

PROVIDING FOR CONSIDERATION OF H.R. 3,
TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS

MARCH 8, 2005.—Referred to the House Calendar and ordered to be printed

Mrs. CAPITO, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 140]

The Committee on Rules, having had under consideration House Resolution 140, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 3, the Transportation Equity Act: A Legacy for Users, under a structured rule. The rule provides for two hours and 20 minutes of general debate, with two hours and 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure, including a final period of 10 minutes following consideration of the bill for amendment, and 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means.

The rule waives all points of order against consideration of the bill. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill, modified by the amendment printed in part A of this report, shall be considered as adopted in the House and in the Committee of the Whole. The rule provides that the bill, as amended, shall be considered as the original bill for the purpose of further amendment and shall be considered as read. The rule waives all points of order against provisions in the bill, as amended.

The rule makes in order only those amendments printed in part B of this report or except pursuant to a subsequent order of the House. Each amendment in part B may be offered only in the order printed in this report, may be offered only by a Member designated

in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment or demand for division of the question in the House or in the Committee of the Whole. Waives all points of order against the amendments printed in part B.

After disposition of the amendments printed in part B, the Committee shall rise without motion. No further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

PART A—SUMMARY OF AMENDMENT TO BE CONSIDERED AS ADOPTED

Provides guidance in interpreting existing rules of the House to ensure that current flexibilities and authorities of Congress to set appropriate annual spending levels for basic salaries and administrative expenses of the Federal Transit Administration are maintained. Sets discretionary spending limits on outlays for the highway and mass transit budget categories and for new budget authority for the mass transit category, for fiscal years 2004–2009. Defines budget accounts and establishes budgetary firewalls for highway account funded programs and the mass transit category programs. Provides the mechanism to adjust highway spending in fiscal years 2007–2009 to align with the amount of highway receipts flowing into the highway account of the Highway Trust Fund. Sets the annual obligation limitations for the highway category and mass transit category for fiscal years 2004–2009. Amends, upon enactment, clause 3 of rule XXI of the Rules of the House, by striking Transportation Equity Act for the 21st Century, and inserting Transportation Equity Act: A Legacy for Users. The amendment to clause 3 also allows limitations on specific projects without being subject to clause 3 of rule XXI. Provides guidance in interpreting clause 2 and 3 of rule XXI of the Rules of the House to ensure that current flexibilities and authorities of Congress to set appropriate annual spending levels for basic salaries and administrative expenses of the Federal Transit Administration are maintained.

PART B—SUMMARY OF AMENDMENTS MADE IN ORDER

1. Boozman: Allows operators of a property carrying motor vehicle to take up to 2 hours of off-duty time, as defined by FMSCA, during their 14 hours on-duty, so as not to exceed 16 hours. (10 minutes)

2. Conaway: Exempts commercial motor vehicle operators working in field operations for the natural gas and oil industry from the hours of service rules issued by the Federal Motor Carrier Safety Administration. (10 minutes)

3. Kuhl: Amends the exemption for maximum driving and on duty time for drivers of motor carriers transporting agricultural commodities or farm supplies at the time of planting or harvest for a 100 air mile radius to the distribution point of the source of the commodities, by increasing the air mile radius to 150. (10 minutes)

4. Moran (KS): Amends the exemption for maximum driving and on duty time for drivers of motor carriers transporting agricultural commodities or farm supplies at the time of planting or harvest for a 100 air mile radius to the distribution point of the source of the commodities by including in the definition of “agricultural commod-

ities”, livestock, food, feed, and fiber, and other farm products. Also extends to the agricultural hours of service exemption the same protection that currently applies to well drilling rigs. (10 minutes)

5. Kuhl: Names a portion of Interstate 86 in upstate New York, in the vicinity of the City of Coming, the “Amo Houghton Bypass”, after Former Congressman Amo Houghton who retired from Congress in 2004 after serving 18 years. (10 minutes)

6. Osborne: Exempts the State of Nebraska from the ISTEA 1991 truck length freeze, subject to a change in state statute, to allow the operation of commercial vehicle combinations not exceeding 81 feet, 6 inches for custom harvesters operating in the State of Nebraska. These commercial vehicle combinations can only be used for the purposes of harvesting wheat, soybeans, and milo on a contract basis during the harvest months for such crops, as determined by the State. (10 minutes)

