

105TH CONGRESS  
1ST SESSION

# H. R. 1533

To amend title 23, United States Code, relating to environmental improvements, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

MAY 6, 1997

Mr. ANDREWS introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend title 23, United States Code, relating to environmental improvements, and for other purposes.

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

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “National Initiative on  
5       Surface Transportation and the Environment Act”.

6       **SEC. 2. CONGESTION MITIGATION AND AIR QUALITY IM-**  
7       **PROVEMENT PROGRAM.**

8       (a) ELIGIBLE PROJECTS.—Section 149(b) of title 23,  
9       United States Code, is amended—

1           (1) by inserting after “nonattainment area” the  
2       first place it appears “(including an area subse-  
3       quently redesignated as an attainment area)”; and

4           (2) by inserting “or thereafter” after “1994”.

5       (b) PRIORITY FOR PROJECTS WITH LONG-TERM  
6 SUSTAINABLE AIR QUALITY BENEFITS.—Section 149 of  
7 such title is amended by adding at the end the following:  
8       “(e) PRIORITY FOR PROJECTS WITH LONG-TERM  
9 SUSTAINABLE AIR QUALITY BENEFITS.—The Secretary,  
10 after consultation with the Administrator, shall establish  
11 a system for ranking projects and programs that are likely  
12 to have long-term sustainable air quality benefits, includ-  
13 ing energy efficiency, and for providing priority funding  
14 under this section for projects and programs that are  
15 ranked the highest under such system.”.

16       (c) AUTHORIZATION OF APPROPRIATIONS.—For the  
17 purposes of carrying out the congestion mitigation and air  
18 quality improvement program under title 23, United  
19 States Code, there is authorized to be appropriated out  
20 of the Highway Trust Fund (other than the Mass Transit  
21 Account) \$1,300,000,000 for each of fiscal years 1998,  
22 1999, 2000, 2001, 2002, and 2003.

23       (d) SENSE OF CONGRESS.—In order to provide the  
24 increased authorization of appropriations under subsection  
25 (c), it is the sense of Congress that the authorization of

1 appropriations from the Highway Trust Fund for the Na-  
2 tional Highway System and the surface transportation  
3 program shall be reduced in the aggregate by  
4 \$400,000,000 for each of fiscal years 1998 through 2003.

5 **SEC. 3. ASSESSMENT AND CLEANUP OF BROWNFIELD**  
6 **SITES.**

7 (a) NATIONAL HIGHWAY SYSTEM.—Section 103(i) of  
8 title 23, United States Code, is amended by adding at the  
9 end the following:

10 “(14) In accordance with all applicable Federal  
11 law and regulations, participation in assessment and  
12 cleanup of brownfield sites relating to projects fund-  
13 ed under this title, projects on the rights-of-way of  
14 facilities constructed on such system under this title  
15 before, on, or after the date of the enactment of this  
16 paragraph, and projects for development of a brown-  
17 field site if such development will provide a sub-  
18 stantive and demonstrable benefit to transportation  
19 on such system, including reduction of congestion,  
20 increased use of mass transit, and improved access  
21 to a transportation facility. Contributions toward  
22 these efforts may occur in advance of project con-  
23 struction only if such efforts are consistent with all  
24 applicable requirements of Federal law and regula-  
25 tions and State transportation planning processes.”.

1 (b) SURFACE TRANSPORTATION PROGRAM.—

2 (1) ELIGIBLE PROJECTS.—Section 133(b) of  
3 title 23, United States Code, is amended by adding  
4 at the end the following:

5 “(12) In accordance with all applicable Federal  
6 law and regulations, participation in assessment and  
7 cleanup of brownfield sites relating to projects fund-  
8 ed under this title, projects on the rights-of-way of  
9 facilities constructed under this title before, on, or  
10 after the date of the enactment of this paragraph,  
11 and projects for development of a brownfield site if  
12 such development will provide a substantive and de-  
13 monstrable benefit to motor vehicle transportation,  
14 including reduction of congestion, increased use of  
15 mass transit, and improved access to a transpor-  
16 tation facility. Contributions toward these efforts  
17 may occur in advance of project construction only if  
18 such efforts are consistent with all applicable re-  
19 quirements of Federal law and regulations and State  
20 transportation planning processes.”.

21 (2) FUNDING FOR URBANIZED AREAS OVER  
22 200,000 POPULATION.—Section 133(d) of such title is  
23 amended—

24 (A) in paragraph (3)(A)—

1 (i) by striking “62.5” and inserting  
2 “70”; and

3 (ii) by striking “37.5” and inserting  
4 “30”; and

5 (B) in paragraph (3)(C) by striking “62.5”  
6 and inserting “70”.

7 (3) DEFINITIONS.—Section 133 of such title is  
8 further amended by adding at the end the following:  
9 “(g) DEFINITIONS.—In this section and section  
10 103(i), the following definitions apply:

11 “(1) BROWNFIELD SITE.—The term ‘brownfield  
12 site’ means a parcel of land that contains or con-  
13 tained abandoned or underused commercial, indus-  
14 trial, or public facility, the expansion or redevelop-  
15 ment of which may be complicated by the presence  
16 or potential presence of hazardous substances, pol-  
17 lutants, or contaminants.

