

SURFACE TRANSPORTATION EXTENSION ACT OF 2003

[Public Law 108–88; 117 Stat. 1110]

[As Amended Through P.L. 108–310, Enacted September 30, 2004]

【Currency: This publication is a compilation of Public Law 108–88. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>】

【Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).】

AN ACT To provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

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

SECTION 1. [23 U.S.C. 101 note] SHORT TITLE.

This Act may be cited as the “Surface Transportation Extension Act of 2003”.

SEC. 2. [23 U.S.C. 104 note] ADVANCES.

(a) **IN GENERAL.**—The Secretary of Transportation shall apportion funds made available under section 1101(c) of the Transportation Equity Act for the 21st Century (112 Stat. 116), as amended by this Act, the Surface Transportation Extension Act of 2004, the Surface Transportation Extension Act of 2004, Part II, the Surface Transportation Extension Act of 2004, Part III, the Surface Transportation Extension Act of 2004, Part IV, and the Surface Transportation Extension Act of 2004, Part V to each State in the ratio that—

(1) the State’s total fiscal year 2003 obligation authority for funds apportioned for the Federal-aid highway program; bears to

(2) all States’ total fiscal year 2003 obligation authority for funds apportioned for the Federal-aid highway program.

(b) **PROGRAMMATIC DISTRIBUTIONS.**—

(1) **PROGRAMS.**—Of the funds to be apportioned to each State under subsection (a), the Secretary shall ensure that the State is apportioned an amount of the funds, determined under paragraph (2), for the Interstate maintenance program, the National Highway System program, the bridge program, the surface transportation program, the congestion mitigation and

air quality improvement program, the recreational trails program, the Appalachian development highway system program, and the minimum guarantee.

(2) IN GENERAL.—The amount that each State shall be apportioned under this subsection for each item referred to in paragraph (1) shall be determined by multiplying—

(A) the amount apportioned to the State under subsection (a); by

(B) the ratio that—

(i) the amount of funds apportioned for the item to the State for fiscal year 2003; bears to

(ii) the total of the amount of funds apportioned for the items to the State for fiscal year 2003.

(3) ADMINISTRATION OF FUNDS.—Funds authorized by section 1101(c) of the Transportation Equity Act for the 21st Century shall be administered as if the funds had been apportioned, allocated, deducted, or set aside, as the case may be, under title 23, United States Code; except that the deductions and set-asides in the following sections of such title shall not apply to such funds: sections 104(a)(1)(A), 104(a)(1)(B), 104(b)(1)(A), 104(d)(1), 104(d)(2), 104(f)(1), 104(h)(1), 118(c)(1), 140(b), 140(c), and 144(g)(1).

(4) SPECIAL RULES FOR MINIMUM GUARANTEE.—In carrying out the minimum guarantee under section 105(c) of title 23, United States Code, with funds apportioned under this section for the minimum guarantee, the \$2,800,000,000 set forth in paragraph (1) of such section 105(c) shall be treated as being \$2,800,000,000 and the aggregate of amounts apportioned to the States under this section for the minimum guarantee shall be treated, for purposes of such section 105(c), as amounts made available under section 105 of such title.

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[(c) Repealed by section 12(e)(1) of Public Law 108-310; 118 Stat. 1162.]

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(e) LIMITATION ON OBLIGATIONS.—

(1) DISTRIBUTION OF OBLIGATION AUTHORITY.—For the fiscal year 2004, the Secretary shall distribute the obligation limitation made available for Federal-aid highways and highway safety construction programs under the heading “Federal-aid highways” in the Transportation, Treasury, and Independent Agencies Appropriations Act, 2004 (division F of Public Law 108-199; 118 Stat. 291; 118 Stat. 1013), in accordance with section 110 of such Act.

