To terminate the Transportation Enhancement Program and transfer the funding dedicated to such program to carry out the most critical emergency transportation projects identified by the Secretary of Transportation, after consultation with State and local transportation officials.

IN THE SENATE OF THE UNITED STATES

OCTOBER 4, 2011

Mr. PAUL (for himself, Mr. MCCONNELL, and Mr. COATS) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To terminate the Transportation Enhancement Program and transfer the funding dedicated to such program to carry out the most critical emergency transportation projects identified by the Secretary of Transportation, after consultation with State and local transportation officials.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Emergency Transpor-
tation Safety Fund Act”.

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TITLE I—EMERGENCY TRANSPORTATION SAFETY FUND

SEC. 101. ELIMINATION OF TRANSPORTATION ENHANCEMENT PROGRAM.

(a) DEFINITION.—Section 101(a)(35) of title 23, United States Code, is repealed.

(b) TRANSPORTATION ENHANCEMENT SET ASIDE.—Section 133 of title 23, United States Code, is amended—

(1) in subsection (b), by striking paragraph (8);

(2) in subsection (d), by striking paragraphs (2) and (5); and

(3) in subsection (e)—

(A) by amending paragraph (3) to read as follows:

“(3) PAYMENTS.—The Secretary shall make payments to a State of costs incurred by the State for the surface transportation program in accordance with procedures to be established by the Secretary.”; and

(B) by striking paragraph (5).

(c) STATE ASSUMPTION OF RESPONSIBILITIES.—Section 325(a)(2) of title 23, United States Code, is amended by striking “the following projects:” and all that follows and inserting “projects funded under section 104(h).”.
(d) Statewide Transportation Planning Priorities.—Section 5304(g)(4)(H) of title 49, United States Code, is amended by striking “, including transportation enhancement activities,”.

(e) STP Set-Aside Program Rescissions.—Section 10212(f) of SAFETEA–LU (Public Law 109–59) is amended by striking “, transportation enhancement activities,”.

SEC. 102. ESTABLISHMENT OF EMERGENCY TRANSPORTATION SAFETY FUND.

(a) In General.—There is established in the Treasury of the United States a trust fund to be known as the “Emergency Transportation Safety Fund”.

(b) Emergency Relief Expenditures.—Section 125(c) of title 23, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(2) by inserting before paragraph (2), as redesignated, the following:

“(1) Amounts deposited into the Emergency Transportation Safety Fund are authorized to be obligated to carry out, in priority order, the projects on the current list compiled by the Secretary under section 201(b)(1) of the Emergency Transportation
Safety Fund Act that meet the eligibility requirements set forth in subsection (a).”.

(c) FUNDING.—Section 133(d) of title 23, United States Code, is amended by inserting before paragraph (3) the following:

“(1) Emergency transportation safety fund.—In each fiscal year, there shall be deposited into the Emergency Transportation Safety Fund, established under section 102(a) of the Emergency Transportation Safety Fund Act, an amount equal to 10 percent of the funds apportioned to a State under section 104(b)(3) for such fiscal year. At the end of each fiscal year, any unobligated amounts in the Fund in excess of $500,000,000 shall be made available for the Highway Bridge Program, in accordance with section 144.”.

TITLE II—EMERGENCY TRANSPORTATION SAFETY PRIORITY LIST

SEC. 201. EMERGENCY TRANSPORTATION PRIORITIES.

(a) List.—The Secretary of Transportation, in consultation with a representative sample of State and local government transportation officials, shall compile a prioritized list of emergency transportation projects, which
will guide the allocation of funding to the States from the Emergency Transportation Safety Fund.

(b) **CRITERIA.**—In compiling the list under subsection (a), the Secretary of Transportation, in addition to other criteria established by the Secretary, shall rank priorities in descending order, beginning with—

(1) whether the project is part of the interstate highway system;

(2) whether the project is a road or bridge that is closed for safety reasons;

(3) the impact of the project on interstate commerce;

(4) the volume of traffic affected by the project; and

(5) the overall value of the project or entity.

(e) **REPORT.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Transportation shall submit a report to Congress that includes—

(1) a prioritized list of emergency transportation projects to be funded through the Emergency Transportation Safety Fund; and

(2) a description of the criteria used to establish the list referred to in paragraph (1).

(d) **QUARTERLY UPDATES.**—Not less frequently than 4 times per year, the Secretary of Transportation shall—
(1) update the report submitted pursuant to subsection (e);

(2) send a copy of the report to Congress; and

(3) make a copy of the report available to the public through the Department of Transportation’s website.