7. Cox/Moran (VA): Clarifies that states are not pre-empted under federal law from requiring one or both of the following from tow-truck operators when they are removing a vehicle from private property without the consent of the vehicle owner or operator: First, a state can require that the tow-truck operator have written permission from the owner (or his lessee, or the employee or agent thereof) of the private property authorizing the non-consensual tow; and second, a state can require that the owner (or his lessee, or the employee or agent thereof) of the private property be present at the time the vehicle is towed from the private property. (10 minutes)

8. Kennedy (MN): Streamlines tolling authority to charge tolls on new lanes, and it dedicates those revenues to the user fee purpose. Restricts the authority to convert existing non-toll Interstate highway lanes into tolled roads and then indefinitely toll those roads. (20 minutes)

9. Davis, Tom (VA): Removes the requirement that toll rates on high occupancy toll lanes be differentiated for low income drivers. (10 minutes)

10. Graves: Eliminates liability under state law for an owner of a motor vehicle or their affiliate who is engaged in the business of renting and leasing motor vehicles provided there is no negligence or criminal wrongdoing on the part of the motor vehicle owner or affiliate. The owner or affiliate must maintain the required state limits of financial responsibility for each vehicle in accordance to the state where the vehicle is registered. (20 minutes)

PART A—TEXT OF AMENDMENT TO BE CONSIDERED AS ADOPTED

Strike title VIII of the bill and insert the following:

TITLE VIII—TRANSPORTATION DISCRETIONARY SPENDING GUARANTEE

SEC. 8101. DISCRETIONARY SPENDING LIMITS FOR THE HIGHWAY AND MASS TRANSIT CATEGORIES.

(a) LIMITS.—(1) Redesignate paragraphs (2) through (9) of section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 as paragraphs (7) through (14), respectively, and strike paragraph (1) of such section 251(c) and insert the following new paragraphs:

- “(1) with respect to fiscal year 2004—
 “(A) for the highway category: \$28,052,000,000 in outlays;
 “(B) for the mass transit category: \$1,436,000,000 in new budget authority and \$6,271,000,000 in outlays;
 “(2) with respect to fiscal year 2005—
 “(A) for the highway category: \$34,215,000,000 in outlays;
 “(B) for the mass transit category: \$1,531,670,000 in new budget authority and \$6,844,000,000 in outlays;
 “(3) with respect to fiscal year 2006—
 “(A) for the highway category: \$36,814,000,000 in outlays;
 “(B) for the mass transit category: \$1,706,670,000 in new budget authority and \$5,978,000,000 in outlays;
 “(4) with respect to fiscal year 2007—
 “(A) for the highway category: \$38,428,000,000 in outlays;
 “(B) for the mass transit category: \$1,823,220,000 in new budget authority and \$7,456,000,000 in outlays;
 “(5) with respect to fiscal year 2008—
 “(A) for the highway category: \$39,815,000,000 in outlays;
 “(B) for the mass transit category: \$1,931,785,000 in new budget authority and \$8,263,000,000 in outlays;
 “(6) with respect to fiscal year 2009—
 “(A) for the highway category: \$40,880,000,000 in outlays;
 “(B) for the mass transit category: \$2,062,755,000 in new budget authority and \$8,817,000,000 in outlays;

“(b) DEFINITIONS.—Section 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

“(1) in subparagraph (B), by striking “the Transportation Equity Act for the 21st Century and all that follows through the colon and inserting: “the Transportation Equity Act: A Legacy for Users.”; and

“(2) in subparagraph (C), by—

“(A) inserting ‘(and successor accounts)’ after ‘budget accounts’; and

“(B) striking ‘the Transportation Equity Act for the 21st Century’ and all that follows thereafter through the colon and inserting ‘the Transportation Equity Act: A Legacy for Users or for which appropriations are provided pursuant to authorizations contained in that Act.’; and”

SEC. 8102. ADJUSTMENTS TO ALIGN HIGHWAY SPENDING WITH REVENUES.

Subparagraphs (B) through (E) of section 251(b)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 are amended to read as follows:

“(B) ADJUSTMENT TO ALIGN HIGHWAY SPENDING WITH REVENUES.—(i) When the President submits the budget under section 1105 of title 31, United States Code, OMB shall calculate and the budget shall make adjustments to the highway category for the budget year and each outyear as provided in clause (ii)(I)(cc).

