject to a separate limitation within the overall Federal-aid obligation limitation. [5002]
- Limitation set aside for research programs may be carried over for 3 years. [1102(e), TRA 9002(b)(2)]

Program Activities

Requires the Surface Transportation Research program to include research, technology development, and technology transfer in the following areas [5102]:

- performance indicators for the nation's surface transportation infrastructure
- materials, methods, and testing to improve the durability of surface transportation infrastructure
- technologies to reduce cost and minimize disruption due to construction activities and natural disasters
- non-destructive evaluation equipment
- dynamic simulation models of surface transportation systems
- highway geometrics, structures, and vehicle size and weight standards
- telecommuting and linkages between transportation, information technology, and community development and the impact of technological change and economic restructuring on travel demand
- life cycle cost analysis
- standardized estimates of useful life of advanced materials
- traffic calming measures
- safety-enhancing equipment

The following programs and studies are specifically authorized—

- An Advanced Research program to address longer-term, higher-risk research that shows potential for substantial national benefits. No specific funding amount is designated. [5102]
- The Long Term Pavement Performance program is continued at $10 million/year for FYs 1998-2003. [5001(c)(1)(A), 5102]
- A Seismic Research program is continued at the University of Buffalo National Center for Earthquake Engineering Research at $2 million/year for FYs 1998-2003. [5001(c)(1)(B), 5102]
- An Infrastructure Investment Needs Report is required biennially. No specific funding amount is designated. [5102]
- A program of research on improved methods of using concrete pavement in the construction, reconstruction, and repair of Federal-aid highways is authorized at $5 million/year for FYs 1998-2003. [5001(c)(1)(D)]
- A study is required to determine the goals, purposes, research agenda, and projects, administrative structure, and fiscal needs for a new strategic highway research program . No specific funding amount is designated. [5112]

International Highway Transportation Outreach

Continued at $500,000/year for FYs 1998-2003. [5001(c)(1)(C)]
The purpose of this program is to [5106]—

- Inform the U.S. highway community of technological innovations in foreign countries that could significantly improve highway transportation in the U.S.
- promote U.S. highway transportation expertise, goods, and services in foreign countries.
- increase transfer of U.S. highway transportation technology to foreign countries.

Designated Surface Transportation Research Projects

The following projects are specifically identified to be funded from Surface Transportation Research funds authorized under Section 5001(a)(1):

Under University Grants:

- Seismic Research at the University of California at San Diego at $1 million in each of fiscal years 1999 through 2002 [5116(a)]
- Global Climate Research at the University of Alabama at Huntsville at $200,000 in each of fiscal years 1999 through 2003 [5116(b)]
- Asphalt Research at Auburn University at $250,000 in each of fiscal years 1999 and 2000 [5116(c)]

Under the Transportation Technology Innovation and Demonstration program:

- Corrosion Control and Prevention at $500,000 in each of fiscal years 1999 and 2000 [5117(b)(4)]
- Fundamental Properties of Asphalts and Modified Asphalts at the Western Research Institute of the University of Wyoming at $1 million in fiscal year 1998 and $3 million in each of fiscal years 1999 through 2003 [5117(b)(5), TRA 9011(h)]
- A Recycled Materials Resource Center at the University of New Hampshire at $1.5 million in each of fiscal years 1998 through 2003 [5117(b)(8)]

SURFACE TRANSPORTATION-ENVIRONMENT COOPERATIVE RESEARCH PROGRAM

Program Purpose

The Secretary is required to establish and carry out a surface transportation-environment cooperative research program (STECRP), and to establish an Advisory Board to make recommendations on environmental and energy conservation research, technology, and technology transfer activities related to surface transportation. [5107]

Funding

To be funded from Surface Transportation Research funds authorized under Section 5001(a)(1).

Program Activities

The research activities conducted under the STECRP are designed to:

- develop more accurate models for the evaluation of transportation control measures and transportation system designs that are appropriate for use by States and localities.
- to improve understanding of the factors that contribute to the demand for transportation.
- develop indicators of economic, social, and environmental performance of transportation systems to facilitate analysis of potential alternatives.
- study the relationship between highway density and ecosystem integrity.
- develop a rapid assessment methodology for use by transportation and regulatory agencies in determining the relationship between highway density and ecosystem integrity.
- meet additional priorities and recommendations as determined by an STECRP Advisory Board and by the National Research Council in the *Environmental Research Needs in Transportation* report.

STECRP Advisory Board

Requires the establishment of an Advisory Board, comprised of representatives of public and private transportation and environmental organizations, to make recommendations for additional research priorities.

National Academy of Sciences

The Secretary may make grants to and enter into cooperative agreements with the National Academy of Sciences to conduct activities relating to transportation-environmental research.

These activities may include research, technology, and technology transfer.

TECHNOLOGY DEPLOYMENT AND EDUCATION

Year	1997*	1998	1999	2000	2001	2002	2003
Technology Deployment**	$61M	$35M	$35M	$40M	$45M	$45M	$50M
LTAP	$8.827M	$7M	$7M	$8M	$9M	$10M	$10M
NHI	$4.269M	$5M	$6M	$6M	$7M	$7M	$8M
Fellowships	$2M	$2M	$2M	$2M	$2M	$2M	$2M

* Funded from multiple sources (ISTEA, GOE)
** Includes funding amounts to support TDIPP, Innovative Bridge Research and Construction Program, and all designated projects (see details below)

Technology Deployment Program [5103]

Program Purpose
To significantly accelerate the adoption of innovative technologies by the surface transportation community.

Funding
Provides contract authority funding for technology deployment totaling $250 million. [5001(a)(2)]. Funding previously provided for technology deployment initiatives through annual appropriations for General Operating Expenses (GOE) is no longer available for these activities.
Funds continue to be subject to the overall Federal-aid obligation limitation, but will no longer receive limitation equal to 100 percent of available funding. They will now be included in the formula distribution of the limitation and will receive a prorated share on the same basis as other Federal-aid programs. [1102(c)(5)]
Obligations will now also be subject to a separate limitation within the overall Federal-aid obligation limitation. [5002]
Limitation set aside for research and technology programs may be carried over for 3 years. [1102(e), TRA 9002(b)(2)]

Program Elements

Technology Deployment Initiatives and Partnerships Program (TDIPP)—
Will focus on not more than 5 deployment goals to be determined by the Secretary that will produce tangible national benefits.
Use domestic and international technology to develop strategies and initiatives to achieve deployment goals, including technical assistance in deploying technology and mechanisms for sharing information among program participants.
Strategies will be established in cooperation with public, private, and academic partners; and will emphasize leveraging of Federal funds with other resources.
Program is to include technical assistance, information sharing mechanisms, and be integrated with efforts to disseminate DOT research.

Innovative Bridge Research and Construction Program

Demonstrates the applications of innovative materials in the repair, rehabilitation, replacement and new construction of bridges and other structures.

A total of $108 million is targeted to demonstrate the application of innovative material technology in the construction of bridges and other structures by—

- the development of new, cost-effective innovative material highway bridge applications
- the reduction of maintenance costs and life-cycle costs of bridges, including the costs of new construction, replacement, or rehabilitation of deficient bridges
- the development of construction techniques to increase safety and reduce construction time and traffic congestion
- the development of engineering design criteria for innovative products and materials for use in highway bridges and structures
- the development of cost-effective and innovative techniques to separate vehicle and pedestrian traffic from railroad traffic
- the development of highway bridges and structures that will withstand natural disasters, including alternative processes for the seismic retrofit of bridges
- the development of new nondestructive bridge evaluation technologies and techniques

Designated Technology Deployment Projects

The following projects are specifically identified to be funded from Technology Deployment funds authorized under Section 5001(a)(2):

Under University Grants—

- Advanced Vehicle Research at the University of Alabama (Tuscaloosa) at $400,000 in each of FYs 1999-2003. [5116(d)]
- Geothermal Heat Pump Smart Bridge Program at Oklahoma State University at $1 million for FYs 1999-2001, and $500,000 for FY 2002. [5116(e), TRA 9001(f)(1)]
- Intelligent Stiffener for Bridge Stress Reduction at the University of Oklahoma at $1 million for FYs 1999 and 2000, and $500,000 for FY 2001. [5116(f), TRA 9011(f)(2)]
- Study of Advanced Trauma Care at University of Alabama (Birmingham) at $750,000 for each of FYs 1999-2003. [5116(g)]
- Center for Transportation Injury Research at Calspan University of Buffalo Research Center at $2 million for each of FYs 1998-2003. [5116(h)]
- Head and Spinal Cord Injury Research at Louisiana State University Medical Center and George Washington University's Virginia Transportation Research Institute at $500,000 for each of FYs 1999-2003. [5116(i)]

Under the Transportation Technology Innovation and Demonstration program—

- Motor Vehicle Safety Warning System at $700,000 for each of FYs 1998-2000. [5117(b)(1)]
- Motor Carrier Advanced Sensor Control System at $700,000 for each of FYs 1998-2003. [5117(b)(2)]
- Intelligent Transportation Infrastructure at the 2 largest metropolitan areas in Pennsylvania at $1.7 million for each of FYs 1998-2003. [5117(b)(3)]
- Advanced Traffic Monitoring and Response Center at Pennsylvania Transportation Institute at $1.7 million for each of FYs 1998-2003. [5117 (b)(6)]
- Transportation Economic Land Use System at the New Jersey Institute of Technology at $1 million for each of FYs 1998-2003. [5117(b)(7)]

Under Research, Development, Demonstration, and Training Projects–

- Advanced Technology Pilot Project for low speed magnetic levitation technology for public transportation purposes in urban areas at $5,000,000 in each of FYs 1999-2003. [3015(c)]

Training and Education [5104]

Local Technical Assistance Program (LTAP)

Program to provide access to surface transportation technology.

Authorizes HTF contract authority totaling $51 million for 1998-2003. [5001(a)(3)]

Will continue to serve highway and transportation agencies in rural areas and urban areas of 500,000 to 1 million population; TEA-21 adds contractors that do work for these agencies as eligible recipients of LTAP program products.

Will continue to be administered through the national network of Technology Transfer Centers in each State and Puerto Rico and through the six regional centers serving over 540 native American tribal governments.

National Highway Institute (NHI)

Program to provide education and training to a broader group of transportation professionals.

Authorizes HTF contract authority totaling $39 million for 1998-2003. [5001(a)(3)]

The NHI may assess and collect fees from organizations receiving training to defray the costs of the NHI in developing or administering education and training programs under the authorizing subsection.

States may use up to ½ of 1 percent of STP funds for the payment of up to 80 percent of the cost of training through the NHI.

Eisenhower Transportation Fellowship Program

Program to attract qualified students to the field of transportation.

Authorizes HTF contract authority totaling $12 million for FYs 1998-2003. [5001(a)(3)]

INTELLIGENT TRANSPORTATION SYSTEMS PROGRAM

Year	1997 *	1998	1999	2000	2001	2002	2003
ITS R & D		$95M	$95M	$98.2M	$100M	$105M	$110M
ITS Deployment		$101M	$105M	$113M	$118M	$120M	$122M
Total	$232.4M	$196M	$200M	$211.2M	$218M	$225M	$232M

* Funded from multiple sources (ISTEA, GOE)

Program Purpose

The ITS program provides for the research, development, and operational testing of Intelligent Transportation Systems (ITS) aimed at solving congestion and safety problems, improving operating efficiencies in transit and commercial vehicles, and reducing the environmental impact of growing travel demand. Proven technologies that are technically feasible and highly cost effective will be deployed nationwide as a component of the surface transportation systems of the United States.