(2) CALCULATION OF RATIO.—For purposes of the calculation of the ratio under section 110(a)(3) of the Transportation, Treasury, and Independent Agencies Appropriations Act, 2004 (division F of Public Law 108-199; 118 Stat. 291; 23 U.S.C. 104 note)—

(A) the obligation limitation for Federal-aid Highways referred to in section 110(a)(3)(A) of such Act shall be deemed to be the obligation limitation for Federal-aid highways and highway safety construction programs for

fiscal year 2004 identified under the heading “FEDERAL-AID HIGHWAYS” in such Act (118 Stat. 290); and

(B) the total of sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for sections set forth in paragraphs (1) through (7) of section 110(b) of such Act and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection 110(b)(8) of such Act) for such fiscal year, referred to in section 110(a)(3)(B) of such Act, shall be deemed to be \$34,606,000,000, less the aggregate of the amounts not distributed under section 110(a)(1) of such Act.

SEC. 3. TRANSFERS OF UNOBLIGATED APPORTIONMENTS.

(a) **IN GENERAL.**—In addition to any other authority of a State to transfer funds, for fiscal year 2004, a State may transfer any funds apportioned to the State for any program under section 104(b) (including amounts apportioned under section 104(b)(3) or set aside, made available, or suballocated under section 133(d) or section 144 of title 23, United States Code, before, on, or after the date of enactment of this Act, that are subject to any limitation on obligations, and that are not obligated, to any other of those programs.

(b) **TREATMENT OF TRANSFERRED FUNDS.**—Any funds transferred to another program under subsection (a) shall be subject to the provisions of the program to which the funds are transferred, except that funds transferred to a program under section 133 (other than subsections (d)(1) and (d)(2)) of title 23, United States Code, shall not be subject to section 133(d) of that title.

(c) **RESTORATION OF APPORTIONMENTS.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of the Surface Transportation Extension Act of 2004, Part V, the Secretary of Transportation shall restore any funds that a State transferred under subsection (a).

(2) **PROGRAM CATEGORY RECONCILIATION.**—The Secretary may establish procedures under which funds transferred under subsection (a) from a program category for which funds are not authorized may be restored to the Federal-aid highway program.

(3) **LIMITATION ON STATUTORY CONSTRUCTION.**—No provision of law, except a statute enacted after the date of enactment of this Act that expressly limits the application of this subsection, shall impair the authority of the Secretary to restore funds pursuant to this subsection.

(d) **GUIDANCE.**—The Secretary may issue guidance for use in carrying out this section.

(e) **PROHIBITION OF TRANSFERS.**—Notwithstanding any other provision of this section, no funds may be transferred after February 29, 2004, by a State under subsection (a)—

(1) from amounts apportioned to the State for the congestion mitigation and air quality improvement program; and

(2) from amounts apportioned to the State for the surface transportation program and that are subject to any of para-

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graphs (1), (2), and (3)(A)(i) of section 133(d) of title 23, United States Code.

SEC. 4. ADMINISTRATIVE EXPENSES.

(a) **AUTHORIZATION OF CONTRACT AUTHORITY.**—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) for administrative expenses of the Federal-aid highway program \$343,628,000 for fiscal year 2004.

(b) **CONTRACT AUTHORITY.**—Funds made available by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs; except that such funds shall remain available until expended.

SEC. 5. OTHER FEDERAL-AID HIGHWAY PROGRAMS.

(a) **AUTHORIZATION OF APPROPRIATIONS UNDER TITLE I OF TEA21.**—

(1)

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(3) **CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.**—

(A)

(B) **SET ASIDE FOR ALASKA, NEW JERSEY, AND WASHINGTON.**—To carry out section 1064 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note; 105 Stat. 2005; 112 Stat. 185), of funds made available by the amendment made by subparagraph (A)—

(i) \$10,000,000 shall be available for section 1064(d)(2);

(ii) \$5,000,000 shall be available for section 1064(d)(3); and

(iii) \$5,000,000 shall be available for section 1064(d)(4).

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(c) **METROPOLITAN PLANNING.**—

(1) **AUTHORIZATION OF CONTRACT AUTHORITY.**—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 134 of title 23, United States Code, \$240,000,000 for fiscal year 2004.

(2) **DISTRIBUTION OF FUNDS.**—The Secretary shall distribute funds made available by this subsection to the States in accordance with section 104(f)(2) of title 23, United States Code.