“(ii)(I)(aa) OMB shall take the actual level of highway receipts for the year before the current year and subtract the sum of the estimated level of highway receipts in subclause (II) plus any amount previously calculated under item (bb) for that year.

“(bb) OMB shall take the current estimate of highway receipts for the current year and subtract the estimated level of receipts for that year.

“(cc) OMB shall add one-half of the sum of the amount calculated under items (aa) and (bb) to the obligation limitations set forth in the section 8103 of the Transportation Equity Act: A Legacy for Users and, using current estimates, calculate the outlay change resulting from the change in obligations for the budget year and the first out-year and the outlays flowing therefrom through subsequent fiscal years. After making the calculations under the preceding sentence, OMB shall adjust the amount of obligations set forth in that section for the budget year and the first out-year by adding one-half of the sum of the amount calculated under items (aa) and (bb) to each such year.

“(II) The estimated level of highway receipts for the purposes of this clause are—

“(aa) for fiscal year 2004, \$29,172,000,000;

“(bb) for fiscal year 2005, \$33,898,000,000;

“(cc) for fiscal year 2006, \$35,393,000,000;

“(dd) for fiscal year 2007, \$36,615,000,000;

“(ee) for fiscal year 2008, \$37,770,000,000; and

“(ff) for fiscal year 2009, \$38,857,000,000.

“(III) In this clause, the term ‘highway receipts’ means the governmental receipts credited to the highway account of the Highway Trust Fund.

“(C) In addition to the adjustment required by subparagraph (B), when the President submits the budget under section 1105 of title 31, United States Code, for fiscal year 2007, 2008, or 2009, OMB shall calculate and the budget shall include for the budget year and each out-year an adjustment to the limits on outlays for the highway category and the mass transit category equal to—

“(i) the outlays for the applicable category calculated assuming obligation levels consistent with the estimates prepared pursuant to subparagraph (D), as adjusted, using current technical assumptions; minus

“(ii) the outlays for the applicable category set forth in the subparagraph (D) estimates, as adjusted.

“(D)(i) When OMB and CBO submit their final sequester report for fiscal year 2006, that report shall include an estimate of the outlays for each of the categories that would result in fiscal years 2007 through 2010 from obligations at the levels specified in section 8103 of the Transportation Equity Act: A Legacy for Users using current assumptions.

“(ii) When the President submits the budget under section 1105 of title 31, United States Code, for fiscal year 2008, 2009, or 2010, OMB shall adjust the estimates made in clause (i) by the adjustments by subparagraphs (B) and (C).

“(E) OMB shall consult with the Committees on the Budget and include a report on adjustments under subparagraphs (B) and (C) in the preview report.”.

SEC. 8103. LEVEL OF OBLIGATION LIMITATIONS.

(a) **HIGHWAY CATEGORY.**—For the purposes of section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, the level of obligation limitations for the highway category is—

- (1) for fiscal year 2004, \$34,309,000,000;
- (2) for fiscal year 2005, \$35,160,000,000;
- (3) for fiscal year 2006, \$37,417,000,000;
- (4) for fiscal year 2007, \$38,787,000,000;
- (5) for fiscal year 2008, \$40,077,000,000; and
- (6) for fiscal year 2009, \$41,467,000,000.

(b) **MASS TRANSIT CATEGORY.**—For the purposes of section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, the level of obligation limitations for the mass transit category is—

- (1) for fiscal year 2004, \$7,265,900,000;
- (2) for fiscal year 2005, \$7,646,300,000;
- (3) for fiscal year 2006, \$8,482,000,000;
- (4) for fiscal year 2007, \$9,042,000,000;
- (5) for fiscal year 2008, \$9,639,000,000; and
- (6) for fiscal year 2009, \$10,277,000,000.

For purposes of this subsection, the term “obligation limitations” means the sum of budget authority and obligation limitations.

SEC. 8104. ENFORCEMENT OF GUARANTEE.

Clause 3 of rule XXI of the Rules of the House of Representatives is amended—

(1) by striking “Transportation Equity Act for the 21st Century” and inserting “Transportation Equity Act: A Legacy for Users”; and

(2) by adding at the end the following: “For purposes of this clause, any obligation limitation relating to surface transportation projects under section 1602 of the Transportation Equity Act for the 21st Century and section 1702 of the Transportation Equity Act: A Legacy for Users shall be assumed to be administered on the basis of sound program management practices that are consistent with past practices of the administering agency permitting States to decide High Priority Project funding priorities within State program allocations.”.