Funding

Contract authority is specifically provided for ITS research & development and deployment incentives as shown in the above table.

- ITS funds continue to be subject to the overall Federal-aid obligation limitation, but will no longer receive limitation equal to 100 percent of available funding. They will now be included in the formula distribution of the limitation and will receive a prorated share on the same basis as other Federal-aid programs. [1102]
- Within the overall limitation, ITS funds will now also be subject to a limitation imposed on R&D obligations. [5002]
- Limitation set aside for research programs may be carried over for 3 years. [TRA 9002(b)(2)]

In addition, TEA-21 clarifies that other Federal-aid highway funds may be used for ITS activities as follows:

- National Highway System (NHS) and Surface Transportation Program (STP) eligibilities are clarified to specifically allow funds to be spent for infrastructure-based ITS capital improvements. [1106(b), 1108(a)]
- Congestion Mitigation and Air Quality Improvement (CMAQ) funding eligibilities are clarified to include programs or projects that implement ITS strategies. [1110(b)]

ITS Program Elements

The ITS program is divided into two key areas—

Research and Development [5207]

A comprehensive program of research, development and operational tests of intelligent vehicles and intelligent infrastructure systems is authorized; priority areas are outlined.

Operational tests are to be designed to permit objective evaluations, obtain cost-benefit information and develop and implement standards.

The Urban Consortium's ITS outreach and technology transfer activities shall be allocated $500,000/year. [5212(b)]

Deployment Incentives

ITS Integration - to accelerate ITS integration and interoperability in metropolitan and rural areas. [5208]

- Projects must be selected through competitive solicitation and meet certain detailed criteria.
- Fiscal year limitations:
  (1) not more than $15 million for a single metropolitan area
  (2) not more than $2 million for projects in a single rural area
  (3) not more than $35 million for projects in any one State
- In metropolitan areas, funding shall be used primarily for integration.
- For projects outside of metropolitan areas, funding may also be used for installation.
- At least 10 percent of ITS integration program funds must be used in rural areas.

Commercial Vehicle ITS Infrastructure Deployment - to advance the technological capability and promote deployment of ITS applications to Commercial Vehicle Operations; priorities are established. [5209]

The following projects are mandated from deployment funds:

- Corridor development and coordination
  (1) $2 million/year to Wisconsin [5208(f)]
  (2) $5 million/year for the I-95 Corridor. [5208(f)]
- Hazardous Materials Monitoring Systems - $1.5 million/year. [5212(a)]
- Translink research - $1.3 million/year to the Texas Transportation Institute. [5212(c)]

National ITS Program Plan [5205]

US DOT, working with ITS America, is to maintain and update as necessary a National ITS Program Plan.

The scope of this plan shall include the following:

- goals, objectives and milestones for ITS R&D
- standards development activities to promote and ensure interoperability
- a cooperative process with State and local governments to develop plans for incorporating ITS into surface transportation plans

National Architecture and Standards [5206]

US DOT is to develop, implement and maintain a National Architecture and supporting standards and protocols to promote the widespread use of ITS technology, ensuring interoperability and efficiency to the maximum extent practicable.

A report identifying critical standards is due on June 1, 1999; provisional standards shall be established by the Secretary if critical standards are not developed by January 1, 2001. Options for waivers to this provision are detailed.

USDOT shall ensure that ITS projects funded from the Highway Trust Fund conform to the national architecture, applicable standards or provisional standards and protocols.

Spectrum [5205(f)]

US DOT and the Federal Communications Commission (FCC) are to work together to define needs, including spectrum for the dedicated short-range vehicle-to-wayside wireless standard..

The FCC has until January 1, 2000 to complete a rulemaking considering the allocation of spectrum for ITS.

Program Administration

Procurement methods [5204(I)]

- Provide technical assistance on ITS procurement, including innovative and nontraditional methods, to State and local agencies.
- For software acquisition, use the Software Engineering Institute's Capability Maturity Model or another similar recognized standard risk assessment methodology.

Project evaluation - Issue guidelines for the evaluation of operational tests and deployment projects, stressing objectivity and independence. [5204(j)]

Limitations on use of funds [5210]

- Outreach activities are limited to $5 million per year.
- Operational test and deployment funds shall be used primarily for ITS infrastructure, not for the construction of physical highway and transit infrastructure.
- For projects over $3 million, an analysis of life-cycle costs of the operations and maintenance of ITS elements must be submitted; a multi-year financing and operations plan must be submitted.

PROGRAM ADMINISTRATION

Purpose

Various provisions of TEA-21 will improve efficiency in the administration of Federal-aid highway programs and divest authority, where appropriate, to the State transportation agencies. A brief description of each of these provisions follows.

Contracting for Engineering and Design Services [1205]

Options are eliminated for States to adopt by statute alternate procedures for procurement of consultant services.

States that have developed their own procedures by statute may continue to use their own procedures; no new ones can be used for Federal-aid contracts.

A State may procure services of a consultant to prepare environmental assessments and environmental statements and subsequent engineering work if the State assesses the objectivity of the environmental analysis before its submission to FHWA.

Tapered Match [1302]

The Secretary may allow the Federal share to vary up to 100 percent on individual progress payments on a project as long as the final contribution of Federal funds does not exceed the maximum Federal share authorized for the project.

Engineering Cost Reimbursement [1304]

FHWA may approve a time extension for a Preliminary Engineering project that needs to be kept open beyond 10 years, if warranted.

Project Approval and Oversight [1305]

FHWA's approval of the Plans, Specifications, and Estimate and execution of the Project Agreement are merged and execution of the Project Agreement constitutes a contractual obligation of the Federal government to pay its share of the project costs.

Responsibilities for design, plans, specifications, estimates, contract awards, and inspection of projects are as follows:

- For Non-Interstate NHS projects the State may assume the Secretary's responsibilities unless the State or FHWA determines that it would not be appropriate.
- For projects not on the NHS the State shall assume the Secretary's responsibilities unless the State determines that such assumption would not be appropriate.
- For projects on the Interstate, the State may continue to assume the Secretary's responsibilities to the degree that was allowed under the provisions of ISTEA.

The FHWA and the State must enter into an agreement showing the extent of the State's assumption of the Secretary's responsibilities.

The FHWA cannot assume any greater responsibility for project oversight than what existed prior to enactment of TEA-21, unless the State and FHWA agree.

Responsibilities outside of Title 23 such as NEPA, Civil Rights, Davis-Bacon, and the Uniform Act are not affected by these provisions.

Value Engineering [1305]

Value Engineering analyses will continue to be required for NHS projects costing $25 million or more.

The provision which allows the Secretary to determine other projects on which Value Engineering analyses or other cost reduction analysis would be appropriate is also retained.

Construction Engineering Reimbursement [1305]
The provisions of Section 106(c) of Title 23 USC which limited estimates for construction engineering to 15 percent of the estimated cost of all projects financed during the year in a State are repealed.

Financial Plans for $1 billion Projects [1305(b)]
An annual financial plan is required for any highway project estimated to cost $1 billion or more.
The plan is to be based on detailed annual estimates of the cost of remaining elements and reasonable assumptions of future increases.

Life Cycle Cost Analysis [1305(c)]
FHWA is to develop recommendations for States to develop Life Cycle Cost analyses.
Recommendations are to be based on Executive Order 12893 and be developed in consultation with AASHTO.
The analysis is voluntary.

Standards [1306]
States are no longer required to certify annually that the Interstate is being maintained in accordance with the Interstate Maintenance Guidelines.

Design-Build Contracting [1307]
A State or local transportation agency may award a design-build contract under regulations to be developed by FHWA.
The regulations will contain criteria for design-build projects and shall be developed in consultation with AASHTO and affected industries.
ITS projects costing at least $5 million and other projects costing at least $50 million qualify for design-build contacting.
Prior to development of the regulations, and for projects outside these limits, FHWA will continue evaluation and approval procedures for Design-Build under SEP-14.

Metric Conversion
The grace period allowed for State conversion to metric on Federal-aid highway projects eligible for assistance under Title 23 is extended indefinitely.

CORRIDOR & PROPERTY MANAGEMENT OPPORTUNITIES

Program Purpose

To provide State and local governments more flexibility in acquiring and managing real property in support of transportation systems. [1301, 1303]

TEA-21 permits States to get credit toward the non-Federal match when State or locally owned lands are incorporated into a Federal project. This substantially expands prior law that already permitted matching credit for private property donations, and provides more flexible ways for State and local governments to preserve corridors. [1301]

TEA-21 allows State and local governments to retain income from the sale, use, or lease of property previously acquired with Federal funds, if the income is used on Title 23 eligible projects. [1303]

Funding

No additional Federal funding is provided by TEA-21. However, Sections 1301 and 1303 provide opportunities for State and local governments to leverage transportation investment through prudent and timely acquisition and management of real property.

MAGNETIC LEVITATION TRANSPORTATION TECHNOLOGY DEPLOYMENT PROGRAM

Year	1997	1998	1999	2000	2001	2002	2003
Contract Authority	0	0	$15M	$20M	$25M	0	0
Authorization (subject to appropriation)	0	0	0	$200M	$200M	$250M	$300M

Program Purpose

The magnetic levitation transportation technology deployment program encourages the development and construction of an operating transportation system employing magnetic levitation capable of safe use by the public at a speed in excess of 240 miles per hour. [1218]

Funding Features

Contract authority out of the Highway Account of the Highway Trust Fund is provided for fiscal years 1999-2001 totaling $60 million.

- $55 million is available to fund preconstruction planning activities and design/construction of the selected project.
- $5 million is available only for research and development grants related to low-speed superconductivity maglev technology for public transportation purposes in urban areas.

An authorization for an appropriation out of the Highway Account of the HTF is provided for an additional $950 million over fiscal years 2000-2003. These funds would have to be appropriated by the Congress before they would be available for expenditure.

An eligible maglev project would also be eligible for other forms of financial assistance provided in Title 23, United States Code, and TEA-21, including loans, loan guarantees, and lines of credit. [1218]

The Federal share of full project costs (the total capital costs of a maglev project, including fixed facilities and stations, vehicles and equipment) cannot be more than 2/3, except that States may use STP and CMAQ funds to pay all or a portion of their share of full project costs of an eligible project, without the requirement for non-Federal funds.

There is no matching requirement for low-speed maglev research and development grants.

Eligible Use of Funds

The Secretary is authorized to provide financial assistance to States (or authorities designated by one or more States) to fund—

- preconstruction planning activities (such as preparation of feasibility studies, major investment studies, environmental impact statements) of one or more feasible high-speed maglev system
- final design, engineering and construction activities for one high-speed maglev system to be selected by the Secretary
- grants for research and development of low-speed superconductivity magnetic levitation technology related to public transportation in urban areas

Qualification Requirements

To be eligible, projects have to—

- exhibit partnership potential

- be able to be constructed with available Federal and non-Federal funding
- result in an operating transportation system in revenue service
- be undertaken through a public-private partnership
- satisfy applicable statewide and metropolitan planning requirements
- be approved by the Secretary based on a State application
- be carried out as a technology transfer project to the extent non-U.S. maglev technology is employed
- involve materials at least 70 percent of which are manufactured in the United States

Selection Criteria

Statutory project selection criteria (e.g. national importance of the project, project contribution to reducing congestion, non-Federal financial support, job creation, etc.) are included to guide the Secretary's decision in determining which project to fund for final design and implementation.