(3) **CONTRACT AUTHORITY.**—Funds made available by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs.

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(l) ADMINISTRATION OF FUNDS.—Funds authorized by the amendments made by this section, section 5 of the Surface Transportation Extension Act of 2004, section 4 of the Surface Transportation Extension Act of 2004, Part II, section 4 of the Surface Transportation Extension Act of 2004, Part III, and section 4 of the Surface Transportation Extension Act of 2004, Part IV shall be administered as if the funds had been apportioned, allocated, deducted, or set aside, as the case may be, under title 23, United States Code, except that the deductions under sections 104(a)(1)(A) and 104(a)(1)(B) of such title shall not apply to funds made available by the amendment made by subsection (a)(1) of this section, the amendment made by section 5(a)(1) of the Surface Transportation Extension Act of 2004, the amendment made by section 4(a)(1) of the Surface Transportation Extension Act of 2004, Part II, the amendment made by section 4(a)(1) of the Surface Transportation Extension Act of 2004, Part III, or the amendment made by section 4(a)(1) of the Surface Transportation Extension Act of 2004, Part IV.

(m) REDUCTION OF ALLOCATED PROGRAMS.—The Secretary of Transportation shall reduce the amount that would be made available, but for this section, section 5 of the Surface Transportation Extension Act of 2004, section 4 of the Surface Transportation Extension Act of 2004, Part II, section 4 of the Surface Transportation Extension Act of 2004, Part III, and section 4 of the Surface Transportation Extension Act of 2004, Part IV, for fiscal year 2004 for allocation under a program, that is continued by a law reauthorizing such program enacted after the date of enactment of this Act, by this section, by section 5 of the Surface Transportation Extension Act of 2004, by section 4 of the Surface Transportation Extension Act of 2004, Part II, by section 4 of the Surface Transportation Extension Act of 2004, Part III, and by section 4 of the Surface Transportation Extension Act of 2004, Part IV, by the amount made available for such program by this section, by section 5 of the Surface Transportation Extension Act of 2004, by section 4 of the Surface Transportation Extension Act of 2004, Part II, by section 4 of the Surface Transportation Extension Act of 2004, Part III, and by section 4 of the Surface Transportation Extension Act of 2004, Part IV.

[(n) Repealed by section 12(e)(3) of Public Law 108–310; 118 Stat. 1162.]

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SEC. 7. EXTENSION OF MOTOR CARRIER SAFETY PROGRAM.

(a) ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to pay administrative expenses of the Federal Motor Carrier Safety Administration \$176,070,000 for fiscal year 2004.

(2) USE OF FUNDS.—Funds authorized by this subsection may be used for personnel costs; administrative infrastructure; rent; information technology; and programs for research and

technology, regulatory development, and other operating expenses and similar matters.

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(c) INFORMATION SYSTEMS AND COMMERCIAL DRIVER'S LICENSE GRANTS.—

(1)

(2) **EMERGENCY CDL GRANTS.**—From amounts made available by section 31107(a) of title 49, United States Code, for fiscal year 2004¹, the Secretary of Transportation may make grants of up to \$1,000,000 to a State whose commercial driver's license program may fail to meet the compliance requirements of section 31311(a) of such title.

(d) **CRASH CAUSATION STUDY.**—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) for the Federal Motor Carrier Safety Administration to continue the crash causation study required by section 224 of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31100 note; 113 Stat. 1770–1771), \$1,000,000 for fiscal year 2004.

(e) **CONTRACT AUTHORITY.**—Funds made available by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

SEC. 8. EXTENSION OF FEDERAL TRANSIT PROGRAMS.

(a)

(b) APPORTIONMENT OF APPROPRIATIONS FOR FIXED GUIDEWAY MODERNIZATION.—

[(1) Repealed.]

(2) **TECHNICAL AMENDMENT.**—Section 5337 of such title is amended by striking the first subsection (e), relating to special rule.