SEC. 8105. TRANSFER OF FEDERAL TRANSIT ADMINISTRATIVE EXPENSES.

For purposes of clauses 2 and 3 of rule XXI of the House of Representatives, it shall be in order to transfer funds, in amounts specified in annual appropriation Acts to carry out the Transportation Equity Act: A Legacy for Users (including the amendments made by that Act), from the Federal Transit Administration’s administrative expenses account to other mass transit budget accounts under section 250(c)(4)(C) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PART B—TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BOOZMAN OF ARKANSAS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

After section 4134, insert the following (and redesignate, and conform the table of contents, of the bill accordingly):

SEC. 4132. BREAKS DURING DAILY TOUR OF DUTY.

Section 31502 of title 49, United States Code, is amended by adding at the end the following:

“(f) **BREAKS DURING DAILY TOUR OF DUTY.**—Notwithstanding any other provision of law, an operator of a property-carrying commercial motor vehicle shall be permitted to operate such vehicle and perform other work related activities at the end of the 14th hour from the time the driver begins duty, for a period of time for which the driver has been off duty during the 14-hour period, not to exceed a total of 16 hours.

“(g) **NO COERCION.**—No person shall require or coerce a motor carrier or its employees to record falsely their duty status as off-duty for any activity defined by the Secretary as on-duty.”

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CONAWAY OF TEXAS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle A of title IV of the bill, insert the following (and conform the table of contents of the bill accordingly):

SEC. 4137. HOUR OF SERVICE RULES FOR OPERATORS PROVIDING TRANSPORTATION OF OIL AND GAS EQUIPMENT AND MACHINERY.

Notwithstanding sections 31136 and 31502 of title 49, United States Code, and any other provision of law, the maximum daily hours of service for an operator of a commercial motor vehicle used exclusively in servicing the field operations of the natural gas and oil industry shall be those in effect under such sections on April 27, 2003.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KUHLMANN OF NEW YORK, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 4134 of the bill, strike “100 air mile” and insert “150 air mile”.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MORAN OF KANSAS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Redesignate section 4134(b) as section 4134(c) and insert after section 4134(a) the following:

(b) **REVIEW BY THE SECRETARY.**—Section 345(c) of such Act (109 Stat. 613) is amended by striking “other than paragraph (2)” and inserting “other than paragraph (1) or (2) of such subsection”.

In section 4134(c) (as redesignated by this amendment) strike the matter proposed to be inserted as a quoted paragraph (7) and insert the following:

“(7) **AGRICULTURAL COMMODITY.**—The term ‘agricultural commodity’ means any agricultural commodity, food, feed, fiber, or

livestock (including livestock as defined in section 602 of the Emergency Livestock Feed Assistance Act of 1988 (7 U.S.C. 1471) and insects).”

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KUHL OF NEW YORK, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title I of the bill, insert the following (and conform the table of contents of the bill accordingly):

SEC. 1838. AMO HOUGHTON BYPASS.

(a) FINDINGS.—Congress finds the following:

(1) Amo Houghton first served his country when he volunteered for military service during World War II and served as a Private First Class in the United States Marine Corps;

(2) Amo Houghton earned a bachelor’s degree from Harvard University and a master’s degree from the Harvard School of Business;

(3) Amo Houghton was Chief Executive Officer of Corning, Incorporated, before running for Congress and is remembered fondly for his tremendous efforts to rebuild the city of Corning, New York, and the Chemung Valley in the aftermath of Hurricane Agnes and the devastating flood of 1972;

(4) Amo Houghton spent his energy and time at Corning, Incorporated, Congress, and even after Congress working to build up the economy of the Southern Tier, Finger Lakes, and Rochester region of New York;

(5) Amo Houghton worked tirelessly with others to fund the building projects that brought New York State Route 17 to the necessary standards to be designated as Interstate Route 86;

(6) one of the major projects required to upgrade New York State Route 17 to Interstate standards and at the same time eliminate a glaring problem and safety hazard was the construction of the bypass route around the city of Corning, New York;

(7) Amo Houghton was a champion of many economic, trade, and health issues during his service on the Ways and Means Committee of the House of Representatives, including numerous tax simplification measures and successful House and Senate passage of the Clean Diamond Trade Act (Public Law 108–19) which was signed into law by President George W. Bush;