HIGH-SPEED RAIL

Year	1997	1998	1999	2000	2001	2002	2003
Planning	$45M	$10M	$10M	$10M	$10M	0	0
Technology	$40M	$25M	$25M	$25M	$25M	0	0

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

Funding Features
The high-speed rail provisions of TEA-21 extend authorizations of appropriations for the existing high-speed rail assistance program created in the Swift Rail Development Act of 1994 (49 U.S.C. 26101 *et seq.*). [7201]

The TEA-21 authorization covers fiscal years 1998-2001 and is a General Fund authorization, which means that the funds must be made available in an Appropriations Act before the program can be implemented.

The Secretary is authorized to provide financial assistance for up to 50 percent of the publicly financed costs of corridor planning activities and up to the full cost of technology improvements.

Eligible Use of Funds
The program authorizes the Secretary to provide financial assistance:

- to public agencies for high speed rail corridor planning activities and certain other pre-construction activities, including right of way acquisition
- to any United States business, educational institution, State or local government, public authority, or Federal agency to support the development of high-speed rail technology improvements

HIGHWAY-RAIL CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS

Year	1997	1998	1999	2000	2001	2002	2003
STP Setaside	$5.0M	$5.25M	$5.25M	$5.25M	$5.25M	$5.25M	$5.25M
GF Authorization (requires appropriation)	0	0	$15M	$15M	$15M	$15M	$15M

Program Purpose
The purpose of the high speed rail grade crossing improvement program is to reduce or eliminate the hazards at highway-rail grade crossings in designated high speed corridors. [1103(c)]

Funding
Increases the setaside from Surface Transportation Program funds for Railway-Highway Crossing Hazard Elimination in High Speed Rail Corridors from $5 million /year to $5.25 million/year.

Mandates that $250,000 of setaside be available per fiscal year for Minneapolis /St. Paul-Chicago segment of the Midwest High Speed Rail Corridor.

Authorizes an additional $15 million /year from the General Fund for FYs 1999 through 2003; these funds must be appropriated before they are available for obligation.

Eligible Use of Funds
Continues to include—

- installation or improvement of warning devices
- improvement of track circuitry which activates warning devices
- other crossing improvements such as improved crossing surfaces, improved sight distances, crossing illumination, etc.
- closure of crossings with or without attendant highway relocations
- grade separation construction or reconstruction
- combining crossing warning systems with advanced train control and/or intelligent highway traffic control systems

Eligible Corridors
Corridors identified in ISTEA remain eligible—

- the Pacific Northwest Corridor, linking Eugene, OR and Vancouver, British Columbia through Seattle, WA
- California, linking San Diego , Los Angeles, and San Francisco
- the Chicago Hub linking St. Louis, MO, Minneapolis, MN, Milwaukee WI and Detroit, MI
- the southeast, extending the northeast corridor to Charlotte, NC and Atlanta, GA
- Florida, linking Miami to Tampa via Orlando.

New corridors authorized in TEA-21 are—

- the Gulf Coast corridor linking New Orleans, LA, and Houston plus New Orleans to Birmingham
- the Empire Corridor linking New York City to Buffalo via Albany
- the Keystone corridor linking Philadelphia and Harrisburg, PA.

In addition, three other corridors may be established by the Secretary based on the following criteria—

- shall include a rail line where railroad speeds of at least 90 miles per hour are occurring or can reasonably be expected to occur in the future
- shall consider certain factors (i.e., projected ridership, percentage of corridor which permits maximum cruise speed, projected benefits to nonriders such as congestion relief, non-Federal financial support, cooperation of the owner of the right-of-way)

LIGHT DENSITY RAIL LINE PILOT PROJECTS

Year	1997	1998	1999	2000	2001	2002	2003
Authorization	0	$17.5M	$17.5M	$17.5M	$17.5M	$17.5M	$17.5M

Program Purpose

The Light Density Rail Line Pilot Project program is designed to allow the Secretary to fund pilot projects that demonstrate the relationship of light density railroad services to the statutory responsibilities of the Secretary related to rail and highway transportation. [7202]

Funding

Authorized from the General Fund, which means that the funds must be made available in an Appropriations Act before the program can be implemented.

Grant Provisions

The Secretary is authorized to make grants to States with State rail plans, to fund pilot projects involving capital improvements to and rehabilitation of publicly and privately owned rail line structures.

Funds may not be used for operating assistance.

Grants made by the Secretary for projects on privately owned rail line structures must include contributions from the owner of the structure, based on the benefit to those structures, as determined by the Secretary.

Report to Congress

The Secretary is required to conduct a study of pilot projects carried out with Federal assistance to determine the public interest benefits associated with light density railroad networks and the contribution these networks make to the multi-modal national transportation system, and to make recommendations related to the eligibility of light density rail networks for Federal infrastructure financing.

The report is due to the Congress not later than March 31, 2003.

ALASKA RAILROAD

Year	1997	1998	1999	2000	2001	2002	2003
Rail Authorization	10M*	$5.25M**	$5.25M	$5.25M	$5.25M	$5.25M	$5.25M
Transit Authorization	0	$4.9M	$4.9M	$4.9M	$4.9M	$4.9M	$4.9M

* Appropriated funds
** $15.280 million also was appropriated in FY 1998 DOT Appropriations Act

Program Purpose

This program allows the Secretary to make grants to fund capital rehabilitation of and improvements to the rail passenger operations of the State-owned Alaska Railroad. [7204]

Funding

Funds authorized specifically for this program under Section 7204 are from the General Fund, which means that the funds must be made available in an appropriations act before the program can be implemented. [7204(b)]

An additional $29.1 million ($4,849,950/year for FYs 1998-2003) of Transit Formula Grants funds are available for capital improvements to the Alaska Railroad's passenger operations. Of these amounts, 80% are from the Mass Transit Account of the HTF and 20% from the General Fund. [3029]

JOB ACCESS AND REVERSE COMMUTE GRANTS

Year	1997	1998	1999	2000	2001	2002	2003
Authorization	0	0	$150M	$150M	$150M	$150M	$150M
Guaranteed	0	0	$50M	$75M	$100M	$125M	$150M

Program Purpose

The Access to Jobs Program provides competitive grants to local governments and non-profit organizations to develop transportation services to connect welfare recipients and low-income persons to employment and support services. [3037]

Program Features

A coordinated transportation/human service planning mechanism is required to develop Access to Jobs programs; transit agencies must approve these programs.

Also authorizes a reverse commute program, to provide services to suburban employment centers from urban centers, rural areas and other suburban locations.

- Directed to making suburban connections for all populations.
- Criteria for selection include the need for additional services as identified in the transportation plan and the extent to which services will address these needs.

Funding Features

Split funded from both the Mass Transit Account and General Funds.

Guaranteed funding (Mass Transit Account & general revenues) increases from $50 million in 1999 to $150 million in 2003.

Not more than $10 million per year may be used for reverse commute activities.

Provides 50% Federal share.

Other Federal transportation-eligible funds could be used to meet the local match including Temporary Assistance for Needy Families (TANF) and Welfare to Work funding for Access to Jobs projects.

Grant Award Criteria

- the percentage of population that are welfare recipients
- the need for additional services
- coordination with and the use of existing transportation providers
- coordination with State welfare agencies implementing the TANF program
- use of innovative approaches, the presence of a regional plan and long term financing strategies and consultation with the community to be served.

Eligibility for Funding

Makes local governments and private non-profit organizations eligible for discretionary grants for operating and capital expenses for Jobs Access transportation service.

Funds promotion of employer-provided transportation, use of transit for non traditional and transit voucher programs.

MPOs would designate applicants in areas above 200,000 population; States (State's chief executive officer) would designate applicants in areas 200,000 population or lower.

CLEAN FUELS FORMULA GRANT PROGRAM

Year	1997	1998	1999	2000	2001	2002	2003
Authorization	0	0	$200M	$200M	$200M	$200M	$200M
Guaranteed	0	0	$100M	$100M	$100M	$100M	$100M

Program Purpose
To assist transit operators in the purchase of low-emissions buses and related equipment, construction of alternative-fuel fueling facilities, modification of garage facilities to accommodate clean-fuel vehicles, and assist in the utilization of biodiesel fuel. [3008]

Funding Features
Funded from both the Mass Transit Account and General Funds.
Allocates available funding only to grantees that apply using a formula based on population, fleet size, bus passenger miles, and the severity of air quality nonattainment.
Establishes a cap on annual grants to any one recipient as follows:

- $15 million for areas with less than one million population
- $25 million for areas with populations of one million or more

Match is 80% of the cost of the eligible project.

Eligibility for Funding
Establishes eligibility of technologies including compressed natural gas (CNG), liquified natural gas (LNG), biodiesel fuel, battery, alcohol-based fuel, hybrid electric, fuel cell or other zero-emissions technology.
Eligible projects include purchase of clean-fuel buses, construction, modification and/or leasing of associated facilities, and repowering or retrofitting of existing buses.
Requires certification by grant applicants that vehicles purchased with funds under this program will be operated only with clean fuels.

URBANIZED AREA FORMULA GRANTS PROGRAM

Year	1997	1998	1999	2000	2001	2002	2003
Authorization	0	$2,299M	$2,698M	$2,923M	$3,147M	$3,371M	$3,596M
Guaranteed	$1,978*	$2,299M	$2,548M	$2,773M	$2,997M	$3,221M	$3,446M

* Appropriated level since Guarantee did not apply prior to FY 1998.

Program Purpose

The Urbanized Area Formula Grants Program provides transit capital and operating assistance to urbanized areas with populations of more than 50,000. [3007]

Funding Features

Approximately $18 billion is provided to transit agencies for bus and rail vehicle replacements and facility recapitalization.

Continues the apportionment formula in the current law

- for areas under 200,000 in population - based on population and population density
- for areas over 200,000 in population - based on population, population density, and transit data

Continues to be funded from both the Mass Transit Account and the General Fund.

Establishes a new transit enhancements program— in urbanized areas with populations of 200,000 or more, at least one percent of the funds apportioned each fiscal year shall be used for activities defined as transit enhancements.

Continues 90% Federal share for the incremental costs of vehicle related equipment needed to comply with the Clean Air Act Amendments and the Americans with Disabilities Act requirements, and 80% Federal share for all other eligible costs.

Eligibility for Funding

Expands eligibility so grants may be made to finance the operating costs of equipment and facilities only to urbanized areas with populations of less than 200,000.

Expands the definition of capital expenses in areas over 200,000 population to include preventive maintenance.

Eliminates eligibility for operating assistance in areas over 200,000 population.

Capital is redefined to include ADA paratransit costs, leasing, and transit enhancements.

Transferability

Continues flexibility by permitting funds to be used for a highway project under the same requirements as ISTEA.