18 “(2) FACILITY.—The term ‘facility’ has the  
19 meaning such term has under section 101 of the  
20 Comprehensive Environmental Response, Compensa-  
21 tion, and Liability Act of 1980 (42 U.S.C. 9601).

22 “(3) HAZARDOUS SUBSTANCE.—The term ‘haz-  
23 ardous substance’ has the meaning such term has  
24 under such section 101.

1           “(4) POLLUTANT OR CONTAMINANT.—The term  
2           ‘pollutant or contaminant’ has the meaning such  
3           term has under such section 101.”.

4           (c) FEDERAL TRANSIT PROGRAMS.—

5           (1) BLOCK GRANTS.—Section 5307(b) of title  
6           49, United States Code, is amended by adding at  
7           the end the following:

8           “(6) ASSESSMENT AND CLEANUP OF  
9           BROWNFIELD SITES.—Amounts under this section  
10          may also be made available for assessment and  
11          cleanup of brownfield sites relating to projects fund-  
12          ed under this title, projects on the rights-of-way of  
13          facilities constructed under this title before, on, or  
14          after the date of the enactment of this paragraph,  
15          and projects for development of a brownfield site if  
16          such development will provide a substantive and de-  
17          monstrable benefit to mass transportation, including  
18          reduction of congestion, increased use of mass tran-  
19          sit, and improved access to a transportation facility.  
20          Such assessments and cleanups shall be carried out  
21          in accordance with all applicable Federal law and  
22          regulations.”.

23          (2) DISCRETIONARY GRANTS AND LOANS.—Sec-  
24          tion 5309(a) of such title 49 is amended—

1 (A) by striking “and” at the end of sub-  
2 paragraph (F);

3 (B) by striking the period at the end of  
4 subparagraph (G) and inserting “; and”; and

5 (C) by adding at the end the following:

6 “(H) in accordance with all applicable Fed-  
7 eral law and regulations, assessment and clean-  
8 up of brownfield sites relating to projects fund-  
9 ed under this title, projects on the rights-of-way  
10 of facilities constructed under this title before,  
11 on, or after the date of the enactment of this  
12 subparagraph, and projects for development of  
13 a brownfield site if such development will pro-  
14 vide a substantive and demonstrable benefit to  
15 mass transportation, including reduction of con-  
16 gestion, increased use of mass transit, and im-  
17 proved access to a transportation facility.”.

18 (3) FINANCIAL ASSISTANCE FOR OTHER THAN  
19 URBANIZED AREAS.—Section 5311(b)(1) of such  
20 title 49 is amended by inserting before the period at  
21 the end of the first sentence the following: “and, in  
22 accordance with all applicable Federal law and regu-  
23 lations, assessment and cleanup of brownfield sites  
24 relating to projects funded under this section,  
25 projects on the rights-of-way of facilities constructed

1 under this section before, on, or after the date of the  
2 enactment of the National Initiative on Surface  
3 Transportation and the Environment Act, and  
4 projects for development of a brownfield site if such  
5 development will provide a substantive and demon-  
6 strable benefit to mass transportation, including re-  
7 duction of congestion, increased use of mass transit,  
8 and improved access to a transportation facility in  
9 such areas”.

10 (4) DEFINITIONS.—Section 5302(a) of such  
11 title 49 is amended—

12 (A) by redesignating paragraphs (1)  
13 through (13) as paragraphs (2) through (14),  
14 respectively; and

15 (B) by inserting before paragraph (2), as  
16 so redesignated, the following:

17 “(1) BROWNFIELD SITE.—The term ‘brownfield  
18 site’ means a parcel of land that contains or con-  
19 tained abandoned or underused commercial, indus-  
20 trial, or public facility, the expansion or redevelop-  
21 ment of which may be complicated by the presence  
22 or potential presence of hazardous substances, pol-  
23 lutants, or contaminants. In this paragraph, the  
24 terms ‘facility’, ‘hazardous substance’, and ‘pollutant  
25 or contaminant’ have the meaning such terms have



1 under section 101 of the Comprehensive Environ-  
2 mental Response, Compensation, and Liability Act  
3 of 1980 (42 U.S.C. 9601).”.

4 **SEC. 4. WETLANDS RESTORATION PROGRAM.**

5 (a) ESTABLISHMENT.—Chapter 1 of title 23, United  
6 States Code, is amended by adding at the end the follow-  
7 ing:

8 **“§ 162. Wetlands restoration program**

9 “(a) ESTABLISHMENT.—The Secretary shall estab-  
10 lish a wetlands restoration program under which the Sec-  
11 retary may make grants to States for projects to mitigate  
12 against losses of wetlands that have occurred as a result  
13 of Federal-aid highway construction projects carried out  
14 before the date of the enactment of this section.