(8) Amo Houghton was an active player on the world stage as a member of the International Relations Committee of the House of Representatives through his Chairmanships of the Canada-United States Interparliamentary Group, the Asia-Pacific Parliamentary Forum, the Oxford Forum, and the United States-Japan Economic Agenda Forum and Vice Chairmanship of the Africa Subcommittee of the International Relations Committee;

(9) Amo Houghton served in many other capacities for the good of Congress, including his work as a founding member of the Bipartisan Retreat Committee of the House of Representatives, the Members and Family Room Committee of the House of Representatives, and as Co-Chairman of the Faith and Politics Institute; and

(10) among his colleagues in Congress, Amo Houghton will always be remembered as a man of principle, statesmanship, moderation, bipartisanship, and civility.

(b) DESIGNATION.—The Secretary of Transportation shall work with the State of New York to ensure that the segment of Interstate Route 86 between its interchange with New York State Route 15 in the vicinity of Painted Post, New York, and its interchange with New York State Route 352 in the vicinity of Corning, New York, is known and designated as the “Amo Houghton Bypass”.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE OSBORNE OF NEBRASKA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle A of title IV of the bill, insert the following (and conform the table of contents accordingly):

SEC. 4137. NEBRASKA CUSTOM HARVESTERS LENGTH EXEMPTION.

Section 31112(c) of title 49, United States Code, is amended by adding at the end the following:

“(5) Nebraska may allow the operation of commercial vehicle combinations of not to exceed 81 feet, 6 inches that are used only for harvesting wheat, soybeans, and milo on a contract basis for agricultural producers during the harvest months for such crops as defined by the State of Nebraska.”.

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE COX OF CALIFORNIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Redesignate section 4136 as section 4137 and insert after section 4135 the following (and conform the table of contents accordingly):

SEC. 4136. STATE LAWS RELATING TO VEHICLE TOWING.

Nothing in section 14501(c) of title 49, United States Code, shall be construed to prevent a State from requiring that, in the case of vehicles towed from private property without the consent of the owner or operator of the vehicle, towing companies have prior written authorization from the property owner or lessee (or an employee or agent thereof), or that such owner or lessee (or an employee or agent thereof) be present at the time the vehicle is towed from the property, or both.

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KENNEDY OF MINNESOTA, OR HIS DESIGNEE, DEBATABLE FOR 20 MINUTES

Strike section 1209 of the bill and insert the following:

SEC. 1209. CONGESTION PRICING PILOT PROGRAM.

(a) Section 129 of title 23, United States Code, is amended by adding at the end the following:

“(e) CONGESTION PRICING PILOT PROGRAM.—

“(1) DEFINITIONS.—In this subsection the following definitions apply:

“(A) ELIGIBLE TOLL FACILITY.—The term ‘eligible toll facility’ includes—

“(i) a facility in existence on the date of enactment of this subsection that collects tolls;

“(ii) a facility in existence on the date of enactment of this subsection that serves high occupancy vehicle lanes; and

“(iii) a facility constructed after the date of enactment of this subsection to create additional tolled capacity (including a facility constructed by a private entity or using private funds).

“(B) NONATTAINMENT AREA.—The term ‘nonattainment area’ has the meaning given the term in section 171 of the Clean Air Act (42 U.S.C. 7501).

“(2) ESTABLISHMENT.—Notwithstanding sections 129 and 301, the Secretary may permit a State, public authority, or a public or private entity designated by a State, to collect a toll from motor vehicles at an eligible toll facility for any highway, bridge, or tunnel, including facilities on the Interstate System—

“(A) to manage high levels of congestion; or

“(B) to reduce emissions in a nonattainment area or maintenance area.

“(3) LIMITATION ON USE OF REVENUES.—

“(A) IN GENERAL.—All toll revenues received under paragraph (2) shall be used by a State or public authority for—

“(i) debt service;

“(ii) a reasonable return on investment of any private financing;

“(iii) the costs necessary for proper operation and maintenance of any facilities under paragraph (2) (including reconstruction, resurfacing, restoration, and rehabilitation); and

“(iv) highway projects eligible for Federal assistance under this title if the Secretary certifies that the necessary costs under clauses (i), (ii), and (iii) have been satisfied.

“(B) REQUIREMENTS.—

“(i) VARIABLE PRICE REQUIREMENT.—The Secretary shall require, for each facility that charges tolls under this subsection, that the tolls vary in price according to time of day, as appropriate to manage congestion or improve air quality.