FORMULA GRANTS FOR OTHER THAN URBANIZED AREAS

Year	1997	1998	1999	2000	2001	2002	2003
Authorization	--	$134.1M	$177.9M	$193.6M	$209.3M	$224.9M	$240.6M
Guaranteed	$115.1M*	$134.1M	$177.9M	$193.6M	$209.3M	$224.9M	$240.6M

* Appropriated level since Guarantee did not apply prior to FY 1998.

Program Purpose

Formula Grants for Other than Urbanized Areas provides transit capital and operating assistance, through the States, to nonurbanized areas (less than 50,000 in population). [3014]

Funding Features

Continues to be split funded from both the Mass Transit Account and General Funds.

Continues statutory allocation formula based on non-urbanized population.

Provides a set amount for the Rural Transportation Assistance Program (RTAP), part of the Transit Planning and Research Program.

Continues 90% Federal share for the incremental costs of vehicle related equipment needed to comply with the Clean Air Act Amendments and the Americans with Disabilities Act requirements, and 80% Federal share for all other eligible costs.

Over the Road Intercity Bus Accessibility— Provides for grants for the incremental cost of accessibility requirements of over the road intercity bus transportation of at least 15% of each State's apportionment; these amounts would be made available before allocation of funds to eligible recipients under this program.

FORMULA GRANTS FOR SPECIAL NEEDS OF ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES

Year	1997	1998	1999	2000	2001	2002	2003
Authorization	--	$62.2M	$67.0M	$72.9M	$78.9M	$84.7M	$90.7M
Guaranteed	$56.0M*	$62.2M	$67.0M	$72.9M	$78.9M	$84.7M	$90.7M

* Appropriated level since Guarantee did not apply prior to FY 1998.

Program Purpose

The Formula Grants for Special Needs of Elderly Individuals and Individuals with Disabilities provides transit capital assistance, through the States, to organizations that provide specialized transportation services to elderly persons and to persons with disabilities. [3013]

Funding Features

Split funded from both the Mass Transit Account and General Funds.

Continues statutory allocation formula based on the elderly and disabled populations.

Continues 90% Federal share for the incremental costs of vehicle related equipment needed to comply with the Clean Air Act Amendments and the Americans with Disabilities Act requirements and 80% Federal share for all other eligible costs.

TRANSIT ENHANCEMENTS

Year	1997	1998	1999	2000	2001	2002	2003
Enhancements 1% Setaside	0	$20.85M	$24.47M	$26.50M	$28.54M	$30.56M	$32.61M

Program Purpose

Transit enhancement projects must enhance mass transportation service or use and be physically or functionally related to transit facilities. [3007]

Funding Features

Establishes a one-percent set-aside for transit enhancements only in urbanized areas of more than 200,000 population.

These funds must be used for activities defined as transit enhancements.

If funds available for transit enhancements are not obligated for an enhancement project within three years following the fiscal year in which the funds are apportioned, the funds will be reapportioned under the urban area formula program.

Under a related provision, projects providing bicycle access to mass transportation funded with the enhancement set aside shall be funded at a 95% Federal share.

Eligibility

The nine eligible project categories in the transit enhancement program are:

- Historic preservation, rehabilitation, and operation of historic mass transportation buildings, structures, and facilities (including historic bus and railroad facilities
- Bus shelters
- Landscaping and other scenic beautification, including tables, benches, trash receptacles, and street lights
- Public art
- Pedestrian access and walkways
- Bicycle access, including bicycle storage facilities and installing equipment for transporting bicycles on mass transportation vehicles
- Transit connections to parks within the recipient's transit service area
- Signage
- Enhanced access for persons with disabilities to mass transportation.

All items above have been previously eligible under the FTA program except for operating costs of historic facilities (item 1).

RURAL TRANSPORTATION ACCESSIBILITY PROGRAM

Year	1997	1998	1999	2000	2001	2002	2003
Authorization	0	0	$2M	$3.7M	$4.7M	$6.95M	$6.95M

Program Purpose

This new program will assist in financing the incremental capital and training costs associated with implementing the Department's Final Rule on accessibility requirements for Over-The-Road-Buses (OTRBs). USDOT issued a Notice of Proposed Rulemaking on March 25, 1998 describing the proposed method for implementing this requirement, with a final rule issued later in 1998. The reauthorization language adopts the definition of OTRBs used in the ADA. The OTRB rule is required by the Americans with Disabilities Act of 1990 (ADA). [3038]

Funding Features

Funded from both the Mass Transit Account and General Funds.

Establishes a 50% Federal share of the costs of a project needed to comply with the ADA Final Rule for OTRB transportation.

Grantee Selection

Establishes a competitive process for selection of grantees under this program.

The Department will conduct a national solicitation for grant applications.

Various factors will be considered when selecting grantees, including—

- the identified need for service
- acquisition of required equipment ahead of required timeframes
- financial capacity
- service impacts in rural areas and for low-income individuals

Applies the same terms and conditions as those applied to subrecipients under 49 USC §5311(f), the intercity bus provision of FTA's non-urbanized area formula program.

Use of Funds

Creates separate programs and funding levels for—

- Intercity, Fixed-Route OTRB Service - $17.5 million in FY 1999 through 2003
- Other OTRB Service (essentially charter/tour operators) - $6.8 million in FY 2000 through 2003

TRANSIT PREVENTIVE MAINTENANCE

Definition

Preventive maintenance is defined as all transit maintenance. A grantee may request assistance for preventive maintenance for any maintenance activity that the grantee has traditionally categorized as maintenance. For general guidance as to the definition of eligible maintenance costs, the grantee may refer to the definition of maintenance in the most recent National Transit Database reporting manual.

Eligibility

Preventive maintenance is eligible for Federal assistance as a capital expense in all Federal Transit Administration grant programs that have a capital component. These include Urbanized Area Formula Grants (Section 5307), Capital Investment Grants and Loans (Section 5309), Formula Grants and Loans for Special Needs of Elderly Individuals and Individuals with Disabilities (Section 5310), and Formula Grants for Other than Urbanized Areas (Section 5311).

The FY 1998 DOT Appropriations Act had made preventive maintenance an eligible capital expense under three of the FTA grant programs when FY 1998 funds were used for such costs.

TEA-21 permanently authorizes preventive maintenance as an eligible capital expense and expands that eligibility to include the Section 5309 program.

The Federal share for preventive maintenance is 80% of the net project cost. [3003]

AMERICANS WITH DISABILITIES ACT -- PARATRANSIT SERVICES

Program Purpose

The Americans with Disabilities Act of 1990 (ADA) requires all public transit systems that provide fixed route bus and rail service to also provide paratransit (usually vans and small buses) service for people with disabilities who cannot use the fixed route bus and train service.

Funding Features

TEA-21 provides that transit systems may use up to 10 percent of their annual apportionment of formula funds (at the 80% Federal to 20% local matching ratio) to pay for some of their ADA paratransit operating costs.

This expanded use of capital funding is applicable to both the Section 5307 Urbanized Area Formula Program and the Section 5311 Nonurbanized Area Formula Program. [3003]

Eligibility

TEA-21 expands the definition of capital assistance to include some operating costs associated with providing ADA paratransit service. [3003]

TRANSIT CAPITAL INVESTMENT GRANTS AND LOANS

Year	1997	1998	1999	2000	2001	2002	2003
Authorization*	--	$2,000M	$2,807M	$3,011M	$3,216M	$3,421M	$3,616M
Guaranteed	$1,900M**	$2,000M	$2,207M	$2,401M	$2,596M	$2,791M	$2,986M

* Authorization levels do not include $50M /year for FY 1999-2003 for the Clean Fuels program derived from Bus & Bus Related Facilities.

** Appropriated level since Guarantee did not apply prior to FY 1998.

Program Purpose

The renamed Capital Investment Grants and Loans Program (formerly Discretionary Grants) will continue providing transit capital assistance for new fixed guideway systems and extensions to existing fixed guideway systems (New Starts), fixed guideway modernization, and bus and bus related facilities. [3009]

Funding

Funded from both the Mass Transit Account of the Highway Trust Fund and the General Fund.

Continues 90% Federal share for the incremental costs of vehicle-related equipment needed to comply with the Clean Air Act Amendments and the Americans with Disabilities Act requirements and 80% Federal share for all other eligible costs.

Continues the 40%, 40%, 20% allocation formula among fixed guideway modernization, new fixed guideway systems and extensions, and bus and bus-related facilities.

New Starts

Continues the discretionary nature of the program.

Projects must still compete for funding using expanded criteria to justify the major investment involved.

New language tightens eligibility criteria.

Projects will be evaluated and rated as "highly recommended," "recommended," or "not recommended."

Limits the amount of new starts funding that can be used for purposes other than final design and construction to 8 percent of the amounts made available for this program.

Fixed Guideway Modernization

Continues formula apportionment using system wide mileage based on data used to apportion the funding in FY 1998. Modifies slightly the allocation of funding under the first four tiers.

Increases the number of tiers from four to seven. Funding in these additional three tiers will be apportioned based on actual route-miles and revenue vehicle-miles on segments at least 7 years old.

Bus

Continues the discretionary nature of the program in current law.

Authorizes a total of $3.3 billion for bus and bus related facilities (excluding amount for Clean Fuels).

Authorizes $3M /year for the Bus Testing Facility and $4.85M /year for Fuel Cell Bus and Bus Facility Program.

ENVIRONMENTAL STREAMLINING

Purpose

To coordinate Federal agency involvement in major highway projects under the National Environmental Policy Act (NEPA) process to address concerns relating to delays in implementing projects, unnecessary duplication of effort, and added costs often associated with the conventional process for reviewing and approving surface transportation projects.

Key Elements [1309]

Establishes a coordinated environmental review process by which USDOT would work with other Federal agencies to assure that major highway and transit [TRA 9004(c)] projects are advanced according to cooperatively determined time frames.

Emphasizes using concurrent, rather than sequential reviews to save time.

Establishes a dispute resolution process between the Department and other Federal agencies.

Allows States the option of including their environmental reviews in the coordinated environmental review process.

Authorizes the Secretary to approve State DOT requests to reimburse Federal agencies for expenses associated with meeting expedited time frames.

Other NEPA Related Provisions

In addition to Section 1309, a number of other sections contain provisions relating to the applicability and administration of NEPA. These are summarized below.

Planning Decisions [1203 & 1204]

Decisions by the Secretary concerning State or Metropolitan transportation plans and programs shall not be considered a Federal action subject to review under NEPA.

Planning Factors [1203 & 1204]

During the development of projects and strategies, one of seven planning factors a State or Metropolitan transportation planning process must consider is "to protect and enhance the environment, promote energy conservation and improve quality of life."

Contracting for Engineering and Design Services [1205]

A State may procure under a single contract the services of a consultant to prepare environmental documents for a project as well as subsequent engineering and design work on the project if the State conducts a review assessing the objectivity of the environmental documentation prior to submission.

Design-Build Contracting [1307]

A State or local transportation agency may award a design-build contract for a qualified project using any procurement process permitted by applicable State and local law, provided that final design shall not commence before compliance with section 102 of the NEPA Act of 1969 (42 U.S.C. 4332).

Major Investment Study Integration (1308)

The major investment study is no longer a separate requirement, but must be integrated, as appropriate, as part of the analyses required to be undertaken pursuant to the agency's planning provisions and NEPA.