15 “(b) ALLOCATION OF FUNDS.—The Secretary shall  
16 allocate funds made available to carry out this section for  
17 a fiscal year among the States in the ratio that the num-  
18 ber of acres of wetlands lost by each State as a result  
19 of Federal-aid highway construction projects in the pre-  
20 ceding fiscal year bears to the number of acres of wetlands  
21 lost by all States as a result of such projects in such fiscal  
22 year; except that no State may receive more than 5 per-  
23 cent of such funds.

24 “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
25 is authorized to be appropriated out of the Highway Trust

1 Fund (other than the Mass Transit Account) \$16,666,000  
 2 per fiscal year for each of fiscal years 1998 through 2003  
 3 to carry out this section. Such sums shall remain available  
 4 until expended.”.

5 (b) CONFORMING AMENDMENT.—The table of sec-  
 6 tions for such chapter is amended by adding at the end  
 7 the following:

“162. Wetlands restoration program.”.

8 **SEC. 5. NONPOINT SOURCE POLLUTION.**

9 (a) USE OF STP FUNDS FOR MITIGATION OF WATER  
 10 POLLUTION.—Section 133(d) of title 23, United States  
 11 Code, is amended by adding at the end the following:

12 “(3) FOR MITIGATION OF WATER POLLU-  
 13 TION.—1 percent of the funds apportioned to a  
 14 State under section 104(b)(3) for a fiscal year shall  
 15 only be available for monitoring, mitigating, and  
 16 cleaning up water pollution due to highway runoff.”.

17 (b) APPLIED RESEARCH AND TECHNOLOGY PRO-  
 18 GRAM.—Section 307(e) of such title is amended—

19 (1) by redesignating paragraphs (9) through  
 20 (13) as paragraphs (10) through (14), respectively;  
 21 and

22 (2) by inserting after paragraph (8) the follow-  
 23 ing:

24 “(9) POROUS PAVING MATERIALS.—As part of  
 25 the program under this subsection, the Secretary

1 shall carry out a program to assess the benefits of  
2 using porous paving materials for highways and  
3 parking lots as a method of mitigating water pollu-  
4 tion due to highway runoff.”.

5 **SEC. 6. INCENTIVES FOR REDUCTIONS IN MOTOR VEHICLE**  
6 **EMISSIONS.**

7 (a) IN GENERAL.—Chapter 1 of title 23, United  
8 States Code, is further amended by adding at the end the  
9 following:

10 **“§ 163. Incentives for reductions in motor vehicle**  
11 **emissions**

12 “(a) GRANTS TO MPO’S.—

13 “(1) AUTHORITY TO MAKE GRANTS.—The Sec-  
14 retary may make grants to up to 10 metropolitan  
15 planning organizations designated under section 134  
16 for implementing alternative transportation strate-  
17 gies to achieve reductions in motor vehicle emissions.  
18 Such strategies include coordinating land uses with  
19 transportation systems, creating balanced commer-  
20 cial and residential regions, promoting alternative  
21 fuel vehicles and alternative transport strategies, de-  
22 signing local modeling systems, and increasing full  
23 public participation.

24 “(2) AMOUNT OF GRANTS.—Each grant made  
25 to a metropolitan planning organization under this

1 subsection in a fiscal year shall be in an amount  
2 equal to one-tenth of the amount made available to  
3 carry out this subsection in such fiscal year.

4 “(3) AUTHORIZATION OF APPROPRIATIONS.—

5 There is authorized to be appropriated out of the  
6 Highway Trust Fund (other than the Mass Transit  
7 Account) to carry out this subsection \$4,500,000 per  
8 fiscal year for each of fiscal years 1998 through  
9 2003. Such sums shall remain available until ex-  
10 pended.

11 “(b) GRANTS TO STATES.—

12 “(1) AUTHORITY TO MAKE GRANTS.—On or be-  
13 fore December 31, 2003, the Secretary shall award  
14 a grant to each of the 10 States that the Secretary  
15 determines have achieved during the period begin-  
16 ning on October 1, 1997, and ending on September  
17 30, 2003, the greatest per capita reduction in fuel  
18 consumption.

19 “(2) USE OF GRANTS.—A State may obligate  
20 amounts from grants received under paragraph (1)  
21 for projects eligible for funding under section 149.

22 “(3) AMOUNT OF GRANTS.—Each grant made  
23 under this subsection shall be in an amount equal to  
24 one-tenth of the total amount made available to  
25 carry out this subsection.

1           “(4) AUTHORIZATION OF APPROPRIATIONS.—

2           There is authorized to be appropriated out of the  
3           Highway Trust Fund (other than the Mass Transit  
4           Account) for fiscal years 1997 through 2003  
5           \$500,000,000 in the aggregate to carry out this sub-  
6           section. Such sums shall remain available until ex-  
7           pended.”.

8           (b) CONFORMING AMENDMENT.—The table of sec-  
9           tions for such chapter is amended by adding at the end  
10          the following:

          “163. Incentives for reductions in motor vehicle emissions.”.

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