“(ii) HOV PASSENGER REQUIREMENTS.—A State may permit motor vehicles with fewer than 2 occupants to operate in high occupancy vehicle lanes as part of a variable toll pricing program established under this subsection, provided the State complies with the requirements under section 1208 of the Transportation Equity Act: A Legacy for Users.

“(iii) REASONABLE RATE REQUIREMENT.—Variations in the toll rate between different classes of vehicles for a facility under this section shall be reasonable, as determined by the Secretary.

“(C) AGREEMENT.—

“(i) IN GENERAL.—Before the Secretary may permit a facility to charge tolls under this subsection, the Secretary and the applicable State or public authority shall enter into an agreement for each facility incor-

porating the conditions described in subparagraphs (A) and (B).

“(ii) TERMINATION.—An agreement under clause (i) shall terminate with respect to a facility upon the decision of the State or public authority to discontinue the variable tolling program under this subsection for the facility.

“(iii) DEBT.—If there is any debt outstanding on a facility at the time at which the decision is made to discontinue the program under this subsection with respect to the facility, the facility may continue to charge tolls in accordance with the terms of the agreement until such time as the debt is retired.

“(D) LIMITATION ON FEDERAL SHARE.—The Federal share of the cost of a project on a facility tolled under this subsection, including a project to install the toll collection facility shall be a percentage, not to exceed 80 percent, determined by the applicable State.

“(4) ELIGIBILITY.—To be eligible to participate in the program under this subsection, a State or public authority shall provide to the Secretary—

“(A) a description of the congestion or air quality problems sought to be addressed under the program;

“(B) a description of—

“(i) the goals sought to be achieved under the program; and

“(ii) the performance measures that would be used to gauge the success made toward reaching those goals; and

“(C) such other information as the Secretary may require.

“(f) AUTOMATION.—A facility created or modified under this section shall use an electronic toll collection system that uses a transponder or other means to specify an account for the purposes of collecting a toll as a vehicle passes through the collection facility.

“(g) INTEROPERABILITY.—

“(1) RULE.—

“(A) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall promulgate a final rule specifying requirements, standards, or performance specifications for automated toll collection systems implemented under this section.

“(B) DEVELOPMENT.—In developing that rule, which shall be designed to maximize the interoperability of electronic collection systems, the Secretary shall, to the maximum extent practicable—

“(i) seek to accelerate progress toward the national goal of achieving a nationwide interoperable electronic toll collection system;

“(ii) take into account the use of transponders currently deployed within an appropriate geographical area of travel and the transponders likely to be in use within the next 5 years; and

“(iii) seek to minimize additional costs and maximize convenience to users of the toll facility and to the toll facility owner or operator.

“(2) FUTURE MODIFICATIONS.—As the state of technology progresses, the Secretary shall modify the rule promulgated under paragraph (1)(A), as appropriate.”.

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 1012 of the Intermodal Surface Transportation Efficiency Act (23 U.S.C. 149 note; 105 Stat. 1938; 112 Stat. 211) is amended by striking subsection (b).

(2) CONTINUATION OF PROGRAM.—Notwithstanding the amendment made by paragraph (1), the Secretary shall monitor and allow any existing project associated with a value pricing program established under a cooperative agreement in effect on the day before the date of enactment of this Act to continue.

Strike paragraph (3) of section 1603(c) of the bill and insert the following:

(3) An analysis demonstrating that the facility could not be maintained or improved to meet current or future needs from the State’s apportionments and allocations made available by this Act (including amendments made by this Act) and from revenues for highways from any other source without toll revenues.

Strike subsection (a) of section 1603 of the bill and insert the following:

(a) ESTABLISHMENT.—The Secretary shall establish and implement an Interstate System reconstruction and rehabilitation pilot program under which the Secretary, notwithstanding sections 129 and 301 of title 23, United States Code, may permit a State to collect tolls on a highway, bridge, or tunnel on the Interstate System for the purpose of reconstructing and rehabilitating Interstate highway corridors that could not otherwise be adequately maintained or functionally improved without the collection of tolls.

After section 1603(c)(4)(C) of the bill, insert the following (and redesignate any subsequent subparagraphs accordingly):

(D) an agreement for public disclosure of revenues generated and operating expenditures.

Strike paragraph (1) of section 1603(d) of the bill and insert the following:

(1) the State is unable to reconstruct or rehabilitate the proposed toll facility using existing apportionments;

Strike section 1604 of the bill and insert the following (and conform the table of contents accordingly):

SEC. 1604. FAST LANES.