Real Property Acquisition and Corridor Preservation [1309]

The value of land acquired by a State or local government without Federal assistance can be credited to the State share of a Federally assisted project which uses that land, provided a number of conditions are met. One such condition is that the land acquisition will not influence the environmental assessment of the project, including the need for the project, the consideration of alternatives, and the selection of a specific location.

Transportation Infrastructure Finance and Innovation [1503]

NEPA requirements apply to funds made available through innovative financing.

High Priority Projects [1601]

Upon request by a State, the Secretary shall delegate responsibility for carrying out a project(s), with funds made available to carry out this section, to the State in which such project or projects are located. These projects of this section (as well as similar projects of ISTEA and the Surface Transportation and Uniform Reloaction Assistance Act of 1987) are included to establish eligibility for Federal-aid highway funds and are not intended to define the scope or limits of Federal action for those projects (for NEPA or other purposes).

METROPOLITAN PLANNING

Program Purpose

The metropolitan planning process establishes a cooperative, continuous, and comprehensive framework for making transportation investment decisions in metropolitan areas. Program oversight is a joint FHWA/FTA responsibility.

Continuing Provisions

Among the most significant continuing provisions are the following:

- Local officials, in cooperation with the State and transit operators, remain responsible for determining the best mix of transportation investments to meet metropolitan transportation needs.
- Metropolitan Planning Organizations are responsible for adopting the plan; Governor and MPO approve transportation improvement program.
- A 20-year planning perspective, air quality consistency, fiscal constraint, and public involvement established under ISTEA.
- A Congestion Management System is still required in larger (urbanized area larger than 200,000 population) metropolitan areas.
- DOT certification of the planning process in larger (urbanized area larger than 200,000 population) metropolitan areas.
- An emphasis on alternatives to capacity additions is retained through the Single Occupant Vehicle project limit in larger (>200,000 pop.) metropolitan areas which are nonattainment areas for air quality.

Funding

Metropolitan transportation planning funding derives from two sources: a 1% takedown from the STP, Bridge, CMAQ, IM, and NHS Programs; and transit authorizations, the funding for which comes from both the Mass Transit Account of the Highway Trust Fund and the General Fund.

FHWA metropolitan transportation planning funding from the 1 percent takedown averages $187.7 million per year for the 6 years of TEA-21, for a total of $1,126 million.

FTA metropolitan transportation planning funding authorizations may vary for any year, depending on the degree to which Congress appropriates non-guaranteed funds authorized to be appropriated from the General Fund. Funding authorized from the Mass Transit Account of the HTF, and certain funds authorized to be appropriated from the General Fund are guaranteed. Metropolitan planning authorizations from all sources average a total of $73.6 million per year for the 6 years of TEA-21, or a total of $441.5 million, while guaranteed funding averages $50.1 million per year, for a total of $300.8 million. [3029(a)]

Key Modifications

TEA-21 consolidates the previous sixteen planning factors into seven broad areas to be considered in the planning process (same as for statewide planning): [1203(f)]

- Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;
- Increase the safety and security of the transportation system for motorized and nonmotorized users;
- Increase the accessibility and mobility options available to people and for freight;

- Protect and enhance the environment, promote energy conservation, and improve quality of life;
- Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;
- Promote efficient system management and operation; and
- Emphasize the preservation of the existing transportation system.

Failure to consider any one of the areas is not reviewable in court.

Modifies the general objectives of the planning process to include operation and management of the transportation system. [1203(a)]

Modifies provision for designating multiple MPOs in urbanized areas, adding a requirement for MPO and Governor concurrence. [1203(b)]

Modifies transportation planning area boundary relationship to nonattainment area boundaries. Boundaries established on date of enactment remain as is, but future expansions of nonattainment area boundaries do not force expansion of transportation planning area unless agreed to by Governor and MPO. New MPO planning area boundaries will reflect nonattainment areas as agreed to by Governor and local officials. [1203(c)]

Secretary shall encourage coordination of federally funded non-emergency transportation services in metropolitan planning areas, e.g., welfare to work. [1203(d)]

Adds provision requiring coordination where project crosses MPO planning area boundaries. [1203(e)]

Specifically identifies freight shippers and users of public transit on list of stakeholders to be given opportunity to comment on plans and TIPs. [1203(h)]

Adds a requirement for MPO, State, and transit agencies to cooperate in the development of financial estimates that support plan and TIP development. [1203(h)]

Clarifies the relationship between project selection and TIP development (project selection means implementation from a cooperatively developed TIP). [1203(h)]

Adds option of identifying additional projects for illustrative purposes that would be included in plans and TIPs if reasonable additional resources were available. Additional action by States, MPOs and the Secretary is required to advance such projects. [1203(h)]

Requires publication of an annual listing of projects for which Federal funds have been obligated in the preceding year. [1203(h)]

Adds requirement for public involvement during certification review. [1203(i)]

Modifies sanctions associated with triennial certification in TMA by changing options available to Secretary for withholding funds. [1203(i)]

Exempts MPO plans and programs as actions addressed by NEPA. [1203(m)]

Replaces the stand alone Major Investment Study requirement of FHWA/FTA's joint planning regulation with a directive that, for federally funded highway and transit projects, analyses under the planning provisions of the Act and NEPA be integrated. [1308]

STATEWIDE PLANNING

Program Purpose

The statewide planning process establishes a cooperative, continuous, and comprehensive framework for making transportation investment decisions throughout the State and is administered jointly by FHWA and FTA.

Continuing Provisions

Among the most significant continuing provisions are the following:

- Federal reliance on the statewide transportation planning process, established under ISTEA, as the primary mechanism for cooperative transportation decision making throughout the State.
- Coordination of statewide planning with metropolitan planning
- Opportunity for public involvement provided throughout the planning process.
- Emphasis on fiscal constraint and public involvement in the development of a three-year Statewide Transportation Improvement Program.
- Emphasis on involving and considering the concerns of Tribal governments in planning.
- State development of statewide transportation plans and programs.

Funding

FHWA statewide transportation planning funding derives from a 2 percent takedown of State apportionments for the Interstate Maintenance, NHS, Surface Transportation, Congestion Mitigation and Air Quality Improvement, and Bridge Rehabilitation and Replacement Programs.

The 2 percent takedown averages $481.5 million per year for the 6 years of TEA-21, or a total of $2,888.8 million. Of the amounts set aside by the takedown, 25 percent must be used for research, development, and technology transfer activities.

Statewide planning is an eligible activity for additional funding under the NHS and STP programs.

FTA State transportation planning funding authorizations may vary for any year, depending on the degree to which Congress appropriates non-guaranteed funds authorized to be appropriated from the General Fund. Funding authorized from the Mass Transit Account of the HTF, and certain funds authorized to be appropriated from the General Fund, are guaranteed. Authorizations for state planning from all sources average a total of $15.4 million per year for the 6 years of TEA-21, or a total of $92.2 million, while guaranteed funding averages $10.5 million per year, for a total of $62.9 million. [3029(a)]

Key Modifications

TEA-21 consolidates the previous sixteen planning factors into seven broad areas to be considered in the planning process (same as for metropolitan planning): [1204(c)]

- Support the economic vitality of the United States, the States, and metropolitan areas, especially by enabling global competitiveness, productivity, and efficiency;
- Increase the safety and security of the transportation system for motorized and nonmotorized users;
- Increase the accessibility and mobility options available to people and for freight;
- Protect and enhance the environment, promote energy conservation, and improve quality of life;

- Enhance the integration and connectivity of the transportation system, across and between modes throughout the State, for people and freight;
- Promote efficient system management and operation; and
- Emphasize the preservation of the existing transportation system.

Failure to consider any one of the areas is not reviewable in court.

Adds provision for State to consult with non-metropolitan officials responsible for transportation in making transportation decisions in both the plan and the STIP. In addition, the concerns of local elected officials of units of non-metropolitan general purpose local governments must be considered in the planning process and affected local officials are to be involved in selecting projects for implementation from the STIP. Each State must document a process for consultation with local officials within one year of enactment (not subject to Secretarial review or approval). [1204(e), 1204(f)]

The Secretary will study and report to Congress within two years on effectiveness of local elected official participation in transportation planning and programming. [1204(i)]

Modifies the general objectives of the planning process to include operations and management of the transportation system. [1204(a)]

Strengthens language concerning the intermodal nature of the State transportation system as an integral part of the Nation's intermodal system. [1204(a)]

Clarifies the focus on a 20-year planning horizon for the transportation plan. [1204(e)]

Adds financial plan option for State plan and program. [1204(e), 1204(f)]

Adds option of identifying, for illustrative purposes, in a financial plan which may be part of a long-range transportation plan or transportation improvement program, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available. States and MPOs are not required to advance such projects and action by the Secretary is required before they can be included in a TIP or STIP. [1204(e), 1204(f)]

Adds a provision that the Secretary, prior to approving the STIP (at least every two years), must "Find" that the planning process producing the STIP is consistent with the statewide and metropolitan planning requirements. [1204(f)]

Adds freight shippers and users of public transit to list of specifically identified stakeholders that must be afforded an opportunity to comment on the plan and STIP. [1204(f)]

Adds a provision that only regionally significant Federal lands projects need to be individually identified in the STIP. [1204(f)]

Exempts Federal actions on State plans and STIPs from review under NEPA. [1204(h)]

TRAFFIC SYSTEMS MANAGEMENT AND OPERATIONS

Purpose
To encourage and promote the safe and efficient management and operation of integrated, intermodal surface transportation systems to serve the mobility needs of people and freight and foster economic growth and development.

Definitions [1201]
Operating costs for traffic monitoring, management, and control—
Continues to include labor costs, administrative costs, costs of utilities and rent, and other costs associated with the continuous operation of traffic control, such as integrated traffic control systems, incident management programs, and traffic control centers.

Operational improvement—
Continues to mean a capital improvement for installation of traffic surveillance and control equipment, computerized signal systems, motorist information systems, integrated traffic control systems, incident management programs, and transportation demand management facilities, strategies, and programs, and such other capital improvements to public roads as the Secretary may designate, by regulation.
By definition, still does not include resurfacing, restoring, or rehabilitating improvements, construction of additional lanes, interchanges, and grade separations, and construction of a new facility on a new location.

Funding
While continuing to permit Federal-aid funds to be eligible for traffic system operations and management activities, TEA-21 does not provide separate, additional funding for traffic system operations and management.

Eligibilities
National Highway System and Surface Transportation Program—

- Continues to include capital and operating costs for traffic monitoring, management, and control facilities and programs.
- Clarifies the eligibility of STP and NHS funds for ITS capital improvements. [1106(b) and 1108(a)]

Congestion Mitigation and Air Quality Improvement Program—

- Continues to include the establishment or operation of a traffic monitoring, management, and control facility or program as potentially eligible projects. [1110(b)]
- Explicitly includes, as an eligible condition for funding, programs or projects that improve traffic flow, including projects to improve signalization, construct high occupancy vehicle lanes, improve intersections, and implement ITS strategies. [1110(b)(6)]

Key Provisions
Requires the plans and programs for metropolitan areas and States to provide for the integrated management and operation of transportation systems that will function as an intermodal transportation system. One of the considerations of metropolitan and State planning processes for projects and strategies is the promotion of efficient system management and operation. [1203, 1204, 3004]

The Secretary may provide funding to support adequate consideration of transportation system management and operations, including ITS, within metropolitan and statewide transportation planning processes. [5204(f)]

Explicitly adds freight shippers, providers of freight transportation services, and representatives of users of public transit to the list of participant groups in the development of metropolitan and statewide long range transportation plan, and notes that States shall identify transportation strategies necessary to efficiently serve the mobility needs of people. [1203(g), 1204(e)]

Expands the potential for ITS in transit projects and includes the introduction of new technology into mass transportation in the definition for a capital project. [3003]

Strengthens the tie between ITS and traffic systems operations. One of the purposes of the ITS program is to improve regional cooperation and operations planning for effective ITS deployment. [5203(b)]

TRANSPORTATION ASSISTANCE FOR OLYMPIC CITIES

Program Purpose

To provide assistance for and support of State and local efforts concerning surface transportation issues necessary to host an international quadrennial Olympic or Paralympic event, or a Special Olympics International event.