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(d) **ALLOCATION OF FORMULA GRANT FUNDS FOR FISCAL YEAR 2004.**—Of the aggregate of amounts made available by or appropriated under section 5338(a)(2) of title 49, United States Code, for fiscal year 2004—

(1) \$4,849,950 shall be available to the Alaska Railroad for improvements to its passenger operations under section 5307 of such title;

(2) \$50,000,000 shall be available for bus and bus facilities grants under section 5309 of such title;

(3) \$90,652,801 shall be available to provide transportation services to elderly individuals and individuals with disabilities under section 5310 of such title;

(4) \$240,607,643 shall be available to provide financial assistance for other than urbanized areas under section 5311 of such title;

¹The amendment made by section 9(c)(2)(A) of Public Law 108–280 (118 Stat. 887) to strike “the period of October 1, 2003 through June 30,” and inserting “fiscal year” should have been made to strike “the period of October 1, 2003 through July 31,” in the matter purported to be struck. The amendment was executed to reflect the probable intent of Congress.

(5) \$6,950,000 shall be available to provide financial assistance in accordance with section 3038(g) of the Transportation Equity Act for the 21st Century; and

(6) \$3,445,939,606 shall be available to provide financial assistance for urbanized areas under section 5307 of such title.

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(t) [23 U.S.C. 101 note] TREATMENT OF FUNDS.—

(1) IN GENERAL.—Amounts made available under the amendments made by this section, by section 9 of the Surface Transportation Extension Act of 2004,¹ by section 7 of the Surface Transportation Extension Act of 2004, Part II¹ by section 7 of the Surface Transportation Extension Act of 2004, Part III, and by section 7 of the Surface Transportation Extension Act of 2004, Part IV shall be treated for purposes of section 1101(b) of the Transportation Equity Act for the 21st Century (23 U.S.C. 101 note) as amounts made available for programs under title III of such Act.

(2) TRANSFERS.—Funds authorized by or made available under this section shall be transferred in accordance with the Consolidated Appropriations Act, 2004.

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SEC. 10. BUDGET LIMITATIONS.

(a)

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(d) CONFORMANCE WITH THE CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2004.—Notwithstanding any other provision of law, all adjustments made pursuant to section 110(a)(2) of title 23, United States Code, to sums authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out each of the Federal-aid highway and highway safety construction programs (other than emergency relief) in fiscal year 2004 shall be deemed to be zero.

(e) SENSE OF CONGRESS ON ADJUSTMENT TO ALIGN HIGHWAY SPENDING WITH REVENUES.—It is the sense of Congress that, in any multiyear reauthorization of the Federal-aid highway program, the alignment of highway spending with revenues under section 251(b)(1)(B)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 should be restructured to minimize year-to-year fluctuations in highway spending levels and to ensure the uniform enforcement of such levels.

SEC. 11. LEVEL OF OBLIGATION LIMITATIONS.

(a)

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(c) TREATMENT OF FUNDS.—Notwithstanding any other provision of law, funds made available under this Act, including the amendments made by this Act, shall be deemed to be zero for the purposes of section 110 of the title 23, United States Code.

¹ So in law.

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SEC. 12. EXTENSION OF AUTHORIZATION FOR USE OF TRUST FUNDS FOR OBLIGATIONS UNDER TEA-21.

(a)

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(c) **[26 U.S.C. 9503 note] EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act.

(d) **TEMPORARY RULE REGARDING ADJUSTMENTS.**—During the period beginning on the date of the enactment of this Act and ending on February 29, 2004, for purposes of making any estimate under section 9503(d) of the Internal Revenue Code of 1986 of receipts of the Highway Trust Fund, the Secretary of the Treasury shall treat—

(1) each expiring provision of paragraphs (1) through (4) of section 9503(b) of such Code which is related to appropriations or transfers to such Fund to have been extended through the end of the 24-month period referred to in section 9503(d)(1)(B) of such Code, and

(2) with respect to each tax imposed under the sections referred to in section 9503(b)(1) of such Code, the rate of such tax during the 24-month period referred to in section 9503(d)(1)(B) of such Code to be the same as the rate of such tax as in effect on the date of the enactment of this Act.