(a) IN GENERAL.—Subchapter I of chapter I of title 23, United States Code, is amended by adding at the end the following:

“§ 169. FAST fees

“(a) ESTABLISHMENT.—The Secretary shall establish and implement an Interstate System FAST lanes program under which the Secretary, notwithstanding sections 129 and 301, shall permit a State, or a public or private entity designated by a State, to collect fees to finance the construction or expansion of an interstate highway, for the purpose of reducing traffic congestion, by constructing

1 or more additional lanes (including bridge, support, and other structures necessary for construction or expansion) on the Interstate System.

“(b) ELIGIBILITY.—To be eligible to participate in the program, a State shall submit to the Secretary for approval an application that contains—

“(1) an identification of the additional lanes (including any necessary bridge, support, and other structures) to be constructed on the Interstate System under the program;

“(2) in the case of 1 or more additional lanes that affect a metropolitan area, an assurance that the metropolitan planning organization established under section 134 for the area has been consulted during the planning process concerning the placement and amount of fees on the FAST lanes; and

“(3) a facility management plan that includes—

“(A) a plan for implementing the imposition of fees on the additional lanes;

“(B) a schedule and finance plan for construction, operation, and maintenance of the additional lanes using revenues from fees (and, as necessary to supplement those revenues, revenues from other sources); and

“(C) a description of the public or private entities that will be responsible for implementation and administration of the program.

“(c) REQUIREMENTS.—The Secretary shall approve the application of a State for participation in the program after the Secretary determines that, in addition to meeting the requirements of subsection (b), the State has entered into an agreement with the Secretary that provides that—

“(1) fees collected from motorists using a FAST lane shall be collected only through the use of noncash electronic technology;

“(2) all revenues from fees received from operation of FAST lanes shall be used only for—

“(A) debt service relating to the investment in FAST lanes;

“(B) reasonable return on investment of any private entity financing the project, as determined by the State;

“(C) any costs necessary for the improvement, and proper operation and maintenance (including reconstruction, resurfacing, restoration, and rehabilitation), of FAST lanes and existing lanes, if the improvement—

“(i) is necessary to integrate existing lanes with the FAST lanes;

“(ii) is necessary for the construction of an interchange (including an on- or off-ramp) from the FAST lane to connect the FAST lane to—

“(I) an existing FAST lane;

“(II) the Interstate System; or

“(III) a highway; and

“(iii) is carried out before the date on which fees for use of FAST lanes cease to be collected in accordance with paragraph (6); or

“(D) the establishment by the State of a reserve account to be used only for long-term maintenance and operation of the FAST lanes;

“(3) fees may be collected only on and for the use of FAST lanes, and may not be collected on or for the use of existing lanes;

“(4) use of FAST lanes shall be voluntary;

“(5) revenues from fees received from operation of FAST lanes may not be used for any other project (except for establishment of a reserve account described in paragraph (2)(D) or as otherwise provided in this section);

“(6) on completion of the project, and on completion of the use of fees to satisfy the requirements for use of revenue described in paragraph (2), no additional fees shall be collected; and

“(7)(A) to ensure compliance with paragraphs (1) through (5), annual audits shall be conducted for each year during which fees are collected on FAST lanes; and

“(B) the results of each audit shall be submitted to the Secretary.

“(d) APPORTIONMENT.—

“(1) IN GENERAL.—Revenues collected from FAST lanes shall not be taken into account in determining the apportionments and allocations that any State or transportation district within a State shall be entitled to receive under or in accordance with this chapter.

“(2) NO EFFECT ON STATE EXPENDITURE OF FUNDS.—Nothing in this section affects the expenditure by any State of funds apportioned under this chapter.

“(e) DEFINITION.—For purposes of this section, the term ‘FAST lane’ means a interstate highway or interstate highway lane, financed, at least in part, through the collection of fees, that is added to the Interstate System to reduce traffic congestion.”

(b) CONFORMING AMENDMENT.—

(1) The analysis for subchapter I of chapter 1 of title 23, United States Code, as amended by section 1208 of the bill, is amended by inserting after the item relating to section 168 the following:

“169. FAST fees.”