Funding-Highway

Authorizations of "such sums as are necessary" from the Highway Account of the Highway Trust Fund are provided for FYs 1998-2003. The authorizations are subject to appropriation. [1223(e), 1223(g)]

Transportation research funding authorized under section 5001(a) is available for the Secretary to provide assistance for the development of a transportation management plan in cooperation with State and local communities affected by an international quadrennial Olympic or Paralympic event, or a Special Olympics International event.

TEA-21 contains one Games-related high priority project -- $3.5 million for Salt Lake's Advanced Traffic Management Center.

Eligible Use of Funds

Authorizes the Secretary to give priority to projects relating to an international quadrennial Olympic or Paralympic event, or a Special Olympics International event, if the project meets the extraordinary needs associated with such an event and is otherwise eligible for Interstate Discretionary or Bridge Discretionary funding. [1223(b)]

Allows the Secretary to provide assistance, including planning, capital, and operating assistance, to States and local governments in carrying out transportation projects relating to an international quadrennial Olympic or Paralympic event, or a Special Olympics International event. The Federal share of such projects shall not exceed 80 percent. [1223(e)(1), 1223(e)(2)]]

Allows the Secretary to participate in the metropolitan and statewide planning activities of MPOs and States relating to an international quadrennial Olympic or Paralympic event, or a Special Olympics International event. [1223(c)]

Funding-Transit

Authorizes General Fund appropriations, outside the guarantee, for the Salt Lake City Winter Olympic Games for the North/South Light Rail System, the Light Rail System linking the Airport and University, intermodal passenger facilities, park and ride lots, and bus acquisition. These funds also can be used for planning and capital assistance. They are subject to a minimum of 20 percent State and local participation. For these projects, highway, aviation, and transit projects shall be considered to be a program of projects, i.e. less than a 20 percent State/local match on one project can be offset by higher State and local contributions (overmatches) on another. For these funds to become available for appropriation, Congress must find offsets from other transportation or domestic programs. [3030(c)(2)(B)]

Authorizes Salt Lake's North/South and Airport Light Rail Projects as well as the Salt Lake-Ogden-Provo Commuter Rail project to go to final design and construction. They each will be competing with 105 other named projects for annual allocations (not counting the named set asides). [3030(a)]

Authorizes the Salt Lake City Draper and West Jordan Light Rail Extension projects to go to alternatives analysis and preliminary engineering. They will be competing with 66 other named projects.

Effective October 1, 2000, Draper and West Jordan are authorized to go for final design and construction. [3030(b)]

Utah Transit Authority is granted $3 million for intermodal facilities ($1.5 million in FYs 1999 and in 2000). The Ogden Intermodal Center receives $1.6 million ($ 800K in FY '99 and in 2000). UTA and Park City Transit were granted $13 million for bus acquisition. Like the light rail and commuter rail projects, sponsors can seek non-guaranteed funds or these guaranteed monies. [3031(a)]

TRAINING FOR WELFARE RECIPIENTS

Program Purpose

To assist States in fulfilling their responsibilities under the Personal Responsibility and Work Opportunity Act of 1996 by permitting States to reserve positions in apprenticeship, skill training, or other upgrading programs for persons who receive welfare assistance from such State.

Background

The Federal Highway Administration On-the-Job Training (OJT) Program supports the President's Welfare-to-Work Initiative.

Annually, States establish OJT goals and assign training slots in selected federally-assisted highway contracts.

OJT Supportive Services funding is available to assist contractors and OJT program participants in enhancing the effectiveness of the program.

Key Provisions

Permits States to reserve OJT positions established under 23 U.S.C. 140(a) for persons who receive welfare assistance from the States. [1208(a)]

Requires that implementation of OJT programs with positions reserved for welfare recipients shall not cause current employees to be displaced or current positions to be supplanted. [1208(a)]

Provides that workers participating in apprenticeship or skill improvement programs registered with the Department of Labor or the appropriate State agency will not be precluded from referral to and hiring for OJT slots on projects funded by Title 23. [1208(a)]

DISADVANTAGED BUSINESS ENTERPRISE

Program Purpose

The Disadvantaged Business Enterprise (DBE) program ensures equal opportunity in transportation contracting markets, addresses the effects of discrimination in transportation contracting, and promotes increased participation in Federally funded contracts by small, socially and economically disadvantaged businesses, including minority and women owned enterprises. The statute provides that at least 10% of the amounts made available for any Federal-aid highways, mass transit, and transportation research and technology program be expended with certified DBEs.

Key Continuing Provisions

Sustains the applicability to the Federal Highway, Mass Transit, and Transportation Research programs (Titles I, III, and V). [1101 (b)(1)]

Defines small business concerns and socially and economically disadvantaged individuals as in Sections 3 and 8(d) of the Small Business Act. [1101 (b)(2)(B)]

Preserves the inclusion of women in the presumptively disadvantaged category. [1101 (b)(2)(B)]

Reaffirms the administratively determined business size limitation for qualifying as a small business at $16.6 million in annual gross receipts averaged over the preceeding 3 fiscal years. [1101 (b)(2)(A)]

Maintains an annual survey and listing by State of the firms certified and their locations. [1101 (b)(3)]

Requires a minimum uniform certification criteria for State Governments. [1101 (b)(4)]

Key Modifications

Expands DBE program applicability to include the National Recreational Trails projects. [1101 (b)(1)]

Ensures a State's continuing eligibility to receive federal funds if a Federal court issues a final order rendering the application of the State's DBE Program to be unconstitutional. [1101 (b)(5)]

Requires the General Accounting Office, within 3 years following enactment, to conduct a nationwide review encompassing 11 specific subject areas. The study will include a comparison of DBE and non-DBE firms, and will report findings and conclusions on the impact of the DBE program to the Congress. [1101 (b)(6)]

ON-THE-JOB TRAINING SUPPORTIVE SERVICES

Program Purpose

The On-the-Job Training Supportive Services (OJT/SS) program is designed to increase the effectiveness of approved OJT programs, particularly in providing effective training opportunities for minorities and women.

Eligibility

States may use OJT/SS funding to provide such services as:

- pre-employment counseling
- orientation to the expectations and requirements of the highway construction industry
- basic skills improvement
- support for contractor recruiting, counseling, remedial training, physical examinations, or assistance with transportation, child care and other special needs
- jobsite mentoring and post-graduation follow-up

Key Continuing Provisions

Continues to provide that States may set aside not to exceed ½ of 1% of Surface Transportation Program and Bridge Program funding for On-the-Job Training Supportive Services (OJT/SS).

Continues to provide that the Secretary may deduct up to $10 million per fiscal year for developing, conducting, and administering OJT/SS programs.

Key Modifications

Broadens the scope of OJT/SS programs to include technology training (research, intelligent transportation systems, etc.). [1208(b)(1)(A)]

Expands the statutory purposes for which OJT/SS funding may be used to include the development and funding of Summer Transportation Institutes, including the American Association of State Highway and Transportation Officials Transportation and Civil Engineering program. [1208 (b)(1)(B)]

Changes the source of funding from which the Secretary may deduct not to exceed $10 million per year for developing, conducting, and administering OJT/SS programs from apportionments under Section 104(b) to the Surface Transportation Program. [1208 (b)(2)]

SURFACE TRANSPORTATION RESEARCH STRATEGIC PLANNING

Program Purpose

This activity determines national surface transportation research and technology development priorities, coordinates implementing program activities on a Federal government-wide basis, measures the results of those activities, and documents their impact on the performance of the surface transportation systems of the United States. [5108]

Key Features

DOT will ensure the surface transportation R&D programs it initiates meet emerging needs and do not duplicate other research efforts inside or outside government through an integrated planning, coordination, consultation and independent technical validation process for its R&D programs.

DOT is given the leadership role in the process; other participants in the process must include —

- the operating administrations of the Department
- all other Federal agencies performing surface transportation research and technology development
- State and local governments
- academic institutions, industry, and other private and public sector organizations engaged in such R&D

Strategic Plan Development

TEA-21 requires the Secretary to develop an integrated surface transportation research and technology development strategic plan which will —

- identify the general goals and objectives of the Department of Transportation for surface transportation R&D
- establish the roles of the Department and other Federal agencies in achieving the goals identified
- set forth a strategy for carrying out the plan over the next 5 years
- include funding requirements, interagency coordination procedures, and indicators to evaluate program effectiveness

Reporting Requirements

The National Research Council will review the required R&T strategic plan, performance plan, and program performance report to provide external validation.

Within 1 year after enactment, the Secretary is also to report to the Congress on competitive merit review procedures for use in selecting grantees and contractors in the programs covered by the plan, and performance measurement procedures for evaluating the programs themselves.

The Department must also develop model procurement procedures to encourage the use of advanced technologies; and model transactions for carrying out coordinated Federal and State surface transportation R&D activities.

UNIVERSITY TRANSPORTATION RESEARCH

Year	1997(ISTEA)	1998	1999	2000	2001	2002	2003
General Funds		$6M	$1.2M	$1.2M	$1.2M	$1.2M	$1.2M
Transit Account CA		0	$4.8M	$4.8M	$4.8M	$4.8M	$4.8M
Highway Account CA		$25.65M	$25.65M	$27.25M	$27.25M	$26.5M	$26.5M
Total	$19.25M	$31.65M	$31.65M	$33.25M	$33.25M	$32.5M	$32.5M

Program Purpose
To provide grant funding to establish and operate programs of education, research and technology transfer at 33 University Transportation Centers across the country. In addition to establishing 23 centers of varying size at named universities across the country, TEA-21 calls for the competitive selection of ten regional centers. [5110, TRA 9011]

Grant Funding
Establishes four classes of grants with different funding levels:

Class A
- to each of 10 centers
- $1.0M per year
- FYs 1998-2003

Class B
- to each of 8 centers
- $300,000 per year for FYs 1998-1999
- $500,000 per year for FYs 2000-2001
- compete with Class C for total of 10 grants of $1.0M for each of FYs 2002-2003

Class C
- to each of 9 centers
- $750,000/year for FYs 1998-2001
- compete with Class B for total of ten $1.0M grants for each of FYs 2002-2003

Class D
- to each of 6 centers
- $2.0M for FYs 1998-2003

Requires non-federal matching funds in an amount at least equal to the grant, but permits the use of funding provided to a recipient under 23 USC§§503, 504(b), or 505., i.e. FHWA's technology deployment program, local technical assistance program or State planning and research program.

Establishment of Centers
The Act authorizes the establishment of 33 UTCs, 23 of which are to be established at universities named in the Act.
The ten regional centers are to be established through a competitive selection process. Competition will be on a regional basis and qualified candidates will have to demonstrate an ongoing program of transportation education and research.

ONE-CALL NOTIFICATION PROGRAMS

Year	1997	1998	1999	2000	2001	2002	2003
Authorization	0	0	0	$1M	$5M	0	0

Program Purpose
The purpose of One-call Notification programs is to enhance public safety, protect the environment, minimize risks to excavators, and prevent disruption of vital public services by reducing the incidence of damage to underground facilities during excavation. [7302]

Funding
Authorizations are drawn from the General Fund, and require appropriating legislation.

Eligibility
Grants are to be made to States to establish or improve one-call notification systems.
Eligibility for these grants depends on three factors:

(1) appropriate participation by all underground facility operators;
(2) appropriate participation by all excavators; and
(3) flexible and effective enforcement under State law with respect to participation in and use of one-call systems.

A State determines ‘appropriate participation’ by considering the risks to public safety, the environment, excavators and vital public services posed by the excavation activity.

RECREATIONAL BOATING SAFETY PROGRAM

Program Purpose

The purpose of the Recreational Boating Safety (RBS) Program is to assist the States and U.S. Territories with programs to protect recreational boaters.

Funding

The Recreational Boating Safety program is an appropriated budget authority program subject to annual appropriations. Funding for the program is derived from the Federal tax on fuel used in motorboats. Of the total amount received into the Highway Trust Fund in a fiscal year from the Federal tax on fuel used in motorboats, up to $70 million per year may be transferred to the Boat Safety Account in the Aquatic Resources Trust Fund. Up to $1 million per year of these funds is transferred to the Land and Water Conservation Fund, and any remaining revenues in a fiscal year from the Federal tax on fuel used in motorboats are transferred to the Sport Fish Restoration Account in the Aquatic Resources Trust Fund. [26 U.S.C. 9503(c)(4)]

TEA21 amended 16 U.S.C. 777c(b) such that a base level of annual funding will be available to be transferred to the Secretary of Transportation for State recreational boating safety programs under the Recreational Boating Safety program, with additional amounts for the State grant program dependent upon annual discretionary appropriations. For FY1999-2003, funding for the State Recreational Boating Safety program may range from a low of $59 million to a high of $71.6 million. [7403]

TEA-21 makes an additional $5 million of the amount transferred to the Secretary available for payment of expenses of the Coast Guard for personnel and activities directly related to carrying out the national recreational boating safety program. Of the $5 million available for the Coast Guard RBS Program, at least $2 million must be used for enforcement of boat manufacturer compliance with vessel safety standards. [7405(c)]

****Note: The following describes the Recreational Boating Safety Program. None of these features are changed by TEA-21.****

Formula

Of the funds appropriated for the State grant program, the Coast Guard is authorized to retain not more than two percent for the costs of administering the State grant program, and five percent for grants to national nonprofit public service organizations to conduct national boating safety activities.
The balance is allocated to participating States as follows:

- one-third allocated equally among participating States;
- one-third allocated in the same ratio as the number of vessels numbered in the State relates to the number of vessels numbered in all participating States; and
- one-third allocated in the same ratio as the amount of the State's prior-year expenditures for recreational boating safety relates to the total prior-year expenditures for boating safety of all participating States.

States cannot receive more than one-half of the total cost of its RBS Program, and must provide matching funds from general State revenues, undocumented vessel numbering and license fees, or State marine fuel taxes. [46U.S.C. 13103]

State Eligibility

To be eligible to participate in the grant program, a State RBS Program must include:

- a vessel numbering system;
- a cooperative boating safety assistance program with the Coast Guard;
- sufficient patrol and other activity to ensure adequate enforcement of applicable State boating safety laws and regulations;
- a State boating safety education program that includes the dissemination of information concerning the hazards of operating a vessel under the influence of alcohol or drugs; and
- a marine casualty reporting system.

Authorized Uses of Funds

Federal funds provided for a State's boating safety program may be used for any of the following:

- providing facilities, equipment, and supplies for boating safety education and law enforcement, including purchase, operation, maintenance, and repair;
- training personnel in skills related to boating safety and to the enforcement of boating safety laws and regulations;
- providing public boating safety education, including educational programs and lectures, to the boating community and the public school system;
- acquiring, constructing, or repairing public access sites used primarily by recreational boaters; conducting boating safety inspections and marine casualty investigations;
- establishing and maintaining emergency or search and rescue facilities, and providing emergency or search and rescue assistance;
- establishing and maintaining waterway markers and other appropriate aids to navigation; and providing State recreational vessel numbering and titling programs. [46U.S.C. 13106]

OZONE AND PARTICULATE MATTER STANDARDS

Purpose

The Environmental Protection Agency issued revised standards for ozone and particulate matter under the Clean Air Act in 1997, including a new fine particulate matter (PM-2.5) standard. TEA-21 ozone and particulate matter standards provisions call for full Federal funding of a monitoring network for fine particles, and ensure that schedules for planning to control fine particulate matter under the 1997 standards and to improve visibility are harmonized.

Funding

Surface transportation funding programs are not involved.

Directs EPA to provide Federal funding to States to establish, purchase, operate and maintain a PM-2.5 fine particle monitoring network to gather data used in designating whether areas meet national standards for particulate matter.

Funds grants under section 103 of the Clean Air Act at 100% Federal share for equipment, set-up and operation and maintenance.

If other Clean Air Act State grant funds have already been used for PM-2.5 monitors, EPA must restore those funds in FY 1999 from non-air sources, including Federal air programs. [6102(a)]

The full PM-2.5 monitoring network must be in place by December 31, 1999. [6102(b)]

Implementation

Title VI of TEA-21 essentially codifies the schedule in the President's memo regarding implementation of the new ozone and PM 2.5 standards. EPA is to designate areas with regard to their attainment of the PM 2.5 standard no later than December 31, 2005, (or earlier if sufficient data is available) and of the revised ozone standard no later than July 2000.

EPA is to require States to submit visibility improvement plans related to regional haze at the same time as State implementation plans for areas designated nonattainment for PM-2.5 are required to be submitted. For areas designated as attainment or unclassifiable for PM 2.5, EPA is to require States to submit visibility improvement plans one year after such designation. [6102(c)]

EPA is to conduct a field study of the ability of current monitoring methods to differentiate particle size, and report to Congress by June, 2000. [6102(e)]

TRANSPORTATION EQUITY ACT FOR THE 21st CENTURY (TEA-21)
(P.L. 105-178)

(Amounts in Millions of Dollars)

	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	Total	Average
Title I -- Federal-Aid Highways								
Interstate Maintenance Program	3,427.341	3,957.103	3,994.524	4,073.322	4,139.630	4,217.635	23,809.555	3,968.2592
National Highway System	4,112.480	4,748.523	4,793.429	4,887.986	4,967.556	5,061.162	28,571.136	4,761.8560
Bridge Program	2,941.454	3,395.354	3,427.472	3,495.104	3,552.016	3,618.966	20,430.366	3,405.0610
Surface Transportation Program	4,797.620	5,539.944	5,592.333	5,702.651	5,795.482	5,904.689	33,332.719	5,555.4532
Congestion Mitigation/Air Quality Improv. Pgm.	1,192.619	1,345.415	1,358.138	1,384.930	1,407.474	1,433.996	8,122.572	1,353.7620
Appalachian Development Highway System	0.000	450.000	450.000	450.000	450.000	450.000	2,250.000	375.0000
Recreational Trails Program	30.000	40.000	50.000	50.000	50.000	50.000	270.000	45.0000
Federal Lands Highways Program:	536.000	706.000	706.000	706.000	706.000	706.000	4,066.000	677.6667
Indian Reservation Roads	(225.000)	(275.000)	(275.000)	(275.000)	(275.000)	(275.000)	(1,600.000)	(266.6667)
Public Lands Highways	(196.000)	(246.000)	(246.000)	(246.000)	(246.000)	(246.000)	(1,426.000)	(237.6667)
Park Roads and Parkways	(115.000)	(165.000)	(165.000)	(165.000)	(165.000)	(165.000)	(940.000)	(156.6667)
Refuge Roads	0.000	(20.000)	(20.000)	(20.000)	(20.000)	(20.000)	(100.000)	(16.6667)
National Corridor Planning and Development and Coordinated Border Infrastructure Pgm.	0.000	140.000	140.000	140.000	140.000	140.000	700.000	116.6667
Construction of Ferry Boats and Ferry Terminal Facilities	30.000	38.000	38.000	38.000	38.000	38.000	220.000	36.6667
National Scenic Byways Program	23.500	23.500	24.500	24.500	25.500	26.500	148.000	24.6667
Value Pricing Pilot Program	0.000	7.000	11.000	11.000	11.000	11.000	51.000	8.5000
High Priority Projects Program	1,029.584	1,403.978	1,684.773	1,684.773	1,778.372	1,778.372	9,359.850	1,559.9750
Highway Use Tax Evasion Projects	10.000	5.000	5.000	5.000	5.000	5.000	35.000	5.8333
Commonwealth of Puerto Rico Highway Program	110.000	110.000	110.000	110.000	110.000	110.000	660.000	110.0000
Rail-Highway Crossing Hazard Elimination in High Speed Rail Corridors (GF)	0.000	15.000	15.000	15.000	15.000	15.000	75.000	12.5000
* Minimum Guarantee	5,466.570	5,742.720	5,780.889	5,903.732	5,995.364	6,121.872	35,011.146	5,835.1910
Revenue Aligned Budget Authority	ssambn	ssambn	ssambn	ssambn	ssambn	ssambn	0.000	0.0000
Woodrow Wilson Memorial Bridge	25.000	75.000	150.000	200.000	225.000	225.000	900.000	150.0000
Miscellaneous Studies, etc. (HTF & GF)	13.588	159.231	44.063	25.000	18.800	17.300	277.981	46.3302
MAGLEV Transp. Technology Deployment Pgm.	0.000	15.000	20.000	25.000	0.000	0.000	60.000	10.0000
Low-Speed MAGLEV Project (STA)	0.000	0.000	ssambn	ssambn	ssambn	ssambn	0.000	0.0000
MAGLEV Transp. Technology Deployment Pgm. (STA)	0.000	0.000	200.000	200.000	250.000	300.000	950.000	158.3333
Transp. and Community and System Preservation Pilot	0.000	20.000	25.000	25.000	25.000	25.000	120.000	20.0000
Transp. Assistance for Olympic Cities (STA)	ssambn	ssambn	ssambn	ssambn	ssambn	ssambn	0.000	0.0000
Nat'l Historic Covered Bridge Preservation (GF)	0.000	10.000	10.000	10.000	10.000	10.000	50.000	8.3333
Safety Incentive Grants for Use of Seat Belts	0.000	82.000	92.000	102.000	112.000	112.000	500.000	83.3333
Safety Incentives to Prevent Operation of Motor Vehicles by Intoxicated Persons	55.000	65.000	80.000	90.000	100.000	110.000	500.000	83.3333
Transportation Infrastructure Finance and Innovation	0.000	80.000	90.000	110.000	120.000	130.000	530.000	88.3333
Total -- Title I	**23,800.755**	**28,173.767**	**28,892.120**	**29,468.997**	**30,047.194**	**30,617.491**	**171,000.325**	**28,500.0541**