(2) Section 301 of title 23, United States Code, is amended by inserting after “tunnels,” the following: “and except as provided in section 169,”

At the end of title I of the bill, insert the following (and conform the table of contents of the bill accordingly):

SEC. 1838. FREEDOM FROM TOLLS.

Section 301 of title 23, United States Code, is amended by inserting before the comma the following: “and section 169”.

At the end of title III of the bill, insert the following (and conform the table of contents of the bill accordingly):

SEC. 3047. CONGRESSIONAL INTENT REGARDING TRANSIT INVOLVEMENT.

It is the intention of Congress to work with the States and the private sector to include bus rapid transit when adding FAST capacity to the Interstate System.

At the end of section 1105 of the bill strike the end quotation marks and the last period and insert the following:

“(k) TOLL FEASIBILITY.—The Secretary shall select and conduct a study on a project under this title that is intended to increase capacity, and that has an estimated total cost of at least \$50,000,000, to determine whether—

“(1) a toll facility for the project is feasible; and

“(2) privatizing the construction, operation, and maintenance of the toll facility is financially advisable (while retaining legal and administrative control of the portion of the applicable Interstate route).”.

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TOM DAVIS OF VIRGINIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 138, at the end of line 16, insert “and”.

Page 138, line 18, strike “; and” and insert a period.

Page 138, strike lines 19 and 20.

Page 145, strike line 24 and all that follows through line 5 on page 146.

Page 146, line 6, strike “(c)” and insert “(b)”.

Page 146, line 15, strike “(d)” and insert “(c)”.

Page 235, at the end of line 14, insert “and”.

Page 235, line 19, strike “(7)” and insert “(6)”.

Page 240, at the end of line 9, insert “and”.

Page 240, strike lines 10 through 13.

Page 240, line 14, strike “(6)” and insert “(5)”.

10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GRAVES OF MISSOURI, OR HIS DESIGNEE, DEBATABLE FOR 20 MINUTES

At the end of subtitle D of title I, add the following (and conform the table of contents accordingly):

SEC. 14 . RENTED OR LEASED MOTOR VEHICLES.

(a) IN GENERAL.—Subchapter I of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

“§ 30106. Rented or leased motor vehicle safety and responsibility

“(a) IN GENERAL.—An owner of a motor vehicle that rents or leases the vehicle to a person (or an affiliate of the owner) shall not be liable under the law of any State or political subdivision thereof, by reason of being the owner of the vehicle (or an affiliate of the owner), for harm to persons or property that results or arises out of the use, operation, or possession of the vehicle during the period of the rental or lease, if—

“(1) the owner (or an affiliate of the owner) is engaged in the trade or business of renting or leasing motor vehicles; and

“(2) there is no negligence or criminal wrongdoing on the part of the owner (or an affiliate of the owner).

“(b) FINANCIAL RESPONSIBILITY LAWS.—Nothing in this section supersedes the law of any State or political subdivision thereof—

“(1) imposing financial responsibility or insurance standards on the owner of a motor vehicle for the privilege of registering and operating a motor vehicle; or

“(2) imposing liability on business entities engaged in the trade or business of renting or leasing motor vehicles for failure to meet the financial responsibility or liability insurance requirements under State law.

“(c) APPLICABILITY AND EFFECTIVE DATE.—Notwithstanding any other provision of law, this section shall apply with respect to any action commenced on or after the date of enactment of this section without regard to whether the harm that is the subject of the action, or the conduct that caused the harm, occurred before such date of enactment.

“(d) DEFINITIONS.—In this section, the following definitions apply:

“(1) AFFILIATE.—The term “affiliate” means a person other than the owner that directly or indirectly controls, is controlled by, or is under common control with the owner. In the preceding sentence, the term “control” means the power to direct the management and policies of a person whether through ownership of voting securities or otherwise.

“(2) OWNER.—The term ‘owner’ means a person who is—

“(A) a record or beneficial owner, holder of title, lessor, or lessee of a motor vehicle;

“(B) entitled to the use and possession of a motor vehicle subject to a security interest in another person; or

“(C) a lessor, lessee, or a bailee of a motor vehicle, in the trade or business of renting or leasing motor vehicles, having the use or possession thereof, under a lease, bailment, or otherwise.

“(3) PERSON.—The term ‘person’ means any individual, corporation, company, limited liability company, trust, association, firm, partnership, society, joint stock company, or any other entity.”

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by inserting after the item relating to section 30105 the following:

“30106. Rented or leased motor vehicle safety and responsibility.”