TRANSPORTATION EQUITY ACT FOR THE 21st CENTURY (TEA-21)
(P.L. 105-178)

(Amounts in Millions of Dollars)

	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	Total	Average
Title II -- Highway Safety								
Child Passenger Prot. Education Grants (GF)	0.000	0.000	7.500	7.500	0.000	0.000	15.000	2.5000
Evaluation of Motor Vehicle Driving Record Access (GF)	0.000	0.250	0.000	0.000	0.000	0.000	0.250	0.0417
Highway Safety Programs	149.700	150.000	152.800	155.000	160.000	165.000	932.500	155.4167
Hwy. Safety Research and Development (STA)	72.000	0.000	0.000	0.000	0.000	0.000	72.000	12.0000
Highway Safety Research and Development	0.000	72.000	72.000	72.000	72.000	72.000	360.000	60.0000
Occupant Protection Incentive Grants	0.000	10.000	10.000	13.000	15.000	20.000	68.000	11.3333
Alcohol-Impaired Driving Countermeasures Incentive	34.500	35.000	36.000	36.000	38.000	40.000	219.500	36.5833
State Highway Safety Data Grants	0.000	5.000	8.000	9.000	10.000	0.000	32.000	5.3333
National Driver Register (STA)	2.000	2.000	2.000	2.000	2.000	2.000	12.000	2.0000
Total -- Title II	**258.200**	**274.250**	**288.300**	**294.500**	**297.000**	**299.000**	**1,711.250**	**285.2083**

	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	Total	Average
Title III -- Federal Transit Administration Programs								
Formula Grants	2,260.000	2,280.000	2,478.400	2,676.000	2,873.600	3,071.200	15,639.200	2,606.5333
Formula Grants (GF)	240.000	720.000	769.600	819.000	868.400	917.800	4,334.800	722.4667
Alaska Railroad	(4.850)	(4.850)	(4.850)	(4.850)	(4.850)	(4.850)	(29.100)	(4.8500)
Clean Fuels	0.000	(50.000)	(50.000)	(50.000)	(50.000)	(50.000)	(250.000)	(41.6667)
Urbanized Area Formula Grants	(2,298.853)	(2,698.191)	(2,922.890)	(3,147.316)	(3,370.602)	(3,595.940)	(18,033.791)	(3,005.6318)
Formula Grants for Other than Urbanized Area	(134.078)	(177.924)	(193.613)	(209.283)	(224.874)	(240.608)	(1,180.379)	(196.7299)
Formula Grants and Loans for Special Needs of Elderly Individuals and Individuals with Disabilities	(62.219)	(67.036)	(72.947)	(78.851)	(84.725)	(90.653)	(456.430)	(76.0717)
Rural Transportation Accessibility Incentive Program -- Intercity, Fixed-Route	0.000	(2.000)	(2.000)	(3.000)	(5.250)	(5.250)	(17.500)	(2.9167)
Rural Transportation Accessibility Incentive Program -- Other	0.000	0.000	(1.700)	(1.700)	(1.700)	(1.700)	(6.800)	(1.1333)
Capital Program Grants and Loans	2,000.000	1,805.600	1,960.800	2,116.800	2,272.800	2,428.800	12,584.800	2,097.4667
Capital Program Grants and Loans (GF)	0.000	1,051.400	1,100.200	1,149.200	1,198.200	1,237.200	5,736.200	956.0333
Bus and Bus Related Facilities	(400.000)	(551.400)	(590.200)	(629.200)	(668.200)	(707.200)	(3,546.200)	(591.0333)
Fixed Guideway Modernization	(800.000)	(1,002.800)	(1,080.400)	(1,158.400)	(1,236.400)	(1,314.400)	(6,592.400)	(1,098.7333)
New Starts	(800.000)	(1,302.800)	(1,390.400)	(1,478.400)	(1,566.400)	(1,644.400)	(8,182.400)	(1,363.7333)
Transit Planning	0.000	42.200	48.400	50.200	53.800	58.600	253.200	42.2000
Transit Planning (GF)	47.750	42.800	44.600	46.800	48.200	50.400	280.550	46.7583
Transit Research	0.000	36.000	37.600	37.600	39.200	39.200	189.600	31.6000
Transit Research (GF)	44.250	40.000	40.400	42.400	42.800	43.800	253.650	42.2750
National Planning and Research	(32.750)	(58.500)	(60.500)	(62.500)	(64.500)	(65.500)	(344.250)	(57.3750)
Rural Transit Assistance	(4.500)	(5.250)	(5.250)	(5.250)	(5.250)	(5.250)	(30.750)	(5.1250)
Transit Cooperative Research	(4.000)	(8.250)	(8.250)	(8.250)	(8.250)	(8.250)	(45.250)	(7.5417)
National Transit Institute	(3.000)	(4.000)	(4.000)	(4.000)	(4.000)	(4.000)	(23.000)	(3.8333)
Clean Fuels Formula Grant Program (GF)	0.000	100.000	100.000	100.000	100.000	100.000	500.000	83.3333

TRANSPORTATION EQUITY ACT FOR THE 21st CENTURY (TEA-21)
(P.L. 105-178)
(Amounts in Millions of Dollars)

	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	Total	Average
University Transportation Research	0.000	4.800	4.800	4.800	4.800	4.800	24.000	4.0000
University Transportation Research (GF)	6.000	1.200	1.200	1.200	1.200	1.200	12.000	2.0000
Administration	0.000	43.200	48.000	51.200	53.600	58.400	254.400	42.4000
Administration (GF)	45.738	23.800	26.000	28.800	30.400	32.600	187.338	31.2230
Job Access and Reverse Commute Grants	0.000	40.000	60.000	80.000	100.000	120.000	400.000	66.6667
Job Access and Reverse Commute Grants (GF)	0.000	110.000	90.000	70.000	50.000	30.000	350.000	58.3333
Total -- Title III	**4,643.738**	**6,341.000**	**6,810.000**	**7,274.000**	**7,737.000**	**8,194.000**	**40,999.738**	**6,833.2897**
Title IV -- Motor Carrier Safety								
Motor Carrier Safety Grants	79.000	90.000	95.000	100.000	105.000	110.000	579.000	96.5000
Information Systems	6.000	10.000	10.000	12.000	12.000	15.000	65.000	10.8333
School Transportation Safety Study (GF)	0.000	0.000	0.200	0.200	0.000	0.000	0.400	0.0667
Total -- Title IV	**85.000**	**100.000**	**105.200**	**112.200**	**117.000**	**125.000**	**644.400**	**107.4000**
Title V -- Transportation Research								
Surface Transportation Research	96.000	97.000	97.000	98.000	101.000	103.000	592.000	98.6667
Technology Deployment Program	35.000	35.000	40.000	45.000	45.000	50.000	250.000	41.6667
Training and Education	14.000	15.000	16.000	18.000	19.000	20.000	102.000	17.0000
Bureau of Transportation Statistics	31.000	31.000	31.000	31.000	31.000	31.000	186.000	31.0000
ITS Standards, Research, Operational Tests, and Development	95.000	95.000	98.200	100.000	105.000	110.000	603.200	100.5333
ITS Deployment	101.000	105.000	113.000	118.000	120.000	122.000	679.000	113.1667
University Transportation Research	25.650	25.650	27.250	27.250	26.500	26.500	158.800	26.4667
Advanced Vehicle Technologies Program (GF)	0.000	50.000	50.000	50.000	50.000	50.000	250.000	41.6667
Commercial Remote Sensing Products and Spatial Information Technologies (GF)	0.000	10.000	10.000	10.000	10.000	10.000	50.000	8.3333
Drexel Univ. Intelligent Infrastructure Institute (GF)	10.000	0.000	0.000	0.000	0.000	0.000	10.000	1.6667
Total -- Title V	**407.650**	**463.650**	**482.450**	**497.250**	**507.500**	**522.500**	**2,881.000**	**480.1667**

TRANSPORTATION EQUITY ACT FOR THE 21st CENTURY (TEA-21)
(P.L. 105-178)
(Amounts in Millions of Dollars)

	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	Total	Average
Title VII -- Miscellaneous								
Motor Vehicle Safety Activities (GF)	0.000	81.200	81.200	81.200	0.000	0.000	243.600	40.6000
Motor Vehicle Information Activities (GF)	0.000	6.200	6.200	6.200	0.000	0.000	18.600	3.1000
High-Speed Rail (GF)	35.000	35.000	35.000	35.000	0.000	0.000	140.000	23.3333
Light Density Rail Line Pilot Projects (GF)	17.500	17.500	17.500	17.500	17.500	17.500	105.000	17.5000
Alaska Railroad (GF)	5.250	5.250	5.250	5.250	5.250	5.250	31.500	5.2500
One-call Notification Pgm -- Grants to States (GF)	0.000	0.000	1.000	5.000	0.000	0.000	6.000	1.0000
One-call Notification Pgm -- Administration (GF)	ssambn	ssambn	ssambn	ssambn	ssambn	ssambn	0.000	0.0000
Total -- Title VII	**57.750**	**145.150**	**146.150**	**150.150**	**22.750**	**22.750**	**544.700**	**90.7833**
GRAND TOTAL -- TEA-21	**29,253.093**	**35,497.817**	**36,724.220**	**37,797.097**	**38,728.444**	**39,780.741**	**217,781.413**	**36,296.9021**

Amounts in parentheses are non-additive.
HTF = "Highway Trust Fund."
GF = "General Fund."
STA = "subject to appropriation."
ssambn = "Such sums as may be necessary."
* = Amounts shown for the Minimum Guarantee program for fiscal years 1999-2003 are estimates as of July 1998.
Programs under Titles I, II, IV, and V are funded from the Highway Account of the Highway Trust Fund unless otherwise noted.
Programs under Title III are funded from the Mass Transit Account of the Highway Trust Fund unless otherwise noted.
Programs under Title VII are funded from the General Fund of the Treasury.

	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003	Total	Average
TOTALS -- BY AGENCY:								
Federal Highway Administration	24,293.405	28,737.417	29,479.770	30,078.447	30,671.694	31,264.991	174,525.725	29,087.6208
National Highway Traffic Safety Administration	258.200	361.650	375.700	381.900	297.000	299.000	1,973.450	328.9083
Federal Transit Administration	4,643.738	6,341.000	6,810.000	7,274.000	7,737.000	8,194.000	40,999.738	6,833.2897
Research and Special Programs Administration	0.000	0.000	1.000	5.000	0.000	0.000	6.000	1.0000
Federal Railroad Administration	57.750	57.750	57.750	57.750	22.750	22.750	276.500	46.0833
	29,253.093	35,497.817	36,724.220	37,797.097	38,728.444	39,780.741	217,781.413	36,296.9021
TOTALS -- BY FUNDING SOURCE:								
HTF (Highway Account)	24,541.605	28,840.417	29,675.370	30,280.247	30,883.694	31,478.991	175,700.325	29,283.3875
HTF (Mass Transit Account)	4,260.000	4,251.800	4,638.000	5,016.600	5,397.800	5,781.000	29,345.200	4,890.8667
General Fund	451.488	2,405.600	2,410.850	2,500.250	2,446.950	2,520.750	12,735.888	2,122.6480
	29,253.093	35,497.817	36,724.220	37,797.097	38,728.444	39,780.741	217,781.413	36,296.9021